

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 15, 2012

SESSION OF 2012

196TH OF THE GENERAL ASSEMBLY

No. 62

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

MOMENT OF SILENCE FOR SENATOR ARLEN SPECTER

The SPEAKER. As you know, Pennsylvania's longest serving Senator passed away yesterday at the age of 82 after battling various health issues over the past decade. I would ask all members and guests to please stand for a moment of silence and prayer in memory of Senator Specter for his dedicated service to the Commonwealth of Pennsylvania. Members and all guests will please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Senator Arlen Specter.)

PRAYER

The SPEAKER. The prayer this morning will be offered by the Reverend Tim Borgan, Christian Center, Belle Vernon, PA.

REV. TIM BORGAN, Guest Chaplain of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker, Representative Saccone, and the honorable ladies and gentlemen of this House for giving me the grace to lead you in prayer. As we go to prayer, allow me the opportunity on behalf of the many followers of Christ in the State of Pennsylvania to ask your forgiveness. As a Christ follower, it is my job to pray for and encourage you and bless you. I know some in the name of Christ have failed in this area, so before I pray, I simply ask that you would forgive us for not being true followers of Christ and supporting you.

Please join me in prayer:

Our Lord and God, we thank You for the opportunity to serve You another day. I thank You for every man and woman who serves in this House. I ask that as You have promised, that You would give each one the wisdom to be effective and efficient in making the many decisions they face each day. I ask that You bless their time and energy so they would have the strength to not only accomplish their task of service in this House but also that which is needed for their families as well.

I pray for encouragement for each one. I am aware that many times they go days without encouragement and receive nothing but criticism. So I pray blessings from heaven on each one, that their encouragement would come from You, O Lord, and along with encouragement, wisdom, insight, understanding, blessing, and favor. May they have Your heart for the people of this Commonwealth.

Together we also lift up in prayer the family of Senator Arlen Specter, that there would be comfort and encouragement in the family on this day.

Together we pray that You would bless this Commonwealth; that every man, woman, and child would be free from tyranny and fear and that they would prosper and fulfill their destiny. We pray every person would walk in freedom and justice, knowing that they are important and valuable. I pray the legislation in this House, passed in this House, would honor the men and women of this House, this Commonwealth, and honor You, O God.

We welcome You, Lord, to guide and direct the discussions, debates, and conversations on this floor and around the building concerning the welfare of the Commonwealth. We pray every person, despite political affiliation, would regard one another with love and honor.

The Scripture tells us, You, O Lord, will lead us into all truth. Allow the truth to be spoken to one another in this hall and a spirit of understanding to pervade.

I speak peace to this House, O God. I ask that the way for every decision would be made clear, that the truth would be evident, and I pray life and life abundant for every person who serves in this House.

And last, I pray the love of God which overcomes differences, hurts, and wounds, the love which takes away all fear and misunderstanding would rule in this House. And I proclaim blessing, blessing over all in this House and this Commonwealth.

In the name of He who is faithful and true and who was and is and is to come, I pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Thursday, October 4, 2012, will be postponed until printed.

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

SB 1303, PN 2450

By Rep. ROSS

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

URBAN AFFAIRS.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 907 By Representatives DeLUCA, CALTAGIRONE, COHEN, D. COSTA, JAMES, SCAVELLO and MYERS

A Resolution memorializing the Congress of the United States to review and reform the Federal assisted housing programs administered by the United States Department of Housing and Urban Development.

Referred to Committee on STATE GOVERNMENT, October 5, 2012.

No. 911 By Representatives FRANKEL, COHEN, FREEMAN, BEAR, BISHOP, BRENNAN, BRIGGS, BROWNLEE, CALTAGIRONE, CREIGHTON, DALEY, DAVIS, DIGIROLAMO, EVERETT, FLECK, GEORGE, GOODMAN, HARKINS, JAMES, KORTZ, KRIEGER, KULA, MANN, McGEEHAN, MILLARD, M. O'BRIEN, O'NEILL, PARKER, PAYTON, READSHAW, ROEBUCK, ROSS, SANTARSIERO, SANTONI, SONNEY, STABACK, SWANGER and YOUNGBLOOD

A Resolution recognizing the week of October 22 through 26, 2012, as "No Place for Hate Week" in Pennsylvania and commending the Anti-Defamation League for its outstanding efforts to promote peace, brotherhood and goodwill through its "No Place for Hate" program.

Referred to Committee on STATE GOVERNMENT, October 12, 2012.

No. 913 By Representatives BRIGGS, JOSEPHS, FRANKEL, K. BOYLE, BRENNAN, BUXTON, CALTAGIRONE, DEAN, GOODMAN, HARHART, JAMES, MAHONEY, MANN, McGEEHAN, M. O'BRIEN, PARKER, SANTONI and COHEN

A Resolution designating the month of October 2012 as "LGBT History Month" in Pennsylvania.

Referred to Committee on STATE GOVERNMENT, October 12, 2012.

No. 919 By Representatives GERGELY, KORTZ, CALTAGIRONE, DALEY, DEASY, GOODMAN, HARHAI, JAMES, JOSEPHS, KOTIK, MAHONEY, MURPHY, NEILSON, PASHINSKI, READSHAW, ROEBUCK, SCHMOTZER, STABACK and WILLIAMS

A Resolution urging the Congress of the United States to reconsider the harmful mandates contained in the Postal Reform Act and to maintain the United States Postal Service, a valued institution,

as well as tens of thousands of jobs while continuing timely and efficient postal service to the citizens and businesses of the Commonwealth of Pennsylvania who depend upon this critical service.

Referred to Committee on STATE GOVERNMENT, October 15, 2012.

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

SB 657, PN 671

By Rep. CREIGHTON

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal police education and training, further defining "police department" and "police officer"; and further providing for reimbursement of expenses and for payment of certain county costs.

LOCAL GOVERNMENT.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence? The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. MURT, from Montgomery County for the day. Without objection, the leave will be granted.

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

GUESTS INTRODUCED

The SPEAKER. The House will come to order, please. The members will hold their conversations down.

I would like to introduce some of the guests that are with us today. If I could kindly have the members' attention.

Located to the left of the rostrum and also up in the gallery, we would like to welcome several of Pennsylvania's fire police officers. To my left are the officers of the Pennsylvania Fire Police Association: John R. Johnston, Sr., the president; C. John Urling, Jr., first vice president; and Nelson Brenneman, the second vice president. Also seated with this group are Fred March, president of the Lycoming County Fire Police; Richard Wacker, Duboistown Fire Police Captain 8; and Matt Horn, Nesbit and South Williamsport Fire Police. And seated in the gallery are Joe Burton from the Woodward Township Fire Police and several other fire policemen from various departments. They are here today as the guests of Representative Mirabito. Will our guests please rise. Welcome to the hall of the House.

Also located to the left of the rostrum, as guests of Representative Heffley, we would like to welcome John and Ava Bretzik and James and Wendy LeVan. Will our guests please rise. Welcome to the hall of the House.

Also located to the left of the rostrum, we would like to welcome Richard and Roxanne Langianese. They are the guests of Representative Causer. Will our guests please rise.

In the rear of the House, we would like to welcome Joseph Funk. He is shadowing Representative Simmons for the day. Joseph, welcome to the hall of the House; over here to the far left.

Also in the rear of the House, we would like to welcome Jackie and Ed Balderston. Jackie was Representative Aument's fourth grade teacher. She brought him in on his first visit to the Capitol. So welcome to the hall of the House.

Also located in the rear of the House, we would like to welcome a group from Allegheny and Washington Counties. They are participating in Representative Saccone's semiannual Religious Liberty Tour of the Capitol. The group is guided by Rev. Jeff Whitebread as well as a special welcome to Representative Saccone's son, Nick, a captain in the United States Air Force, who is home on leave. Welcome to the hall of the House. Please rise.

Representative Saccone, the extra applause was for your son.

Located in the gallery, we would like to welcome Candice Snavely, who is shadowing Representative Swanger for the day. Candice is a student at Millersville University. Welcome to the hall of the House. Please rise or give us a wave.

We have a guest page located in the well of the House. We would like to welcome Diamond Richardson. She is a student at Clear Run Intermediate School. She loves to sing and enjoys science. She is a guest of Representative Scavello. Welcome to the hall of the House, Diamond.

Also located in the rear of the House, we would like to welcome Jacob Meredith, David Saunders, and Malcolm Zerebe, fourth graders from Notre Dame de Lourdes Elementary School. They are guests of Representative Hackett. Will our guests please rise.

STATEMENT BY MR. HACKETT

The SPEAKER. The gentleman from Delaware County, Mr. Hackett, is seeking recognition under unanimous consent relative to his guests that were just introduced.

The gentleman is in order.

Mr. HACKETT. Thank you, Mr. Speaker.

If our guests would please rise if it is okay. I would like to acknowledge again David, Malcolm, and Jacob. I am very, very pleased and honored. Thank you very much, you guys, for representing Notre Dame de Lourdes School. Thank you for getting 10,000 stickers in that math club. I know you did all that hard work not just in school, but you took it home. Homework is a good thing, is it not, guys? Thank you very much. Thank you, Mr. Speaker, for those words. And I will give them a citation.

The SPEAKER. The Speaker thanks the gentleman.

The House will come to order. I would appreciate if the members would please take their seats, clear the aisles.

MEMORIAL SERVICE FOR HON. ANTHONY J. MELIO

CONDOLENCE RESOLUTION

The SPEAKER. We are about to take up a condolence resolution on the death of a former member of the House.

We are about to take up a condolence resolution on the death of a former member of the House. The Sergeants at Arms will close the doors of the House. Members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

CONDOLENCE RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania wishes to honor the memory of the Honorable Anthony J. Melio, a former member of the House of Representatives of Pennsylvania who served the 141st Legislative District with honor and distinction and passed away at the age of eighty on July 19, 2012; and

WHEREAS, Born on May 13, 1932, Mr. Melio spent his childhood in Trenton, New Jersey, and attended Trenton Central High School. He served his country as a member of the United States Naval Reserve and became one of the first employees hired by United States Steel Fairless Works. A lifelong Democrat, he served as a Commissioner of Bristol Township for the Ninth Ward for nearly two decades. Mr. Melio was elected to the House of Representatives of Pennsylvania in 1986. During his twenty-four-year career as a State Representative, he served as Chairman of the Veterans Affairs and Emergency Preparedness, as a member of the Insurance and Appropriations Committees and the Italian-American Caucus. Mr. Melio retired from the House of Representatives of Pennsylvania in 2010. He further served his community as a member of the Boards of Saint Mary's Hospital and Lower Bucks Hospital, as a member of the Knights of Columbus and the Lions Club and as an usher and faithful parishioner of Saint Michael the Archangel Church in Levittown; and

WHEREAS, A beloved family member and dedicated public servant, Mr. Melio exemplified the best qualities of the human experience. He generously gave of his heart and time to enhance the quality of life of his family and community, and his loss will be felt by the many individuals who knew, admired and loved him; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of Anthony J. Melio; and extend heartfelt condolences to his wife, Anna May Melio; sons, Mark and Joseph; daughter, Sheri; eight grandchildren; and many other family members and friends; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Tina M. Davis on August 24, 2012, be transmitted to Anna May Melio.

Tina M. Davis, Sponsor

Samuel H. Smith, Speaker of the House

ATTEST:

Anthony Frank Barbush, Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Speaker recognizes the lady from Bucks County, Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Speaker.

Mr. Speaker, if I may, I would like to invite the Bucks County caucus up here, delegation, please.

I always need their support.

And all these people up here with me were very close friends, they were truly friendly with Tony like many of you here, but I wanted them to be up here with me.

Mr. Speaker, thank you for yielding the floor to me for a few moments to reflect on the life of one of our own. As you know, my predecessor and our dear friend, State Representative Tony Melio, passed away on July 19 of this year. I am honored to have Tony's family and friends here to celebrate his life once again, this time in the place that he called home for nearly a quarter century. The only thing that rivaled Tony's commitment to his constituents was his commitment to his family.

FAMILY INTRODUCED

Mrs. DAVIS. Here with us today to honor Tony and his half century of public service are his cherished wife of 56 years, Anna May – can you stand up, Anna May, please; stay standing – their three children, Sheri, Joseph, and Mark – please stand up – and two old friends of Tony, State Representative Rich Grucela and former Sergeant at Arms Jack Monahan.

Tony was inspired to become involved in politics by the Presidential campaign of John F. Kennedy, in which he volunteered much of his time. Later, Tony ran for office, and as you all heard, he became Bristol Township Commissioner. He served in that capacity for 24 years. I am not going to go into his life since you already heard a lot of it, but Tony's life was a testament to the true definition of "public service." He approached his vocation with honesty, dedication, and a genuine love for everyone. He cared deeply for his constituents, especially senior citizens, veterans, and children, who are often among the most vulnerable members of our society. He also had a special commitment to firefighters, emergency service workers, and his fellow public servants. If you were at his funeral, you would have been amazed at the thousands of people that showed up and especially emergency workers and firefighters.

Every day Tony demonstrated that the negative discourse that so often dominates politics is not necessary for effective governance. Instead, his actions and leadership were motivated by what he felt in his heart, a true and unshakable compassion. This compassion fostered a feeling of kinship not only with his constituents but also with his fellow members of the General Assembly. During his time in office, Tony forged deep friendships in the halls of this chamber, friendships that made him happy to come to work and helped encourage his long tenure as a State Representative. He truly was a little kid when he was taking people through these halls, especially his family and friends and constituents if anyone ever saw him.

His approach to public service has been a great influence on me, and I was heartbroken when I heard of his passing. Sorry. I take solace in knowing Tony's legacy lives on in the memories of the many people he helped through his lifetime. Barely a day passes without someone relating a kind word or fond memory of

Tony, his work, his smile, and as many of you found out – whether you wanted it or not – his kiss.

Tony will be missed by many, but the impact he had on his community will not be forgotten. I also would like to add that through all this I became very good friends with the family. I did not know the kids as well, but I have a new girlfriend. Sheri, stand up. We became very close through this, and I appreciate that. So thank you.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Anthony J. Melio.)

The SPEAKER. The resolution has been unanimously adopted. The Sergeants at Arms will open the doors of the House.

REMARKS BY SPEAKER

The SPEAKER. As just a little sidenote, Tony was sworn in in January of 1987. That is following obviously the election of 1986. As I recall, there were six Democrats and six Republicans. He was one of the Democrats, I was one of the Republicans sworn in that year. And the lady from Bucks made a passing reference to this in her comments, but just to put a little emphasis on it, when she made the remark about his kiss. For a long time around here, Tony was kind of known as the kissing Representative because those that have been here and served with him and those that know him well, you know, would have witnessed this, but for some of the newer members that maybe did not know him, when he walked up to you and said hello, he likely shook your hand, but he always gave everybody a kiss on the cheek and that was kind of what he was known for in some respects on a personal level. He was a gentleman who always had a smile on his face and who truly walked in a way of loving his brothers and sisters in this crazy world we live in. We just wanted to add that little comment and tribute toward his service and his humanity. We appreciate the kind words of the lady.

REMARKS BY MINORITY LEADER

The SPEAKER. The Speaker recognizes the Democratic leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I just would like to also, as we pause to remember Tony Melio, a few remembrances because Tony was a great friend to us all. And as the Speaker has just mentioned, Tony always had a smile on his face, a warm greeting for all of us, and as you stated, for many of us, a kiss. Tony cared passionately about issues. He spent his career here looking out and fighting for working men and women in his district and throughout Pennsylvania. That was Tony. He always put people above politics. He was a devoted family man, and he made all of us feel and all of our staff feel like we were part of his family. So I would like to take this opportunity to welcome his

family members that are here today, to welcome them to the House, and thank you for sharing Tony with us. Thank you.

REMARKS BY MAJORITY LEADER

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

Mr. TURZAI. Thank you, Mr. Speaker.

I thought Representative Davis's remarks were so genuine and covered the life of Representative Melio so well. I must say our experience with him is he was nothing short of a class act. It was not about Republican or Democrat; it was about governing. He truly cared about so many individuals. And I think given a shared background, I found that he and many of his good friends were people that I could have great conversations with to be concerned about the citizens of Pennsylvania. Truly, truly a great loss for the State of Pennsylvania. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, from Delaware County for the purpose of a committee announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a meeting of the House Appropriations Committee in the majority caucus room. Thank you.

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

RULES COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the majority leader, Mr. Turzai, for the purpose of a committee announcement.

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

Following the Appropriations Committee meeting, sir, we are going to have a meeting of the Rules Committee. It will follow the Appropriations Committee. We will do the Rules Committee meeting after the Appropriations Committee in our majority leader's conference room, in the majority leader's conference room following the Appropriations Committee. Thank you.

The SPEAKER. There will be a Rules Committee meeting in the majority leader's conference room after the Appropriations Committee meeting.

For the information of the members, it is anticipated these will be rather quick meetings, so we are just going to go at ease for a few moments to allow those meetings to commence. So Appropriations right now in the majority caucus room. This House stands at ease.

The House will come to order.

BILLS REREPORTED FROM COMMITTEE

HB 1020, PN 4187

By Rep. ADOLPH

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the

Pennsylvania Emergency Management Agency and for disbursement of fund amounts by agency.

APPROPRIATIONS.

HB 2470, PN 4188

By Rep. ADOLPH

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 existing approval.

APPROPRIATIONS.

SB 79, PN 2431

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bases of jurisdiction and interstate and international procedure, providing for foreign depositions and subpoenas; and repealing provisions relating to foreign depositions.

APPROPRIATIONS.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1548, PN 4148

By Rep. TURZAI

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

RULES.

HB 2293, PN 4150

By Rep. TURZAI

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for classification of offenses and penalties and for revocation, suspension or denial of license, permit or registration; providing for serious unlawful take and for taking or possessing by illegal methods; and further providing for Lake Erie fishing permits.

RULES.

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—197

Adolph	Dunbar	Kirkland	Quigley
Aument	Ellis	Knowles	Quinn
Baker	Emrick	Kortz	Rapp
Barbin	Evankovich	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

Briggs	George	Markosek	Samuelson
Brooks	Gerber	Marshall	Santarsiero
Brown, R.	Gergely	Marsico	Santoni
Brown, V.	Gibbons	Masser	Saylor
Brownlee	Gillen	Matzie	Scavello
Burns	Gillespie	McGeehan	Schmotzer
Buxton	Gingrich	Metcalfe	Simmons
Caltagirone	Godshall	Metzgar	Smith, K.
Carroll	Goodman	Miccarelli	Smith, M.
Causer	Grell	Micozzie	Sonney
Christiana	Grove	Millard	Staback
Clymer	Hackett	Miller	Stephens
Cohen	Hahn	Milne	Stern
Conklin	Haluska	Mirabito	Stevenson
Costa, D.	Hanna	Moul	Sturla
Costa, P.	Harhai	Mullery	Swanger
Cox	Harhart	Mundy	Tallman
Creighton	Harkins	Murphy	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	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	Killion	Pyle	

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Brennan Evans, D. Murt

LEAVES ADDED—3

Bear Evans, J. Hackett

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

Turning to today's House calendar—

Mr. DERMODY. Mr. Speaker? Mr. Speaker? Mr. Speaker?

The SPEAKER. The Speaker recognizes the gentleman, Mr. Causer—

Mr. DERMODY. Mr. Speaker?

PARLIAMENTARY INQUIRY

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

Mr. DERMODY. To make a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. DERMODY. Mr. Speaker, on our last voting session day, Representative Briggs called up House Discharge Resolution No. 4. Unexpectedly, rather than allow the member to call up the discharge resolution pursuant to rule 53, the Speaker announced that the House was in recess and left the floor, never to return.

As such, Mr. Speaker, I believe the only question before the House right now is House Discharge Resolution No. 4.

The SPEAKER. I would respectfully disagree. The gentleman was not recognized for the purpose of calling up a discharge resolution.

Mr. DERMODY. Well, Mr. Speaker, is that the ruling of the Chair?

The SPEAKER. The gentleman was asked by the Speaker for what purpose does he rise, and then he was not recognized for the purpose of calling up a discharge resolution. He was not recognized for that purpose and in fact was ruled out of order at that moment and then proceeded to ask a parliamentary inquiry. So that business was not before this House.

Mr. DERMODY. In that case, Mr. Speaker, I would like to appeal the ruling of the Chair.

The SPEAKER. The Speaker did not make a ruling at that point in time.

Could the gentleman approach the rostrum just for a minute, please?

(Conference held at Speaker's podium.)

The SPEAKER. The Speaker thanks the gentleman, Mr. Dermody, for his inquiry. I will return to recognize him subsequent to attending to a couple of resolutions.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. CAUSER called up **HR 744, PN 3607**, entitled:

A Resolution honoring the life and service of Francis S. "Frank" Langianese, Lewis Run Borough Council President, and extending condolences to his family and friends.

On the question,

Will the House adopt the resolution?

The SPEAKER. The House will come to order, please. I would appreciate if the members would take their seats. If you need to continue a conversation, kindly take it to the anteroom.

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

On that resolution, the Speaker recognizes the gentleman from McKean County, Mr. Causer.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in tribute to one of the most dedicated public servants I have ever met, Mr. Frank Langianese. Mr. Langianese passed away in May at the age of 90, after serving for 56 years as council president of the borough of Lewis Run, a community of about 600 people in north-central McKean County; five decades of public service; more than 50 years of giving of his time to make his community a better place for current and future generations. It is a

remarkable achievement for sure. You may be surprised to hear that Frank is not the only one with such a long record of service in the Lewis Run community. Frank's longtime friend, Abbe Montecalvo, has served as the borough's mayor for 60 years, and he continues to serve in that role today. He and Frank were a great team. Anytime I needed to know what was going on in Lewis Run, I would stop by the borough office at lunchtime on any single day of the week and there I would find Frank and Abbe talking over the issues of the day.

Leading a small community in struggling rural Pennsylvania is not an easy job, and I am sure Frank took his share of complaints and criticisms from the people he served. But he did not enter public service expecting a pat on the back. He served as council president year after year after year because he wanted to do what was in the best interest for Lewis Run and its residents. In his heart and soul, Frank wanted to make a difference and he did.

In addition to his work in the community, Frank was known across the State for his dedication to local government. In 2009 he received the Governor's Award for Local Government Excellence. That same year he received the A. C. Scales Award from the Pennsylvania State Association of Boroughs for his dedicated service to that organization. In 2003 the association recognized him for distinguished service to his community.

Of course, Frank also shared his hard work and dedication outside local government. He was a veteran of World War II, having served in the European Theater as a member of the Army Air Corps. He was an active member of his church and the Knights of Columbus. He was also involved in sports for much of his life, officiating high school football games for more than 60 years and working 24 of the first 25 Don Raabe Big 30 Charities Classic football games. He was a husband, a father, a grandfather, and a great-grandfather.

Frank Langianese lived life to the fullest each and every day. He clearly took these words of William Penn to heart: "I expect to pass through life but once. If therefore, there be any kindness I can show, or any good thing I can do to any fellow being, let me do it now, and not defer or neglect it, as I shall not pass this way again."

GUESTS INTRODUCED

Mr. CAUSER. Joining us today as we celebrate the life and accomplishments of Frank Langianese are Frank's son, Richard, and his daughter-in-law, Roxanne. Please join me in recognizing them and supporting HR 744 in honor of this dedicated public servant.

The SPEAKER. Will our guests please rise.

Mr. CAUSER. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

Adolph	Dunbar	Kirkland	Quigley
Aument	Ellis	Knowles	Quinn
Baker	Emrick	Kortz	Rapp
Barbin	Evankovich	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
Briggs	George	Markosek	Samuelson
Brooks	Gerber	Marshall	Santarsiero
Brown, R.	Gergely	Marsico	Santoni
Brown, V.	Gibbons	Masser	Saylor
Brownlee	Gillen	Matzie	Scavello
Burns	Gillespie	McGeehan	Schmotzer
Buxton	Gingrich	Metcalfe	Simmons
Caltagirone	Godshall	Metzgar	Smith, K.
Carroll	Goodman	Miccarelli	Smith, M.
Causer	Grell	Micozzie	Sonney
Christiana	Grove	Millard	Staback
Clymer	Hackett	Miller	Stephens
Cohen	Hahn	Milne	Stern
Conklin	Haluska	Mirabito	Stevenson
Costa, D.	Hanna	Moul	Sturla
Costa, P.	Harhai	Mullery	Swanger
Cox	Harhart	Mundy	Tallman
Creighton	Harkins	Murphy	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	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	Killion	Pyle	

NAYS—0

NOT VOTING—0

EXCUSED—3

Brennan	Evans, D.	Murt
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. HEFFLEY called up **HR 823, PN 3974**, entitled:

A Resolution recognizing the 100th anniversary of the acquisition of the Asa Packer Mansion Museum by Jim Thorpe, Pennsylvania.

* * *

Mr. MIRABITO called up **HR 834, PN 4004**, entitled:

A Resolution honoring all fire police officers for their dedication in providing service to Pennsylvania.

* * *

Mr. MILLER called up **HR 887, PN 4157**, entitled:

A Resolution designating the week of October 22 through 26, 2012, as "Juvenile Detention Centers Week" in Pennsylvania.

* * *

Mr. SAYLOR called up **HR 896, PN 4179**, entitled:

A Resolution recognizing the Veterans Remembered Flag.

* * *

Mr. GRELL called up **HR 898, PN 4181**, entitled:

A Resolution designating the week of October 21 through 27, 2012, as "Pro Bono Week" in Pennsylvania.

* * *

Mr. HUTCHINSON called up **HR 899, PN 4182**, entitled:

A Resolution urging the Congress of the United States to repeal section 411(h) of the Surface Mining Control and Reclamation Act of 1977.

* * *

Ms. RAPP called up **HR 901, PN 4189**, entitled:

A Resolution recognizing the "Warren All-American BBQ Festival" as an official State BBQ Championship in Pennsylvania.

* * *

Mr. CAUSER called up **HR 904, PN 4192**, entitled:

A Resolution designating the week of December 2 through 8, 2012, as "Pennsylvania Christmas Tree Week" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—197

Adolph	Dunbar	Kirkland	Quigley
Aument	Ellis	Knowles	Quinn
Baker	Emrick	Kortz	Rapp
Barbin	Evankovich	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
Briggs	George	Markosek	Samuelson

Brooks	Gerber	Marshall	Santarsiero
Brown, R.	Gergely	Marsico	Santoni
Brown, V.	Gibbons	Masser	Saylor
Brownlee	Gillen	Matzie	Scavello
Burns	Gillespie	McGeehan	Schmotzer
Buxton	Gingrich	Metcalfe	Simmons
Caltagirone	Godshall	Metzgar	Smith, K.
Carroll	Goodman	Miccarelli	Smith, M.
Causer	Grell	Micozzie	Sonney
Christiana	Grove	Millard	Staback
Clymer	Hackett	Miller	Stephens
Cohen	Hahn	Milne	Stern
Conklin	Haluska	Mirabito	Stevenson
Costa, D.	Hanna	Moul	Sturla
Costa, P.	Harhai	Mullery	Swanger
Cox	Harhart	Mundy	Tallman
Creighton	Harkins	Murphy	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	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	Killion	Pyle	

NAYS—0

NOT VOTING—0

EXCUSED—3

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

STATEMENT BY MR. HEFFLEY

The SPEAKER. The Speaker recognizes the gentleman from Carbon County, Mr. Heffley, under unanimous consent relative to one of the resolutions just adopted.

Mr. HEFFLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to thank my colleagues for their unanimous vote on HR 823, a resolution that recognizes the 100th anniversary of the acquisition of the Asa Packer Mansion by the town of Jim Thorpe. Asa Packer was a self-made millionaire, a prominent Pennsylvania industrialist, philanthropist, and public servant who began his career making canal boats. Mr. Packer founded boatyards, construction and mining companies, the Lehigh Valley Railroad and Lehigh University, and was one of the wealthiest men of his time in Pennsylvania. He contributed considerably to the educational and religious institutions in our State.

Upon his death in 1879, the estate was transferred to his widow and eventually to his daughter, Mary Packer Cummings, who resided in the Packer Mansion and oversaw the estate and

carried on her family tradition of generosity and helped to build three Episcopal churches, built four fire companies and equipped them, as well as provided endowments for Lehigh University and St. Luke's Hospital.

Upon her death in 1912, Mary Packer Cummings turned over the family's home and all of its contents to the borough of Mauch Chunk, now known as Jim Thorpe, where it still stands as a memorial to her father and his accomplishments. The mansion was built in 1860 and has been preserved and is open to the public and was actually designated as a National Historic Landmark in 1985. The home is certainly an iconic landmark in our community, and I commend the efforts of our local residents who spend their time maintaining this property.

In fact, the town of Jim Thorpe was recently ranked as one of the top five most beautiful small towns in America, and this is not the first time it was nationally ranked. In 2009 Budget Magazine ranked it as one of the top 10 coolest towns in America.

Mr. Speaker, it is with great pride that I offer up this resolution and thank my colleagues for their unanimous adoption. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MR. MIRABITO

The SPEAKER. The Speaker recognizes the gentleman from Lycoming County, Mr. Mirabito, under unanimous consent relative to one of the resolutions just adopted.

Mr. MIRABITO. Thank you, Mr. Speaker.

Mr. Speaker, my colleagues, I want you to imagine for a moment that you are coming home from the Capitol during the winter. It is a cold evening, you are driving along, you hit a patch of ice you could not see. Your car goes into a spin and blocks the road. Other drivers call in the accident. Who shows up? Well, since the late 1800s, fire police in this State have shown up, and they have dedicated their time to protecting the people of Pennsylvania. And sadly, sometimes they are taken for granted. We see them along the side of the road. We really do not know who they are. They are volunteers. They are people who commit their lives to helping us.

I am proud to say today that we have fire police here from all over the State, from Lycoming County, York, Delaware, Montgomery, Butler, and as was announced earlier, to the left of the Speaker we have John Johnston, the president of the PA Fire Police Association; John Urling, the vice president; Nelson Brenneman, the vice president; Fred March from Lycoming County; Richard Wacker from Duboistown; Matt Horn from Nesbit and South Williamsport; Joe Burton from Woodward Township Fire Police; and a host of others. Would you please give them a warm welcome.

To my colleagues, during an emergency fire police officers risk their lives to ensure the safety of emergency responders, victims, and the general public as well as to protect victims' property and responders' equipment. HR 834 asks Congress to pass U.S. H.R. 1348, the Fire Police Fairness Act, so that fire police will be provided with the same death benefits as firefighters and law enforcement officers. See, right now many of you may not understand this, but when you are stuck in your car alongside the road and somebody is there helping to protect you, if he gets run over, his family has no death benefits under

the current state of the law. During an emergency fire police regulate traffic, offer detour routes, provide safe clearance near helicopter landing zones. They assist in evacuating and ensuring that emergency areas are clear for firefighting. And during a tragedy, victims turn to fire police to provide compassion and calm. They are asked to control crowds and they are asked to assist law enforcement officers at local events. Any individual who registers as a fire police officer must abide by an oath of office, be sworn in, and be certified in fire police operations by the State and the county in which they volunteer.

And sadly, as I stated, under the Omnibus Crime Control and Safe Streets Act of 1968, these volunteers are not provided with death benefits when they are killed in the line of duty. The U.S. House resolution in question addresses this issue by extending public safety officer death benefits to fire police.

I want to thank my colleagues today for passing HR 834 and hope that you will go back to your districts and take a moment to meet with your fire police so that we can bring to the attention of the general public what they do for us. Let the public know that they are dedicated people who are providing a safe emergency environment for us. Thank you very much.

The SPEAKER. The Speaker thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. I return now to recognize the gentleman, Mr. Dermody, who was in the process of making a parliamentary inquiry. I appreciate your discretion in allowing us to do a couple of these other resolutions since we had guests on the floor. It just helped move things along a little bit.

The gentleman, Mr. Dermody, for a parliamentary inquiry.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to go back to Wednesday, when the last issue on the table was the House Discharge Resolution No. 4, the Sandusky investigation resolution, and where we were at that time, that was up for a vote. The motion was properly made according to rule 53. Therefore, we should proceed with the discharge resolution.

The SPEAKER. As I stated earlier, I did not recognize the gentleman for the purpose of calling up a discharge resolution. Therefore, that business was never before the House.

Mr. DERMODY. Is that your ruling, Mr. Speaker?

The SPEAKER. I am not sure that that was put in the form of a ruling. It was more of a judgment call, I would think, that I did not recognize him for that purpose.

Mr. DERMODY. I am requesting a ruling.

Mr. Speaker, if I may?

The SPEAKER. You may.

Mr. DERMODY. The gentleman rose. He was recognized.

For what purpose does the gentleman rise? I am recognized for the purpose of bringing up Discharge Resolution No. 4. He stated that. He was in order. And as we have discussed, I mean, October 7, 2008, this same issue came before this House when Representative Killion sought, or the Representative from Delaware County sought to present a discharge resolution, and the same ruling was made by not this Speaker but the previous Speaker, and that ruling was appealed by the minority leader, the current Speaker, on the same set of facts.

I must also—

The SPEAKER. That is not exactly accurate. I mean, I know the day you are talking about.

The point that— How I would respond to your initial inquiry is that it is customary for the Speaker to ask someone who is seeking recognition, for what purpose do you rise? At that point the Speaker has some discretion in running the business of the House to either recognize that person at that time or not recognize that person at that time. If you would like me to put this in the form of a ruling, which at that point it would be maybe more appropriate for you to read my own words back to me, I would rule that subsequent to my asking the gentleman for what purpose did he rise, he stated the purpose, although he continued on, but he was not recognized. Therefore, the ruling of the Chair would be that I in fact asked him for what purpose, and then I did not recognize him for that purpose.

RULING OF CHAIR APPEALED

Mr. DERMODY. I would like to appeal the ruling of the Chair, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Dermody, has appealed the ruling of the Chair in which the Speaker has ruled that while he asked the gentleman for what purpose do you rise, he did not recognize the gentleman for that purpose at that time.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those in favor—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Oh, did you want to debate that?

Mr. DERMODY. Yes, I would, Mr. Speaker.

The SPEAKER. On the question before the House, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, as I just previously stated, this issue – and I believe it is almost exactly the same – came up back in 2008, and as you stated – I have to go to the glasses – you spoke on that issue, on that particular ruling, where I believe the same ruling was made that he was not recognized for that purpose. And what you said, Mr. Speaker, was that, "...if you listen to the logic that the majority leader just put forth with the two-phase recognition, if that were to be the case, then a member of the minority or a member that the Chair just did not want to recognize, they would virtually never be recognized if you were able to say, for what purpose does the gentleman rise..." and you did not like the purpose, you would not recognize him. You would put us out of business, Mr. Speaker, which has been what you have been trying to do all session.

"...The common practice of this House is that when a gentleman rises and the Speaker says, for what purpose did you rise,...I rise to make a motion, the Speaker either says you are in order or you are out of order." The motion was made pursuant to rule 53. Rule 53 says you, "...shall be recognized...." It says "shall," not "may." It says you shall be recognized for the discharge resolution. That is what rule 53 says. The rule is clear. And as you said, Mr. Speaker, that day,

"...read the rule; it is clear, the member '...shall be recognized...,' and it does not give the Speaker the opportunity to decide when. It says, '...shall be recognized....' And to suggest that he has this bifurcated recognition process in order to deny the gentleman from Delaware to call up the Mcare bill is something that I think is against the practice of this House...."

I agree with you, Mr. Speaker.

The SPEAKER. To be clear about the record – and I do not see the date on it; I apologize.

It was October 7, 2008, and at that time the Speaker said, "The gentleman, Representative Smith, the minority leader, has appealed the decision of the Chair. The decision is the special order of business is required to deviate from the scheduled calendar." I merely put that on the record as a point of clarification.

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

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

I would urge the members to support the ruling of the Speaker, the Chair of this House. Without a doubt, this Speaker has throughout the course of this session been exceptionally judicious, fair, and is doing so here, and I would ask everybody to please uphold the ruling of the Chair. Thank you.

The SPEAKER. On the question, is the gentleman from Clinton County, Mr. Hanna, seeking recognition?

Mr. HANNA. Mr. Speaker, we certainly agree with your statements of the previous session where you pointed out that it is appropriate to move directly to the discharge resolution, but I think it is important for the members, I know you all have your rulebook right there in front of you. Get your rulebook out and read with me rule 53, the second paragraph, and tell me how we are not supposed to be immediately moving to this discharge resolution. The rule reads very clearly, if you want to read along with me – I know you all have your rulebook handy there, right? – "Any member who has signed a discharge resolution which has been on the calendar at least one legislative day prior thereto and seeks recognition, shall..." – the word is "shall," not "may" – "...shall be recognized for the purpose of calling up the discharge resolution and the House shall..." – once again it is the word "shall"; it is not "may" – "...the House shall proceed to its consideration without intervening motion except one motion to adjourn...."

So obviously, Mr. Speaker, the rule is categorically clear. It is not a "may" provision; it is a "shall" provision. We should be considering this discharge resolution at this time, and I would ask the members to not withstand the ruling of the Chair.

The SPEAKER. The Speaker notes he was looking at the rest of the record from that day, and I believe on that day, the two gentlemen that just spoke probably voted with the position the Speaker has just espoused.

I will say this, just as a kind of tongue in cheek, candidly. It is amazing how things are a little bit different when you are minority leader to then majority leader, and then the difference of being a floor leader to being Speaker. Sometimes things just look differently up here.

The question before the House is, shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,
Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—107

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

NAYS—90

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

NOT VOTING—0

EXCUSED—3

Brennan	Evans, D.	Murt
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Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

**REQUEST TO CALL UP
DISCHARGE RESOLUTION NO. 4**

Mr. DERMODY. Mr. Speaker?

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

Mr. DERMODY. Mr. Speaker, I rise to call up House Discharge Resolution No. 4.

The SPEAKER. The gentleman, Mr. Dermody, seeks to call up a discharge resolution. However, the gentleman would not be in order under rule 53, in part states that "...no discharge resolution shall be considered during the last six legislative days of any session of the House."

Mr. DERMODY. Mr. Speaker?

RULING OF CHAIR APPEALED

The SPEAKER. The gentleman, Mr. Dermody, for what purpose?

Mr. DERMODY. Mr. Speaker, I would like to appeal the ruling of the Chair, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Dermody, has challenged the ruling of the Chair, which was that House rule 53 states in part, "...no discharge resolution shall be considered during the last six legislative days of any session of the House."

On the question,

Shall the decision of the Chair stand as the judgment of the House?

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would also like to point out that in 2008 discharge resolution was considered by this House during the last 6 days, so we have precedent for doing that, and this is an important resolution that deals with our children and the future of our children in this Commonwealth, whether this investigation was done properly and whether or not the Sandusky investigation should be looked at from the standpoint of protecting our children in the future. It is a crucial piece of legislation that has been out here for almost a year. We have done it in the past. We have done it before. It is within our time here today, this week. We can call this up, we can debate it, and we can vote it. We should vote to overturn the Chair's ruling, and we should consider this resolution.

Back in 2008, Mr. Speaker, you called this same move a shyster move when they tried to delete days so you would violate the 6-day rule that was already violated in 2008. We have precedent for doing this. We ought to do it for the children of Pennsylvania.

The SPEAKER. The question is the challenge of the ruling of the Chair.

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

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

Rule 53 is very explicit: "No discharge resolution shall be considered during the last six legislative days of any session of the House." We are beyond those 6 days, but I might also just point out that this particular resolution as offered by the good gentleman from Washington County had been introduced earlier

in this session. I do find it of some concern that it is being moved on discharge so late in the session when there was plenty of time within and in fact there were discussions with respect to that resolution that resolved the issue between the maker of the resolution from Washington County and members of both sides of the aisle here in the House and with the administration, the executive branch, as well. As we approach election day, I think sometimes these resolutions – which in effect cannot impact the United States Attorney General's actions, the U.S. Attorney General is going to do what he and his office believe are appropriate – and in fact, an FBI investigation is taking place coincident with the work that was being done by the Attorney General's Office—

The SPEAKER. Will the gentleman suspend.

Although I am generally willing to give the two floor leaders a little bit of leeway, the question before the House is the ruling of the Chair and not the substance or, you know, letter of the resolution or underlying question.

Mr. TURZAI. Yes, Mr. Speaker.

I would just say this, sir. Rule 53 is very explicit. The resolution was filed on December 12, 2011. The rule is explicit. It is not appropriate, and we should uphold the ruling of the Chair.

The SPEAKER. The question before the House is the ruling of the Chair.

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I think we need to be clear about what has transpired here. When the discharge resolution was first brought up, there were at least 8 days remaining in the session schedule. It was today at 12:39 p.m. that a notice was sent out canceling 2 days of this legislative session for the sole and exclusive purpose of trying to make this discharge resolution out of order. Mr. Speaker, that is inexcusable. This discharge resolution is about protecting Pennsylvania's children, and when we cancel session days just to make this discharge resolution out of order, that is absolutely inexcusable. We need to, as Leader Dermody has done, we need to challenge the ruling of the Chair.

The SPEAKER. Shall the decision of the Chair stand as the judgment of the House?

Is the gentleman from Montgomery County, Mr. Vereb, seeking recognition?

The gentleman is recognized on the ruling of the Chair.

Mr. VEREB. Thank you, Mr. Speaker.

Where were we on this argument that we start invoking why the Speaker cancels or schedules session days? The kids were lost many years ago. Let them get lost in the polls and the political gymnastics that are going on, Mr. Speaker—

The SPEAKER. The gentleman will suspend.

I would ask the gentleman to focus his remarks on why or why not someone would sustain the ruling of the Chair.

Mr. VEREB. I respectfully request members to uphold the Speaker's ruling, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

Shall the decision of the Chair stand as the judgment of the House?

PARLIAMENTARY INQUIRY

The SPEAKER. Is the gentleman from Centre County, Mr. Conklin, seeking recognition on the question?

Mr. CONKLIN. Thank you, Mr. Speaker.

Just a clarification for behalf. So basically what we are doing today is if we vote to uphold the ruling of the Chair, that means we do not want anyone to look at how our court system did its business to improve it, or a "no" vote, if I understand this, would be—

The SPEAKER. The gentleman will suspend.

Is the gentleman posing this as a parliamentary inquiry?

Mr. CONKLIN. Yes. Yes, sir.

The SPEAKER. Was that a parliamentary inquiry?

Mr. CONKLIN. Yes, sir.

But what I am trying to wrap my arms around, so a "yes" vote would uphold the fact that this body does not want—

The SPEAKER. The gentleman will suspend.

That is not a parliamentary inquiry. That is arguing with the Speaker. That is not a parliamentary inquiry you were just posing.

Mr. CONKLIN. I am just trying for clarification, Mr. Speaker. I apologize.

There is no disrespect. I am just trying to figure out what our vote means, sir.

The SPEAKER. The question before the House is those that uphold the ruling of the Chair, which was that we are within the last 6 days of the end of the session; therefore, a discharge resolution cannot be called up under rule 53. If you have a parliamentary inquiry relative to that or a debate relative to that question which is before the House, the gentleman may proceed.

Mr. CONKLIN. Okay. Then I will try to rephrase my question. So basically what we are doing is we are not going to put any votes up to deal with how we—

The SPEAKER. The gentleman will suspend.

Are you still asking a— The gentleman will suspend. Are you asking a parliamentary inquiry?

Mr. CONKLIN. I am just asking for clarification, Mr. Speaker. I am sorry. I am just trying to get my arms around what we are doing.

The SPEAKER. The gentleman will suspend.

You can be recognized for a parliamentary inquiry or you can be recognized on the question before the House, and I am not clear as to which you are seeking.

Mr. CONKLIN. I apologize to the Speaker. All that I was trying to do was to just wrap my arms around the exact ramifications of the vote that we are doing. So then my understanding would be, I am asking for just a clarification. I do not know if that is in order—

The SPEAKER. The gentleman will suspend.

The question before the House is to sustain or not the ruling of the Chair. A proper parliamentary inquiry is not asking the Speaker to cast a judgment or question the underlying question which may be involved.

Mr. CONKLIN. I appreciate that then, Mr. Speaker. I would just like to speak on the motion itself that is before us.

The SPEAKER. The gentleman is in order on the question before the House.

Mr. CONKLIN. Mr. Speaker, I am asking in all due respect to the Speaker, but I am asking for my colleagues to go against the Speaker this time because I think it is time that we look at Sandusky and the children to find out exactly what happened. Thank you, sir.

PARLIAMENTARY INQUIRY

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

Mr. STURLA. Thank you, Mr. Speaker.

Parliamentary inquiry.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. STURLA. Mr. Speaker, if the rule says that no discharge resolution can be done with less than 6 days on the calendar, if there are days added, say, tomorrow, next week, would this discharge resolution be in order even though there would not be 6 days left at that point in time? I mean, can you pan out a scenario? Is it possible within our rules to say you just never have more than 6 days on the schedule, but you just keep adding days when you get within 5 days or 4 days of session ending?

The SPEAKER. Under the rules, there must be more than 6 days, so the answer to your question would be no.

Mr. STURLA. No, this discharge resolution would not be in order, but can more days be added next week?

The SPEAKER. No, the calling up of the discharge resolution does not come back into favor. I mean that under the rules, if days were added later, it would not.

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

The SPEAKER. Shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—106

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

Evankovich	Keller, M.K.	Pickett	
Evans, J.	Killion	Pyle	Smith, S.,
Everett	Knowles	Quigley	Speaker

NAYS—91

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

NOT VOTING—0

EXCUSED—3

Brennan	Evans, D.	Murt
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Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

MOTION TO SUSPEND RULE 53

Mr. HANNA. Mr. Speaker? Mr. Speaker?

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

Mr. HANNA. To make a motion to suspend rule 53 for the purpose of calling up the discharge resolution.

The SPEAKER. The gentleman, Mr. Hanna, has made a motion to suspend rule 53 for the purpose of considering a discharge resolution.

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

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Is the gentleman, Mr. Dermody, seeking recognition on the question before the House?

Mr. DERMODY. I am, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DERMODY. Mr. Speaker, we should suspend rule 53 because it is clear that over 60 percent of the people of this Commonwealth feel this matter should be looked into, feel this investigation needs to be checked out, needs to be looked at. They want to know why it took so long to take a pedophile off the street. The people want this done. We should not stand in their way in this House. We should suspend the rules so we can

immediately consider the discharge resolution and we can take up the resolution that deals with this issue.

Thank you, Mr. Speaker.

The SPEAKER. On the motion to suspend the rules, the Speaker recognizes the gentleman, Mr. Turzai, from Allegheny County.

Mr. TURZAI. Rule 53 serves good purpose. This was a rule that had unanimous support when we adopted it at the beginning of the session. I would ask everybody to not suspend rule 53. Thank you.

The SPEAKER. The question before the House is whether or not to suspend rule 53 for the consideration of a discharge resolution.

Mr. HANNA. Mr. Speaker?

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

Mr. HANNA. I made the motion. I would like to be recognized on it.

The SPEAKER. The gentleman is in order and is recognized on the motion.

Mr. HANNA. Mr. Speaker, this resolution is about protecting Pennsylvania's children. Nothing should be more important to the members of this body. In fact, the resolution is drawn in a way to call for an investigation that both sides should support. If the Corbett administration believes that the handling of this investigation was proper, then this investigation of that investigation—

The SPEAKER. The gentleman will suspend.

Again, I try to offer a little bit of leeway. However, the question before the House is suspending rule 53, and the debate should be structured around why or why not we should suspend the rule.

The gentleman may proceed.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, simply put, this resolution has the potential to either clear the air or point out what needs to be changed in the system, and that is why all sides should support this investigation. Mr. Speaker, the only way we can get this investigation completed is if we suspend rule 53 so that we can deal with this resolution and protect Pennsylvania's children. I would encourage members to support the motion to suspend the rules.

Thank you, Mr. Speaker.

The SPEAKER. On the motion to suspend the rules, the Speaker recognizes the gentleman from Allegheny County, Mr. Turzai.

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

Again, as I indicated, this particular resolution was introduced in December of 2011, and in fact, discussions were held between both sides of the aisle here along with the administration, and in fact, it had never been brought to discharge except here as we closely approach election time. The fact of the matter is, there is an FBI and U.S. Postal investigation of the entire matter. And in addition, the other futility with respect to this motion is that it is a concurrent resolution. It needs passage in the Senate. It is clear that there is not going to be time—

Mr. HANNA. Mr. Speaker?

Mr. TURZAI. —in the Senate to pass this particular piece of—

The SPEAKER. The gentleman will suspend.

Mr. TURZAI. —resolution.

The SPEAKER. The gentleman will suspend.

Mr. HANNA. Mr. Speaker, I believe you ruled that I was not allowed to talk about the investigation, and now we are allowing—

The SPEAKER. The gentleman is correct.

Again, I try to offer the leaders just a little extra leeway. I appreciate it. The gentleman is correct.

The gentleman, Mr. Turzai, would focus on the purpose for or purpose for not suspending the rules.

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

Rule 53 is an important rule. It has always been an important rule. Discharge resolutions are in and of themselves designed to bypass the committee process. There is a provision that allows that, but it is a very high threshold to be able to do that. Rule 53 is an important rule. We should not be dismissive of it. The underlying issue is that a concurrent resolution cannot be passed. The Senate will not be here to take it up anyhow. In addition, it could have been discharged as early as February of 2012, and we are now at the last waning days, and I just do not think that this rule should be suspended for that. Thank you.

The SPEAKER. On the question before the House, the motion to suspend the rules.

Those voting to suspend the rules will vote "aye"; those voting to not suspend the rules will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—114

Barbin	DeLuca	Kortz	Preston
Benninghoff	DePasquale	Kotik	Quinn
Bishop	Dermody	Kula	Ravenstahl
Boback	Donatucci	Longietti	Readshaw
Boyle, B.	Emrick	Maher	Rock
Boyle, K.	Fabrizio	Mahoney	Roebuck
Bradford	Fleck	Maloney	Sabatina
Briggs	Frankel	Mann	Saccone
Brooks	Freeman	Markosek	Sainato
Brown, R.	Galloway	Masser	Samuelson
Brown, V.	George	Matzie	Santarsiero
Brownlee	Gerber	McGeehan	Santoni
Burns	Gergely	Miccarelli	Schmotzer
Buxton	Gibbons	Micozzie	Simmons
Caltagirone	Gillen	Mirabito	Smith, K.
Carroll	Goodman	Mullery	Smith, M.
Cohen	Haluska	Mundy	Staback
Conklin	Hanna	Murphy	Sturla
Costa, D.	Harhai	Mustio	Thomas
Costa, P.	Harkins	Myers	Tobash
Cox	Helm	Neilson	Toohil
Cruz	Hornaman	Neuman	Truitt
Curry	James	O'Brien, M.	Vitali
Daley	Josephs	O'Neill	Waters
Davidson	Kampf	Parker	Wheatley
Davis	Kauffman	Pashinski	White
Dean	Kavulich	Payton	Williams
Deasy	Keller, W.	Petrarca	Youngblood
DeLissio	Kirkland		

NAYS—83

Adolph	Farry	Knowles	Rapp
Aument	Gabler	Krieger	Reed
Baker	Geist	Lawrence	Reese
Barrar	Gillespie	Mackenzie	Roae
Bear	Gingrich	Major	Ross

Bloom	Godshall	Marshall	Saylor
Boyd	Grell	Marsico	Scavello
Causser	Grove	Metcalfe	Sonney
Christiana	Hackett	Metzgar	Stephens
Clymer	Hahn	Millard	Stern
Creighton	Harhart	Miller	Stevenson
Culver	Harper	Milne	Swanger
Cutler	Harris	Moul	Tallman
Day	Heffley	Oberlander	Taylor
Delozier	Hennessey	Payne	Toepel
Denlinger	Hess	Peifer	Turzai
DiGirolamo	Hickernell	Perry	Vereb
Dunbar	Hutchinson	Petri	Watson
Ellis	Keller, F.	Pickett	
Evankovich	Keller, M.K.	Pyle	Smith, S.,
Evans, J.	Killion	Quigley	Speaker
Everett			

NOT VOTING—0

EXCUSED—3

Brennan Evans, D. Murt

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

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1020 will be over temporarily.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2626, PN 4170**, entitled:

An Act establishing the Promoting Employment Across Pennsylvania Program; and providing for tax benefits to qualified companies in the form of withholding tax relief.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for interrogation?

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

Mr. VITALI. It might be good just to explain what this bill does initially.

Mr. BENNINGHOFF. Is that a request?

Mr. VITALI. Correct. Yes, that is my question. Can you explain what the bill does?

Mr. BENNINGHOFF. Very briefly, in a bipartisan manner, first of all, I probably owe a due thank-you to Representative Mundy, Representative Davis, and Representative Boyd for their amendments that they included in this legislation. We in a bipartisan manner are trying to give the Commonwealth a tool to put us on what I call the short list to entice businesses to come to the State of Pennsylvania. Currently we have utilized cash and/or tax credits. This bill allows a business to come into Pennsylvania, encourages businesses to come into Pennsylvania and encourages them to reinvest their payroll taxes, up to 95 percent, back into creating new jobs within their communities in that area and in that corporation. As they create more jobs, they proportionately would get additional credit for doing that.

Mr. VITALI. Thank you. That concludes my interrogation. May I speak on the bill?

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

Mr. VITALI. First of all, I want to congratulate the maker of the bill in undertaking a very important endeavor, which is increasing Pennsylvania employment. That certainly is a worthy goal, and I salute you generally, but I just want to raise a couple of concerns with regard to this bill. One of the concerns is that we do not know what this bill will cost the Commonwealth coffers. We do not know what this bill will subtract from our General Fund budget. I have reviewed the fiscal note as it comes out of the Appropriations Committee, and it is simply indicated, the cost of this program is simply unknown. So that is one thing I want to raise.

Another point I want to raise on the same subject of the cost of this program being unknown is that it is my understanding that there is no cap to this, the cost of this program. Sometimes when we do measures like this which give a tax credit or give some sort of benefit to a corporation, there is a total cap. It is my understanding that there is no cap to this program. That concerns me.

Another thing that concerns me is that – and this is mentioned in the fiscal note and this is mentioned in some of the criticism by some other groups, such as the Pennsylvania Budget and Policy Center – it is duplicative. The fiscal note cites a program, the job creation tax credit, which gives \$1,000 per job for each year for certain new hires, and a criticism has been lodged that that is duplicative of that.

Another concern I have is that the groups who you would think would normally be supporting programs such as this are curiously silent. For example, you would expect if a bill gave a tax break or a financial benefit to a company, it would be supported by the Pennsylvania Chamber of Business and Industry. They are curiously silent on this. They have not supported this.

Another person who is a supporter of things that give breaks to businesses is the Governor. The Governor has not indicated his support of this bill. That sort of leads you to wonder, is this technically doing really what it is designed to do in the best possible way if the Pennsylvania Chamber of Business and Industry and the Governor are not supporting this piece of legislation?

I think one of the things that— See, what this bill does, as I understand it, is if a Pennsylvania company has a new hire, that new hire, his withholding tax, his income withholding tax,

95 percent of it in certain circumstances – certain criteria have to be met, and I will be corrected on this – goes not to the State but to the company itself so that the new employee is simply paying the company to work there. So that is what it does. Now, the gentleman, the maker of the bill, correctly stated that this is designed for new companies when they come in to benefit new hires, but as this bill is amended, this bill also applies to existing companies who hire. And one of the criticisms made by, among other people, the Pennsylvania Budget and Policy Center is that this is going to incentivize decisions businesses would already make anyway without this incentive. For example, we all understand the business cycle. It hit rock bottom; now it is slowly climbing. Now is the time when businesses take on new hires. They are going to do that because the business climate is improving. Latest employment figures, latest employment projections are next year will slowly be better than this year. New people will be hired. What we are doing is we are giving a benefit, a financial benefit, and subtracting from the State moneys that we do not have to because employers are going to hire anyway. So another problem with this bill, not only does it incentivize things that do not need incentivizing, but it applies to instate companies who are just going to be taking on new people.

Along those same lines, the Pennsylvania Budget and Policy Center, in their objections to this, talks about how this creates a situation where a company can, by restructuring, avoid their new employees paying withholding by setting up a new corporate entity where they would hire existing employees from. So there is the opportunity to abuse this system.

One of the problems with this unneeded incentive is it takes money away from programs we desperately need like basic education, like higher education. We really have cut budgets to the bone, and something like this will unnecessarily take more away from those valuable programs that we have cut in the past two budget cycles.

Mr. Speaker, again, I will just close by saluting the maker of the bill for his efforts, but I believe that this bill in its present form raises more questions that need answers, and in its present form, I do not think it should be supported by the House. Thank you.

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

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

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise in support of HB 2626 and commend the gentleman from Centre County for his leadership on this particular issue. For far too many years Pennsylvania has failed to incentivize businesses to locate here in Pennsylvania. Our corporate net income tax is the highest in the nation among States. We currently levy a stock and franchise tax in addition to the CNI, and we are one of only a minority of a few States in this country to do so.

Thankfully, we have dedicated this session of the General Assembly to creating a job-friendly climate for Pennsylvania so that we can create jobs for those who are unemployed and hit so hard by this economy. But this year's budget preserved the phaseout of the capital stock and franchise tax, and Pennsylvania will now apportion an income using a single-sales factor. Under the gentleman's leadership as Finance Committee chairman, we have also seen championed HB 2150 from the

gentleman from Indiana County who has put this bill forward, which lowers the onerous CNI and the phaseout of the net operating loss deduction cap.

Following a successful model in Kansas, HB 2626 is an innovative supplement to our job-creating tax reform efforts. Mr. Speaker, I encourage an affirmative vote to move Pennsylvania forward in job creation and to start to make us a leader of all 50 States in the area of economic development and job creation. Thank you, Mr. Speaker.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Will the maker of the bill stand for interrogation?

The SPEAKER. Will the gentleman from Centre County stand for interrogation?

The gentleman indicates he will. You may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, at the beginning of this term, January of this year, and throughout this term, we have had a number of conversations about ways in which improving the employment climate in Pennsylvania, especially in areas where unemployment for 18- to 24-year-olds is well over 30 and in some cases 40 percent. One of the things that we have talked about is the need for training, getting folks ready for the marketplace that we are facing, not one that we think we should be. What about this bill deals with this issue of training, and how does it line up with market-rate opportunities?

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

This bill specifically is about creating new jobs in the State of Pennsylvania. It will be up to the companies to provide that training. We are confident that that is what they will do. Obviously they want to have a quality-trained workforce, and frankly, there are a lot of good employees in Pennsylvania looking for jobs, and it is our hope that they will be getting some of our people who currently are not employed and hiring them as those new jobs.

Mr. THOMAS. Well, Mr. Speaker, so training is off the table. We do not care about people who need to get ready for marketplace opportunities, but let us deal with your last comment. Do you have any idea of what companies will be starting in Pennsylvania that will ultimately take advantage of this tax credit opportunity? And what do you expect to accomplish at the end of 12 months of this program?

Mr. BENNINGHOFF. We do not have a list of companies pending, but what we are doing is trying to entice them so that they choose Pennsylvania over other States. And to an area that I know you have a very strong interest in, the taxes that they retain, they could very well use as training dollars for these new hires. Our goal is for job growth, new jobs in the State of Pennsylvania, enticing companies to come here, and as I said, they could utilize that money for job training as you had requested.

Mr. THOMAS. So, Mr. Speaker, my last question, are you going to involve yourself in helping to market this new proposal and at least— Well, let me ask you, is there an evaluation tool in the bill? I mean, could we come back in 6 months or in a year and evaluate whether your vision in the bill is being realized?

Mr. BENNINGHOFF. There are built-in safeguards that they have to apply with the Department of Community and Economic Development. They will go under an annual review

to make sure that they are meeting the requirements of that agreement. If they do not, DCED can discontinue their participation in that. The beauty of this is, this is not done by geography. Anyone that wants to try to entice a business anywhere within the Commonwealth, whether it is in rural Pennsylvania, in the urban areas, at the top of the State or the bottom of the State, this incentive, in my opinion, can work anywhere and, more importantly, help create jobs in some of those areas that are so severely in need of new job growth. And I think that is the kind of investment that I have seen with members both in the Finance Committee in a bipartisan manner. They see this as an opportunity for all members of the General Assembly to help assist their members and their constituents, and I appreciate your input.

Mr. THOMAS. Well, Mr. Speaker, thank you.

I will do as much as I can to help market this opportunity, because as I mentioned, there are parts of rural and urban Pennsylvania where structural unemployment is off the train amongst 18- to 24-year-olds. I have witnessed, I have talked to more—

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. Pardon me, Mr. Thomas. Have you concluded your interrogation?

Mr. THOMAS. Yes, I have.

The SPEAKER pro tempore. Thank you.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the bill, you may proceed.

Mr. THOMAS. Mr. Speaker, I am going to support HB 2626. I wish it would go further than it will be going. I am disappointed that we do not have a mechanism in here for evaluating outcomes. We do not have a mechanism that is going to ensure that all members of the House and Senate can take part in making this a reality. And, Mr. Speaker, I am really concerned about the last report that I saw from DCED on tax credits. Unless something different happens, the tax credit programs which are currently in existence are not producing the kind of employment and entrepreneurial opportunities that we expected when we created the tax program, tax credit program.

So, Mr. Speaker, I am going to support it, but I ask the author of the bill and my colleagues that we put our heads together and become more aggressive in, one, developing job-related opportunities that are tied to the marketplace and providing Pennsylvanians with the kinds of skills that they need in order to take advantage of the marketplace opportunities.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I rise in response to the gentleman from Delaware County. I think he misunderstands the bill, so I just want to talk a little bit about it and put some real-life situations that this bill could create.

First of all, there seems to be a concern that the Commonwealth would lose money, when in all actuality we will gain money. You have to realize that these are jobs that currently do not exist. It is only jobs through expansion or new companies coming into the Commonwealth. So let us use an example. I create a new job that never existed, so we were never

getting any money at the State from that nonexistent job. I create a new job that pays \$50,000 a year, brand-new job. I also pay to house the employee, I pay to train the employee, and all the other things that go to the cost of an employee – benefits, on and on. Our current PIT (personal income tax) is 3.07 percent. For that \$50,000 job, that new \$50,000 job and all the things that go with it, all the expenses to the employer, he gets a \$1,535 credit. Sounds like a pretty good deal to me. Ten percent still flows to the Commonwealth. So as opposed to being a net loss of revenue to our Treasury, it is a net gain to our Treasury, so we still get that 10 percent. Plus, now you have a person in a good-paying job that is supported through this program who can now pay property taxes, local taxes, the tax we pay to our emergency providers.

This is a win-win-win for Pennsylvania. We need to do this. We are all out campaigning now. What do we hear? Jobs, jobs, jobs. Let us pass this bill. Let us create jobs. Let us give employers incentives to come to Pennsylvania. I urge you to vote "yes."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. DeLuca, stand?

Mr. DeLuca, we have a list of six or eight people. We will put you on the list. Okay.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the prime sponsor of the bill rise for brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I think the premise behind this legislation as I understand it, to create jobs in Pennsylvania, is a good premise, but as they always say, the devil is in the details, and I have not been able to find some of the details in the bill, so I am going to ask specific questions, and hopefully you can provide answers for me.

Mr. Speaker, as I understand it, temp agencies in the State of Pennsylvania hire people and they are, while they are working for the other employer, actually an employee of the temp agency, and those temp agencies often create 100 new jobs a month because they are hiring people on a temporary basis, creating a new job that only lasts for a while until they become an employee of another company that may only hire one person. Does the temp agency qualify for hiring 100 new people if they temporarily employ 100 new people?

Mr. BENNINGHOFF. I think your concerns are probably a little bit more than what they need to be because I do not believe that the temp agency in such a situation would qualify. They are being hired on behalf of a company. We are providing jobs created by a company coming into Pennsylvania. They also have to be in a particular salary range, which would be equivalent to the countywide average, and many of those temp jobs would not qualify.

Mr. STURLA. So it is only if a company comes from outside the State, not one that is existing in the State that creates 100 new jobs?

Mr. BENNINGHOFF. Not if they are an interim agency working for a company such as a temp agency would be. If you hire me as a temp agent to hire jobs for you, I would not qualify as a temp agency.

Mr. STURLA. Okay. So temp agencies are not qualified under this. Is that correct?

Mr. BENNINGHOFF. Right.

Mr. STURLA. Mr. Speaker, when film companies come to Pennsylvania, they establish new corporations every time they come here because each film has its own corporation. Are those film companies coming from out of State that create new corporations to make a specific film, do they qualify for this tax credit?

Mr. BENNINGHOFF. If they are here on the premise of other film tax credits, they would not qualify. Any company that is getting credits of any other sort are not able to participate. This is exclusive to new jobs being created by a new company.

Mr. STURLA. Thank you, Mr. Speaker.

But, Mr. Speaker, not all companies that make films in Pennsylvania qualify for the film credit. So if they are not taking the film tax credit and they come here and create a corporation specifically to make a film, can they get the tax credit?

Mr. BENNINGHOFF. Before they would be eligible for anything, they would have to apply to DCED, Department of Community and Economic Development; they have to fill out the application. DCED has the full discretionary ability to decide who applies and who does not by the criteria set in the legislation. So they may in some instance, but it would be up to that discretion through the application process.

Mr. STURLA. So you are saying there is criteria that is set out in the legislation, but it is really discretionary with DCED? Because I do not see where it speaks to this in the legislation, and so what I am trying to figure out is who at DCED gets to make up the rules after we pass legislation.

Mr. BENNINGHOFF. It is going to be the DCED Secretary and his members that he would appoint to a review board to do this, but keep in mind, in the instance of your example of these film companies, their duration in the State of Pennsylvania is generally very short. I believe as Representative Davis who had a clawback provision that we allowed to go in as an amendment for companies that would leave in less than 5 years, they would have to have a payback provision, which I think covers the concerns you have raised with those types of temporary situations.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, one final question. If there is a mom-and-pop foundry currently in existence in the State of Pennsylvania and they have 101 employees and there is, you know, People's Republic of China, Incorporated, Foundry that is looking to acquire companies in the State of Pennsylvania, and they, through their agent, Bain Capital, acquire mom-and-pop foundry in the State of Pennsylvania, those 101 employees of mom-and-pop foundry are no longer employees of mom-and-pop foundry. The day that they get taken over by China Foundry, Inc., they become employees of China Foundry, Inc., who just brought 101 jobs to the State of Pennsylvania and they came from outside the State of Pennsylvania. Do they qualify?

Mr. BENNINGHOFF. No, sir. They would not qualify under the scenario that you laid out in a very colorful manner. And again, it would be up to the discretion. They could apply through DCED, but it would be my opinion, as the legislation was written, they would not apply.

Mr. STURLA. Where in the legislation does it say that they would not qualify? That is 101 new jobs that are being created by a—

Mr. BENNINGHOFF. Mr. Speaker, I would say that those are not necessarily new jobs. Those are transfers from one place to another, no different if they were moving geographic locations within the Commonwealth, they also would not apply under the provisions that we have drafted in the bill. The interpretation, I believe, that is a transfer of jobs, not creation of a new job.

Mr. STURLA. Okay, Mr. Speaker. You know, Mr. Speaker, I will take you at face value here. I cannot find those provisions in the bill, but for legislative intent anyway, when we get to the point where somebody at DCED is trying to interpret this, hopefully they will look at the legislative intent here and see that those do not apply.

Thank you, Mr. Speaker.

Mr. BENNINGHOFF. Mr. Speaker, if I could, I would just encourage the member to look at page 3. I think it is spelled out pretty well there, and I would be glad to meet with you afterwards to go over that. Thank you.

Mr. STURLA. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Barbin.

Mr. BARBIN. Mr. Speaker, I rise in opposition to this bill. I have three problems with the bill, and I will try to be quick about them.

Number one, there is no explanation in this bill as to how much this bill would actually cost. When you talk about providing a tax credit, what you are really doing is taking an amount of money that another taxpayer has paid in and handing it to someone else.

Number two, there is nothing in this bill that requires that the new hires be unemployed. Any person who comes in under this bill can hire somebody else's employee, provide a tax break to the company that is coming in. So there is not any tax benefit in that situation; there is actually a tax loss.

And number three, while this bill might be a good bill, if we were in a situation where we had more dollars to spend on general job development through tax credits, it does not deal with our most serious problem and neither did we deal with that problem when we took up the budget. In Pennsylvania there are 1,200,000 veterans. The unemployment rate for veterans is higher than the Pennsylvania rate for unemployment. There is a subsection of the people that we are not dealing with, and that subsection of the people are the people that have served recently in the Gulf era II deployments. When they come back to Pennsylvania, those young veterans have a 29-percent unemployment rate. There is nothing in this bill that would take our very few tax dollars and provide them as a tax credit to those people.

And for those reasons I will be voting against the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleday, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I will confess that I have been very conflicted about this concept and about this bill, and I truly believe that the process we have used to bring us to this point has been flawed. I always believe that bills should be well vetted and amended in committee and not on the House floor, and that gives people the opportunity to really look at the language and make sure that it does what we intend it to do.

We had a hearing in the House Finance Committee on a Monday. We voted on the bill with really, literally no chance to amend it on the following day, on a Tuesday. We came to the House floor with the amendments that were offered, and I do appreciate that we added employee notification and the Davis amendment having to do with the clawback. You know, I think those did make the bill better.

In committee there was discussion about the fact that new companies would be coming here, perhaps hiring employees away from existing companies that might be competitors and that that really was not fair, and I agree with that. I totally agree that we should not be allowing new companies to come here, perhaps in competition with existing Pennsylvania businesses and steal their employees and get a tax credit for doing so, and that is why I supported the Boyd amendment on the floor.

But here we are. I had all last week to really, seriously review and analyze the bill, and the provisions of the bill, and I am conflicted about voting for it because I do not believe that the bill is clear enough about our intention, and I do not believe that it actually does what we intend it to do, which is to create new jobs that do not currently exist for Pennsylvanians.

I commend Chairman Benninghoff for some of the provisions in this tax credit bill. They are better than most of the tax credit bills we have taken up this session. The clawback provisions, the reporting requirements, they are stronger than many of the other tax incentives, tax credit bills that we have seen on the House floor, and I appreciate that it is better than what we have done in the past.

But there is a difference between new hires and new jobs. A new hire could be an individual moving from a job on Avenue A to a job on Avenue B in the same town. A new job would be a job that never existed before and you are hiring a Pennsylvanian who was out of work. And as far as I am concerned, that is what we need to be doing with tax credits. Tax credits need to be for hiring Pennsylvania workers in a new employment opportunity, not moving jobs from one business to another, and I am concerned that the language in the bill today does not adequately address that goal.

So today I am going to be voting against this version of the bill. Should the bill come back from the Senate and be very clear about the goal of creating new employment opportunities for Pennsylvanians, I may change my mind, but today I must be a "no."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Costa.

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

I initially filed an amendment to this bill. I am a supporter of the bill, and I am a huge supporter of incentives. I think they really work, and I think they are doing a good job, but the one thing that concerned me when we were in Appropriations Committee a couple weeks ago, the fiscal note says that we have no idea what the fiscal impact is going to be in this bill. That concerns me. Someone who is a fiscally responsible person like myself, I worry about those things. So I did file an amendment to put a cap on it just for 1 year. I realize I would have had to suspend the rules to do that. I do not think that is very likely, but I did want to make sure that members were aware that this is unlimited, it is uncapped, and if this thing does work and it ends up costing us a lot of money, that when we come back next session, that we need to address that issue.

So I will pass now. I do support the legislation, but again, I hope it does become law, but I am concerned about the unlimited cap. So thank you for allowing me to speak on the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, one of the key principles of taxation is that taxes be uniform. Now, this bill creates a new system of income tax taxation for workers in Pennsylvania that is extremely far from uniform. If new jobs are created – and we have heard from the Representative from Luzerne County that it does not have to be a brand-new job created, but just a new position created in any given company – when jobs are created, the taxes are going to vary based on what county you are. If a new job is created in Montgomery County, which is the most affluent county in the State, the worker would have to earn a lot more money to be above average than he would in other counties, and so the tax on the worker would be a lot higher in the more affluent counties than it would be in the poorer counties. Now, this is also an improper delegation of State taxing authority. We are basically turning our taxing authority over to individual businesses. A business now would presumably not be in favor of raising the income tax, but in the future, businesses might support raising the income tax because businesses are going to get extra money if we raise the income tax. I can imagine why the chamber of commerce might not be in support of this concept.

Right now we in Pennsylvania have a very difficult time financing the Pennsylvania State government. School districts have a difficult time financing their operations. The State government, including the legislative branch, is laying off many, many people or encouraging them to retire in order so that we can reduce total payrolls. Across the nation, I think, through the end of October, 4.6 million jobs have been created in the last 4 years, but 500,000 public-sector jobs have been lost. So we gained 4.6 million private-sector jobs and lost 500,000 public-sector jobs, and the gain was therefore only 4.1 million net jobs. Let us not make a mistake and think that we can just cut public-sector revenues and magically we will keep the same number of public-sector jobs. What we are talking about with this legislation is trying to increase private-sector jobs and lay off public-sector workers. We have already laid off a lot of public-sector workers. I do not think we have a crying need to lay off more public-sector workers for jobs that may well, as the gentleman from Delaware County said, be created anyway.

Governor Corbett's Web site brags that "2011 saw the largest one-year growth in private sector jobs in Pennsylvania since 1999." It brags that under Governor Corbett's leadership, Pennsylvania's unemployment rate has remained at or under the national unemployment average. The Web site brags that "...manufacturing job growth in Pennsylvania in 2011 was higher than any year since 1990." It brags of further efforts to create jobs such as the "...petrochemical plant to Beaver County that could create up to 20,000 jobs." It notes that we have a resource manufacturing tax credit, and the Web site says that that will "...create tens of thousands of jobs" in and of itself. It says that "the Governor led a bipartisan effort to secure more than \$60 million to continue the dredging of the Delaware River, making...Philadelphia more competitive with ports

around the country." In any case, that will create many jobs, too, as many of us believe.

It notes that "the Governor created a \$2.5 million initiative to ensure that Pennsylvania workers are ready for the jobs of today and tomorrow." It notes that "the Corbett administration created the Targeted Industry Cluster Certificate Program providing grants to students enrolling in certificate programs that are needed by high demand industries like energy, agriculture, and construction." It notes that the natural gas industry has created 72,000 new job hires and, since 2007, generating more than \$1 billion in increased revenue.

Now, if we pass this legislation, new jobs are going to create a lot less revenue for Pennsylvania. The revenue will stay in the companies that make the new hires. With a lot less revenue, we are going to wind up laying off more public-sector workers. We have public-sector problems financing pensions, which we have heard a lot about in the years ahead. This is going to make it extremely difficult to balance future budgets. This is going to make it extremely difficult to maintain the current reduced level of services for the people of Pennsylvania.

For all these reasons, I strongly urge a "no" vote on this legislation.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I want to commend the individual who came up with the idea, but I personally – we all want to create jobs, but coming out of business, I find this is not the right way of creating jobs. First of all, we are pitting people – we are pitting companies against companies. Unless I misinterpret this bill, if I was in business for 20 years and had 100 employees or had 50 employees and somebody comes in from out of town with the same business and it qualifies because he has 100 employees, he has to have 100 employees, then he will get a tax credit to compete with me when I have been in business for all those years, have not taken any money from the government, but yet we are going to be able to – he is going to be able to compete with me and maybe put some of my – put me out of business and then have the unintentional consequences of costing us jobs, unless I misunderstand this bill.

I think it is the wrong way to go. If we are going to do anything about helping companies and small companies, we should give them an incentive to retain the companies here in Pennsylvania and retain the jobs. We have done nothing for the hardworking businesspeople out there who continue to struggle, and yet we are going to try to give these tax breaks to companies that come in and compete with other companies with the same venue. I find that wrong, Mr. Speaker, and I will not be supporting this piece of legislation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise with some reluctance to support this measure. This bill does create a job package that will help create jobs in Pennsylvania, although there are a lot of better programs that could help create jobs in Pennsylvania. The bill is a little better than it was when it came out of committee due to the amendments that we have enacted, but it still needs a lot of work. For instance, Mr. Speaker, the gentleman from Allegheny County's amendment would have put a cap on this tax credit,

and that is absolutely necessary. We cannot have unlimited tax credits on the books here in Pennsylvania. There are a number of other amendments that should have been considered, but this will create jobs. In fact, Mr. Speaker, when we put forth – when the Democratic Caucus put forth JumpstartPA last year, we put forth a 10-point plan to create jobs in Pennsylvania, and this was one of the first provisions in that plan. While it is not the same, our HirePA program did establish a payroll withholding tax credit for newly created full-time jobs here in Pennsylvania, and like this bill, it also required that there be a significant number of jobs created, and our program in fact required that the employers would offer affordable comprehensive health insurance benefits. So while this PEP (Promoting Employment Across Pennsylvania Program) provision is not exactly the same as our HirePA provision, we do agree that there are places where this type of a tax program will be an incentive for creating jobs.

Mr. Speaker, my hope is that we can continue to work on this measure. I understand the Senate is interested in looking at amendments to the measure, and it is my hope that we can move the measure along to the Senate for amendment so that we can make a better package out of it.

Again, Mr. Speaker, because of the similarity to our JumpstartPA program, I am going to be supporting this measure. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman from Clinton County and recognizes the majority leader, Mr. Turzai.

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

Throughout this session we have been focused on private-sector job creation. The good gentleman from Centre County, along with Senate colleagues and colleagues from both sides of the aisle in this chamber, has put forth an innovative approach designed to promote that private-sector job growth. Qualified companies who apply and receive approval from the Department of Community and Economic Development may retain certain moneys out of the taxes to be able to use to reinvest in their business to either grow that business through capital investment or through hiring more individuals.

Now, this emanated from work that had been done in other States. Yes, Kansas has been the predominant State that led, but this or similar State-level incentives have occurred in Alabama, Arkansas, Kentucky, Louisiana, Illinois, Indiana, Michigan, Missouri, Nebraska, New Jersey, North Carolina, New Mexico, Ohio, Oklahoma, and South Carolina. And in addition, according to the report card out of the State of Kansas, where the original legislation was passed, the benefits have indicated that the total projected jobs over 5 years were 6,483, and this is in a State with 2 million people versus ours, which has 12 million people, and that the estimated total average wage, which is lower than that in Pennsylvania, is approximately \$60,000. And the projected capital investment in that State – again, a State that is one-sixth our size – has been \$800 million, and the total projected new annual payroll is \$400 million.

Again, keep in mind, it is an innovative proposal based on what has occurred in other States to provide for private-sector job creation. We have continued to be focused on this in our approach on tax policy, legal reform policy, unemployment compensation reform policy, how we deal with the Building Code, and changes with the Building Code, over and over again in the work we have done with respect to so many issues on so many fronts.

I applaud the good gentleman from Centre County. I applaud our colleagues on both the Finance Committee and the Appropriations Committee that voted for this in a bipartisan fashion. There were votes on both sides of the aisle in favor of this particular bill, and I do know that the Senate awaits and in particular the Senate Appropriations chair awaits this particular piece of legislation, and I would urge that all members please support it and vote "yes." Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. VITALI. All of us as legislators ought to be advocates for our own district. I think that is a positive quality here, but I think if legislation is introduced for the benefit of a local project, for example, that is something that ought be known by the chamber in considering a bill.

Can you tell me if you have had any discussions with any companies who might directly benefit from this piece of legislation?

Mr. BENNINGHOFF. I have not had those discussions.

Mr. VITALI. Can you tell me if you have had any discussions with any companies considering moving into your district that might benefit from this legislation?

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. Benninghoff, are you withdrawing your consent for interrogation?

Mr. BENNINGHOFF. Well, I do not think he is speaking specific to the bill. I did not hear the last question.

POINT OF ORDER

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

The SPEAKER pro tempore. Will the gentleman please suspend.

The majority leader is recognized on his point of order.

Mr. TURZAI. Mr. Speaker, the purpose of interrogation is to ask questions about legislation of which you do not know the answers. The fact of the matter is, the good gentleman from Delaware County is trying to reflect points in his second time up on this particular legislation. He could just make his points in his second speech on the same bill instead of taking us through interrogation where he knows the answers and he knows the points he wants to make. He should make them, and let us get to voting on the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman may interrogate, continue with interrogation with questions and answers that, hopefully, are not in doubt in terms of whether he has knowledge of the answer or not.

You may proceed with your interrogation, Mr. Vitali.

Mr. VITALI. Are you aware of any companies considering moving into your district that may benefit from this?

Mr. BENNINGHOFF. I am not in dialogue with any company. I talk to people in my own district to try and encourage them to expand their businesses just like you do in your area, and if I was in your area, I would probably be trying

to talk to your businesses about coming to Centre County, but I am not in direct dialogue on something regarding this.

Mr. VITALI. I am sorry? You are not—

Mr. BENNINGHOFF. I am not in direct dialogue with any company regarding this legislation. This legislation is about promoting jobs in Pennsylvania. People in your district and this person's district and my district were sitting around for 29, 39, 49 weeks looking for jobs. I want to make Pennsylvania innovative and aggressive, trying to be on the short list of bringing jobs in the company. If you choose not to do that, so be it, but I am not going to stand here and be accused that I am trying to run legislation for one particular company. This is about promoting jobs in Pennsylvania.

As your minority whip and some other members very eloquently said, this is a Pennsylvania initiative. If you cannot support it, vote "no," and those of us who want to vote "yes" will do so.

Mr. VITALI. Are you aware of any particular company that might benefit from this legislation if passed?

Mr. BENNINGHOFF. Mr. Speaker, I am not going to stand here and be interrogated like I am in a courtroom. This is about a piece of legislation.

The SPEAKER pro tempore. The gentleman, Mr. Benninghoff, has withdrawn his interrogation.

Mr. Vitali, do you wish to continue on final passage?

Mr. VITALI. Thank you, Mr. Speaker.

I do think whenever the maker of a bill withdraws his willingness to interrogate—

The SPEAKER pro tempore. Will the gentleman please suspend.

The Chair has been advised that it is inappropriate to comment on the merits or motives of why a member withdraws his consent for interrogation, and the gentleman, Mr. Vitali, is so advised.

Mr. VITALI. Thank you, Mr. Speaker.

I think we all want the same thing, which is best for the Commonwealth of Pennsylvania. So sometimes it is appropriate we all be aggressive in doing what we think is best, and I am sure both of us are doing that right now.

One of my concerns with this bill is that as the maker initially introduced it, this was just designed to attract out-of-State companies to Pennsylvania, and that has a limiting effect. That puts a certain amount of restraint to the bill. I think one of the problems is, and I am looking at page 4, starting with line 30, language in this bill was deleted. If you look at page 4, line 30, going through page 5, line 3, language was deleted which would limit this benefit only to out-of-State companies coming into Pennsylvania and allowed with the new language benefits of keeping employees' withholding tax for themselves, allow that benefit to inure to existing Pennsylvania companies. That is one concern.

I also think that the Representative from Allegheny County, Mr. DeLuca, makes an interesting point about an existing Pennsylvania company that is hiring 50 people and you have another company, side by side, from out of State that comes in, takes on 50 new people, gets the benefit that this existing company does not have, and to make matters worse, if this new company started to get employees from the old company, these old employees who were paying their withholding tax, if they jumped to the new company, we would not be getting that withholding tax anymore because we were getting it without a single job being created. So if you have this jump to that

company, we are losing money, not gaining money. So I think the Representative from Allegheny County makes a good point there.

A third point I want to make, I want to sort of – I do not think I explained as well as I wanted to a point made by the Pennsylvania Budget and Policy Center on this, and I will just read a piece of a letter they sent. I think it is dated October 11, if I am getting this correctly. They say that this bill "...creates yet another way for companies to avoid taxes." They say that "companies could set up subsidiaries to 'hire' " their "existing employees...." Existing "companies could set up subsidiaries to 'hire' " their "existing employees – generating tax credits but doing nothing to increase employment. A company using this scheme could actually cut jobs and receive this tax credit – as the subsidiary is considered a brand new 'company.' " So I just want to put out that as a concern. We are always railing against tax loopholes being exploited, and I think we may be by this legislation that is being fast-tracked, this legislation which was only introduced September 5, only introduced September 5, and has not had time to air out creates another loophole.

In that same letter by the Pennsylvania Budget and Policy Center, they make the point that "companies can pay no taxes and still take the credit." They say, according to the Pennsylvania Budget and Policy Center, "Companies can pay no taxes and still take the credit." They point out that already more than 70 percent of corporations pay no corporate net income taxes.

Mr. Speaker, again I salute the maker of this amendment, but to introduce a bill so late into the session with no caps on its payout, no cost estimates of its payout, duplicating other programs, I think we owe it to the people we represent to just slow this down and take a closer look at it.

I will not be supporting this bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Cohen for the second time.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, not too long ago we heard from the majority leader that this program is based on a Kansas program and it has been wildly successful in Kansas. So I did some quick Internet research on our computer to find out how many jobs have been created in Kansas. Maybe I was wrong in opposing this, and so I have a conservative Web site called the "Voice For Liberty in Wichita," "Individual liberty, limited government, and free markets in Wichita and Kansas." It does not sound like a site that would be likely to endorse me if I ran for reelection there, and I saw what they thought about the job situation in Kansas. They say that in the first 6 months of 2011, for instance, Kansas gained all of 3,163 jobs in a State that is one-sixth of Pennsylvania. The 3,163 jobs is the figure to be more precise. The Governor is taking credit for State policies for creating 3,163 jobs. That is not a heck of a lot of jobs.

The Web site also notes that since 2000 the number of jobs in Kansas has gone down. There were about 25,000 more jobs lost in Kansas than there were jobs gained, and that while jobs did increase, the number of jobs that were lost were greater than the number of jobs that were increased. Nearly 300,000 jobs a year lost in Kansas and roughly 200,000 – it varies from year to year – are gained. This is hardly a formula for great success.

The Web site notes that "these jobs that Brownback," the Governor of Kansas, "takes credit for come at great cost. In the case of Mars," a company that has relocated to Kansas, "the

incentive package is reported to be worth \$9 million, or \$45,000 for each of the 200 people to be initially hired.

"...The incentives used by the state's economic development efforts have costs. Some require the direct expenditure of state funds.

"Some incentives require that the state spend money through the tax system in the form of tax credits. These expenditures made through the tax system have the same fiscal impact on the state's budget as if the legislature appropriated funds and wrote a check for the amount of the tax credit.

"Other incentives require...the state give up a claim to tax revenue that it would otherwise collect. This means that other taxpayers must make up the difference, unless the state were to reduce spending.

"The cost of these incentives is born by the taxpayers of the state of Kansas. This cost is a negative drag on jobs that would have been created or retained in companies that don't receive incentives. The Brownback administration knows this, although it doesn't recognize this job loss when it trumpets its accomplishments in creating new jobs through targeted economic development incentives....

"The governor...needs to recognize that targeted economic...incentives have a cost. That cost is paid in the form of taxes that someone else pays. That cost leads to foregone economic activity, and that leads to lost..." job costs. They go on and on in the same vein.

Mr. Speaker, we were told this program is based on a program in Kansas. The program in Kansas clearly has not produced dramatic job gains. Job losses since the start of this century have exceeded job gains in Kansas. Kansas is an awfully bad example to be basing public policy on.

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

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Mrs. Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

I rise to offer my comments on HB 2626, and like so many others who have spoken here today about it, I have some mixed feelings. Number one, I admire the ambition of this kind of legislation of course to promote commerce, to grow jobs, to grow new hires. So I get all of that, and it is a very valuable thing for us to be doing, but I have mixed feelings about it.

Unfortunately, this bill as it has come to us now and as it is amended is not just about new jobs. It is about hiring, it is about any job, and it is a very deep savings to the employer, 95 percent of the income tax, the withholding tax held by the employer. So it is uncapped, unlimited, not connected to new companies only, not connected to new jobs only.

And I note one thing, that in the final days of June, we were very much of the appetite for very big tax breaks for corporations, and here I see us again in the fall, in our waning days of this valuable time, offering large tax incentives to business. I get the value of it, but I wish that we also shared an appetite for other kinds of legislation, legislation that would capture revenues for the good of our education system, for the good of our children, for the good of the neediest among us, the reinstatement of general assistance.

So I wish that while we consider such tax reductions, revenue reductions, that we would in these final days consider other measures that would capture revenues for our common good. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the maker of the bill, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I will be brief. I think the members in this chamber are very bright and can make their own decisions, but I just wanted to highlight a couple of things, if I may, and I thank the previous speakers for their comments and their interest.

I would encourage people to look at this as a little bit different incentive. We are not asking taxpayers to lay out money and hope the company comes and does something and creates jobs. This is causing companies to come and have some skin in the game, that they come and build companies in our area, hire people that pay payroll taxes so they can reinvest in their communities and their libraries and their education system through those new tax dollars, in those payrolls, and sales taxes that are purchased within our communities.

I am all for helping veterans and helping people that are unemployed regardless if they are veterans or not veterans. There are too many people in the State of Pennsylvania that are looking for jobs, and I think it is our responsibility as a government to try to incentivize that. We do not create jobs. We create a good atmosphere in order to do that.

I do not know how many of you, but I suspect most of you experience almost on a weekly basis where somebody asks you, what is it you are doing to try to get more jobs in our community? I myself have been sickened when I drive through the community and see more houses for sale or for rent as I have never seen in my lifetime before. That tells me people are out of work, that tells me people do not have the money to be purchasing a home, and many of them have to put them up for sale.

But more importantly, I want to say that I look at this as a win-win. If the companies do not produce, they get no incentive. The skin in the game is on behalf of the employer, not the taxpayers as we have done in the past.

More importantly, I am just going to throw a couple numbers out. The program in Kansas was known as PEAK, P-E-A-K (Promoting Employment Across Kansas). Their recent report card has updated numbers. This is a 3-year session that they have had. They have actually revised their bill on some suggestions very similar to Chairman Thomas's suggestions. Because of the original success, they did expand it. Their job projections at this point are 10,662 new jobs, \$781 million-plus in new annual payroll, and over \$26 million in benefits per year. Our legislation, known as PEP, P-E-P, requires a company to provide good family-sustaining wages, average county wages, more importantly, a 50-percent copay – pardon me; not copay, but assistance to their employer's insurance. Much of what I have heard many people on both sides of the aisle – good companies, good family-sustaining jobs that also provide health-care benefits – that is what we are offering in this legislation.

If you want to answer to those people who have been asking what it is that you are trying to do to create new jobs in your community, in the State of Pennsylvania, and more importantly, put us on the short list, because there are companies every day looking for States to set up shop and do business and they are going to go somewhere. So we can sit in Pennsylvania and watch them go left, right, above, and below us or we can be true to the Keystone State that steps out and says, we want you, we are innovative, and we want to play ball.

I thank you, Mr. Speaker, and I thank the members for their indulgence.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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—142

Adolph	Ellis	Kampf	Petrarca
Aument	Emrick	Kauffman	Petri
Baker	Evankovich	Keller, M.K.	Pickett
Barrar	Evans, J.	Killion	Pyle
Bear	Everett	Knowles	Quigley
Benninghoff	Fabrizio	Kortz	Quinn
Bishop	Farry	Kotik	Rapp
Bloom	Fleck	Kula	Readshaw
Boback	Frankel	Lawrence	Reed
Boyd	Gabler	Longietti	Reese
Boyle, B.	Galloway	Mackenzie	Roae
Boyle, K.	Geist	Maher	Rock
Bradford	Gerber	Mahoney	Saccone
Briggs	Gergely	Major	Sainato
Brooks	Gibbons	Maloney	Santarsiero
Brown, R.	Gillespie	Mann	Santoni
Burns	Gingrich	Markosek	Saylor
Buxton	Goodman	Marshall	Scavello
Caltagirone	Grell	Marsico	Simmons
Causer	Grove	Masser	Smith, M.
Christiana	Hackett	Matzie	Sonney
Clymer	Hahn	Metcalfe	Stern
Conklin	Haluska	Metzgar	Stevenson
Costa, D.	Hanna	Miccarelli	Swanger
Costa, P.	Harhai	Micozzie	Tallman
Cox	Harhart	Millard	Taylor
Creighton	Harkins	Miller	Thomas
Culver	Harper	Milne	Tobash
Cutler	Harris	Mirabito	Toohil
Davidson	Heffley	Moul	Truitt
Davis	Helm	Mullery	Turzai
Day	Hennessey	Mustio	Vereb
Deasy	Hess	Oberlander	Watson
Delozier	Hickernell	Payne	
Denlinger	Hornaman	Peifer	Smith, S., Speaker
DePasquale	Hutchinson	Perry	

NAYS—55

Barbin	Dunbar	Murphy	Samuelson
Brown, V.	Freeman	Myers	Schmotzer
Brownlee	George	Neilson	Smith, K.
Carroll	Gillen	Neuman	Staback
Cohen	Godshall	O'Brien, M.	Stephens
Cruz	James	O'Neill	Sturla
Curry	Josephs	Parker	Toepel
Daley	Kavulich	Pashinski	Vitali
Dean	Keller, F.	Payton	Waters
DeLissio	Keller, W.	Preston	Wheatley
DeLuca	Kirkland	Ravenstahl	White
Dermody	Krieger	Roebuck	Williams
DiGirolamo	McGeehan	Ross	Youngblood
Donatucci	Mundy	Sabatina	

NOT VOTING—0

EXCUSED—3

Brennan	Evans, D.	Murt
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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.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Stern, for a correction.

Mr. STERN. Thank you, Mr. Speaker.

I would like to rise to correct the record.

Last Wednesday on HB 2409, PN 4164, my vote was recorded in the affirmative. I want the record to reflect that I wanted a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman. His comments will be spread upon the record.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentelady, Ms. Major, for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus immediately. I would ask our Republican members to please report to our caucus room immediately. We would be scheduled to come back on the floor at 5:30. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thanks, Mr. Speaker.

The Democrats will caucus immediately. The Democrats are caucusing immediately. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. This House is now in recess until 5:30, unless sooner recalled.

RECESS EXTENDED

The time of recess was extended until 5:45 p.m.; further extended until 6 p.m.

AFTER RECESS

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. HACKETT, from Delaware County for the remainder of the day; the gentleman, Mr. BEAR, from Lancaster County for the remainder of the day; and the gentleman, Mr. John EVANS, from Erie County for the remainder of the day. Without objection, the leaves will be granted.

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. HESS called up **HR 909, PN 4197**, entitled:

A Resolution designating the week of October 14 through 20, 2012, as "Credit Union Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

Cutler	Hennessey	Neuman	Toepel
Daley	Hess	O'Brien, M.	Toohil
Davidson	Hickernell	O'Neill	Truitt
Davis	Hornaman	Oberlander	Turzai
Day	Hutchinson	Parker	Vereb
Dean	James	Pashinski	Vitali
Deasy	Josephs	Payne	Waters
DeLissio	Kampf	Payton	Watson
Delozier	Kauffman	Peifer	Wheatley
DeLuca	Kavulich	Perry	White
Denlinger	Keller, F.	Petrarca	Williams
DePasquale	Keller, M.K.	Petri	Youngblood
Dermody	Keller, W.	Pickett	
DiGirolamo	Killion	Preston	Smith, S.,
Donatucci	Kirkland	Pyle	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1442, PN 2386**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, repealing and adding sections related to military justice; and establishing the State Military Justice Fund.

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 1185, PN 2274**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for appointment of township treasurers and election of tax collectors; and further defining the duties and authority of the board of township commissioners.

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 1572, PN 2322**, entitled:

An Act amending the act of August 10, 1951 (P.L.1189, No.265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except

superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for qualifications for appointment in the competitive class of the civil service.

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 1255, PN 2170**, entitled:

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, enacting the Uniform Military and Overseas Voters Act.

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 86, PN 1680**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for dealing in proceeds of unlawful activities, for the unlawful disposition of motor vehicles and for investigation by police officers; and repealing the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.

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 1144, PN 2077**, entitled:

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.

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 1531, PN 2388**, entitled:

An Act amending Titles 51 (Military Affairs) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in State Veterans' Commission and Deputy Adjutant General for Veterans' Affairs, providing for funds for Veterans' Trust Fund; in registration of vehicles, providing for contributions to Veterans' Trust Fund; and, in registration of vehicles, further providing for special plates for veterans.

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

REMARKS SUBMITTED FOR THE RECORD

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

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

Mr. Speaker, I only have comments for the record, which I would like to submit with that. I withdraw my amendment.

The SPEAKER. The Speaker thanks the gentleman.

Deliver the remarks to the clerk, and they will be noted in the record.

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

As a former United States Marine, I must withdraw amendment A13560 to SB 1531. The following organizations and individuals have voiced their disapproval to me or my staff and are not in favor of my amendment establishing the Gettysburg Monument license plate:

10/2/12 Calls on SB 1531 rev'd. 10/12/12

Veterans Affairs – McKean County
Please drop amendment.

Am. Leg. chair – PA Veteran War Council
Please drop amendment.
Mtg. 10/4, please come.

Adjutant – PA Foreign War (VFW)
Against amendment –
Affects SB1531 & HB 2448.

Adjutant – Am. Legion
Please drop amendment.
Will support stand-alone bill.

Pres. – Vietnam Veterans of PA
Please drop amendment.

Adj. General – Military & Veterans Affairs
Please pull amendment.
His staff & dept. will help you
in any way he can to get
separate bill passed.

Dep. Adj. General Military & Veterans Affairs
Please pull amendment.

10/3/12

Butler Co. Dir. of Veterans Affairs
Please pull amendment.

Crawford Co. Dir. of Veterans Affairs
Please pull amendment.

Maj. Ret'd. Marine Corps
Please pull amendment.

Armstrong Co. Dir. of Veterans Affairs
Please pull amendment.

Lancaster Co. Marine Corps League
Please pull amendment.

Pointman Soldiers' Heart Ministries
Please pull amendment.

Governor's Office – Dep. Sec. for Legislative Affairs
Please pull amendment.

PENNDOT Office of Legislative Affairs
Please pull amendment.

Warren County Veterans Affairs
Please pull amendment.

Butler County Veterans Affairs
Please pull amendment.

Lehigh County Veterans Affairs
Please pull amendment.

10/4/12

Veteran – HB 2428
Please pull amendment.

Vietnam veteran – HB 2428
Pull amendment from HB 2428.

Retired USAF disabled vet (feedback)
Pull amendment from SB 1531.

10/9/12

VFW Post Commander Wilkes-Barre
Pull amendment from SB 1531.

10/10/12

VFW Past State Commander
Pull amendment from SB 1531.

The proceeds from the license plate would have been used to repair, clean, and restore the 146 Pennsylvania (PA) monuments and markers at the Gettysburg National Military Park that honor the veterans who fought to preserve the Union on July 1, 2, 3 of 1863.

As we get ready to celebrate the 150th anniversary of the Battle of Gettysburg and I withdraw my amendment, I hereby challenge all previously listed to use their abilities and dedication to veterans and raise funds for the PA Gettysburg Monument project honoring deceased veterans who should also be on the agenda of current veterans organizations for remembrance of their dedication and sacrifice to this great country. Please honor them with a license plate of their own, the Gettysburg Monument plate.

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 390, PN 2451**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for width of vehicles.

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

SUPPLEMENTAL CALENDAR B CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2470, PN 4188**, entitled:

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 existing approval.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

Dean	James	Pashinski	Vitali
Deasy	Josephs	Payne	Waters
DeLissio	Kampf	Payton	Watson
DeLozier	Kauffman	Peifer	Wheatley
DeLuca	Kavulich	Perry	White
Denlinger	Keller, F.	Petrarca	Williams
DePasquale	Keller, M.K.	Petri	Youngblood
Dermody	Keller, W.	Pickett	
DiGirolamo	Killion	Preston	Smith, S.,
Donatucci	Kirkland	Pyle	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

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

* * *

The House proceeded to third consideration of **SB 79, PN 2431**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bases of jurisdiction and interstate and international procedure, providing for foreign depositions and subpoenas; and repealing provisions relating to foreign depositions.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

Adolph	Dunbar	Knowles	Quigley
Aument	Ellis	Kortz	Quinn
Baker	Emrick	Kotik	Rapp
Barbin	Evankovich	Krieger	Ravenstahl
Barrar	Everett	Kula	Readshaw
Benninghoff	Fabrizio	Lawrence	Reed
Bishop	Farry	Longietti	Reese
Bloom	Fleck	Mackenzie	Roae
Boback	Frankel	Maher	Rock
Boyd	Freeman	Mahoney	Roebuck
Boyle, B.	Gabler	Major	Ross
Boyle, K.	Galloway	Maloney	Sabatina
Bradford	Geist	Mann	Saccone
Briggs	George	Markosek	Sainato
Brooks	Gerber	Marshall	Samuelson

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

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

* * *

The House proceeded to third consideration of **HB 1020, PN 4187**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Pennsylvania Emergency Management Agency and for disbursement of fund amounts by agency.

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-191

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

NAYS-3

O'Neill	Quinn	Watson
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NOT VOTING-0

EXCUSED-6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 850, PN 2418**, entitled:

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole), of the Pennsylvania Consolidated Statutes, in authorized disposition of offenders, further providing for sentence for murder, murder of unborn child and murder of law enforcement officer; and providing for sentence of persons under the age of 18 for murder, murder of an unborn child and murder of law enforcement officer; in minors, providing for the offense of cyberbullying by minors; in criminal history record information, further providing for expungement and for juvenile records; in relation to summary offenses, further providing for short title and purpose of chapter, for definitions, for the scope of the Juvenile Act, for inspection of court files and records, for conduct of hearings and for right to counsel; and, in Pennsylvania Board of Probation and Parole, further providing for parole procedure.

On the question,

Will the House agree to the bill on second consideration?

Mr. **MARSICO** offered the following amendment No. **A13361**:

Amend Bill, page 1, lines 18 and 19, by striking out "IN MINORS, PROVIDING FOR THE OFFENSE OF " in line 18 and "CYBERBULLYING BY MINORS;" in line 19

Amend Bill, page 1, line 24, by striking out the comma after "RECORDS" and inserting

AND

Amend Bill, page 1, line 25, by striking out "AND FOR RIGHT TO COUNSEL"

Amend Bill, page 2, line 24, by striking out "SECTIONS" and inserting

a section

Amend Bill, page 5, lines 16 through 30; page 6, lines 1 through 30; page 7, lines 1 and 2, by striking out all of said lines on said pages

Amend Bill, page 8, line 17, by inserting after "(1.2)"

six months have elapsed since

Amend Bill, page 8, line 25, by inserting after "and"

six months have elapsed since

Amend Bill, page 9, line 7, by inserting after "and"

six months have elapsed since

Amend Bill, page 10, line 25, by inserting a bracket before the period after "safety"

Amend Bill, page 10, line 25, by inserting after "safety."

], by doing all of the following:

(i) employing evidence-based practices whenever possible and, in the case of a delinquent child, by using the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed and the rehabilitation, supervision and treatment needs of the child; and

(ii) imposing confinement only if necessary and for the minimum amount of time that is consistent with the purposes under paragraphs (1), (1.1) and (2).

Amend Bill, page 10, line 30; page 11, lines 1 through 8, by striking out all of said lines on said pages

Amend Bill, page 12, lines 24 through 30; page 13, lines 1 through 30; page 14, lines 1 through 12, by striking out all of said lines on said pages

Amend Bill, page 14, line 13, by striking out "9" and inserting

8

Amend Bill, page 14, line 27, by striking out "10" and inserting

9

Amend Bill, page 15, lines 10 and 11, by striking out all of line 10 and "(V)" in line 11 and inserting

(iv)

Amend Bill, page 15, line 12, by striking out "(VI)" and inserting

(v)

On the question,

Will the House agree to the amendment?

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

Mr. MARSICO. Thank you, Mr. Speaker.

It is my understanding this is an agreed-to amendment. It is technical in nature, and I ask for an affirmative vote.

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

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

For the benefit of the members, this is an agreed-to and technical amendment, and I would ask for their affirmative vote. Thank you.

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

Is the gentleman, Mr. Thomas, seeking recognition on the amendment?

Mr. THOMAS. Yes, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for interrogation?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would you explain to me the technical—

The SPEAKER. Will the gentleman suspend.

If we could have the members' attention. Kindly hold the conversations down. It is a little hard to hear, especially under interrogation.

The Speaker thanks the members.

The gentleman, Mr. Thomas, may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would you explain the technicality of your amendment?

Mr. MARSICO. Mr. Speaker, if I could.

Mr. Speaker, like I said before, it was my understanding that both caucuses and the chair of the committee, your chair, agreed to this, and I thought in caucus it was understood that it was a technical amendment and it was agreed to. So I can go into the specifics of that, if you want me to.

Mr. THOMAS. Mr. Speaker, number one, I cannot hear him.

The SPEAKER. Let me just try to get their attention again, Mr. Thomas. I appreciate your comment.

The House will please come to order. Especially under interrogation, it is difficult for members to hear each other

asking and responding to the questions. Could we kindly hold the conversations down.

Mr. MARSICO. Mr. Speaker, if I can just repeat that.

The SPEAKER. If the gentleman would just suspend for another second, please.

I just thank you and appreciate you holding the conversations down.

The gentleman, Mr. Marsico, may proceed to answer the question.

Mr. MARSICO. Thank you, Mr. Speaker.

Like I said, this is an agreed-to technical amendment. Actually, it strikes the section establishing the crime of cyberbullying, which is referred to in HB 815, which will be considered on concurrence from the Senate today.

Mr. THOMAS. So is it a technical amendment or a substantive amendment?

Mr. MARSICO. It also strikes the language pertaining to appointment of counsel in juvenile proceedings, which was dealt with also in Act 23 passed earlier this year.

Mr. THOMAS. So, Mr. Speaker, this is a substantive amendment. This is not a technical amendment.

Mr. MARSICO. Well, it is a matter of interpretation, Mr. Speaker.

Mr. THOMAS. Okay. What is the net effect of the change as it relates to Justice Elena Kagan's interest in these kids in Pennsylvania? Elena Kagan, for some people that do not know, the latest appointment to the United States Supreme Court that wrote the majority opinion which laid the foundation for States like Pennsylvania to consider the circumstances under which we put children away for the rest of their natural life, and the focus of SB 850 is in response to Justice Kagan's majority opinion, and so to that extent, I am trying to get a handle on how your amendment complies with her instructions and within the context of the bill itself.

Mr. MARSICO. Mr. Speaker, with all due respect, this, what you are pointing out, has nothing to do with what this amendment does. That was an amendment that was done in committee under the juvenile lifer bill. So it is a totally different bill.

Mr. THOMAS. Okay. Mr. Speaker—

Mr. MARSICO. It is in the bill, but it is not in this amendment. Okay?

Mr. THOMAS. Okay. So this is just a corrective—

Mr. MARSICO. Correct.

Mr. THOMAS. amendment—

Mr. MARSICO. Yes.

Mr. THOMAS. —to some language in the bill?

Mr. MARSICO. Yes.

Mr. THOMAS. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

On the question,

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

Mr. MARSICO offered the following amendment No. A13476:

Amend Bill, page 14, line 14, by striking out "A PARAGRAPH" and inserting paragraphs
Amend Bill, page 14, by inserting between lines 25 and 26
(3.2) Nothing under this section shall be interpreted as granting a right to be paroled to any person, and a decision by the

board and its designees relating to a person sentenced under 18 Pa.C.S. § 1102.1 may not be considered an adjudication under 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies and 7 Subch. A (relating to judicial review of Commonwealth agency action).

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

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

Mr. MARSICO. Thank you, Mr. Speaker.

It is also my understanding this is an agreed-to amendment. I appreciate an affirmative vote.

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

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again I would like to ask the members to support this agreed-to amendment, and I thank you, Mr. Speaker.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for interrogation?

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

Mr. THOMAS. Mr. Speaker, what is the focus of this amendment?

Mr. MARSICO. Well, just for clarification, Mr. Speaker, this amendment was introduced at the urging of the PA Board of Probation and Parole to make clear juveniles who are convicted of first- or second-degree murder and who will be eligible for parole after the completion of the minimum mandatory term have no right to parole or ability to appeal a denial of parole to the courts. It would be the same rule that applies to all adults.

Mr. THOMAS. But what does that mean within the framework of these kids that have been put away for the rest of their natural life? What does this mean?

Mr. MARSICO. It only applies to those that will be paroled, not for those that have been put away for life.

Mr. THOMAS. Okay. For those that will be paroled, what does it provide? You mentioned that the Board of Probation and Parole has asked for some language. I am trying to find out how your amendment would apply to juveniles who are eligible for parole.

Mr. MARSICO. It would give them the same rights as anyone that is eligible for parole.

Mr. THOMAS. So that is the totality of your amendment. It just provides existing juvenile inmates with the same rights that anybody else would have with respect to probation and parole?

Mr. MARSICO. That is right. I just clarify it because of the new process.

Mr. THOMAS. Okay. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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?

RULES SUSPENDED

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Marsico, for the purpose of seeking a suspension of the rules, I believe.

Mr. MARSICO. Yes, Mr. Speaker.

I have an amendment. I ask for a suspension of the rules, Mr. Speaker.

The SPEAKER. The gentleman from Dauphin County, Mr. Marsico, moves to suspend the rules for the immediate consideration of amendment A13659.

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

The following roll call was recorded:

YEAS—175

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

NAYS—19

Brownlee	Grell	Mullery	Thomas
Cutler	James	Neilson	Truitt
Davidson	Lawrence	Neuman	Vitali
Day	Mackenzie	Parker	Williams
Gillen	Metzgar	Roae	

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. **MARSICO** offered the following amendment No. **A13659**:

Amend Bill, page 1, line 25, by striking out "AND" where it occurs the first time and inserting a comma
Amend Bill, page 1, line 25, by inserting after "COUNSEL" and for recidivist sentencing
Amend Bill, page 14, by inserting between lines 12 and 13 Section 8.1. Section 9714(g) of Title 42, amended July 5, 2012 (P.L.1050, No.122), is amended to read:
§ 9714. Sentences for second and subsequent offenses.
* * *

(g) Definition.—As used in this section, the term "crime of violence" means murder of the third degree, voluntary manslaughter, manslaughter of a law enforcement officer as defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal homicide of law enforcement officer), murder of the third degree involving an unborn child as defined in 18 Pa.C.S. § 2604(c) (relating to murder of unborn child), aggravated assault of an unborn child as defined in 18 Pa.C.S. § 2606 (relating to aggravated assault of unborn child), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), assault of law enforcement officer as defined in 18 Pa.C.S. § 2702.1 (relating to assault of law enforcement officer), use of weapons of mass destruction as defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2) (relating to terrorism), trafficking of persons when the offense is graded as a felony of the first degree as provided in 18 Pa.C.S. § 3002 (relating to trafficking of persons), rape, involuntary deviate sexual intercourse, aggravated indecent assault, incest, sexual assault, arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), ecoterrorism as [defined] classified in 18 Pa.C.S. § [3311(b)(2)] 3311(b)(3) (relating to ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. § 3502(a)(1) (relating to burglary), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or robbery of a motor vehicle, drug delivery resulting in death as defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery resulting in death), or criminal attempt, criminal conspiracy or criminal solicitation to commit murder or any of the offenses listed above, or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction.

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

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

Mr. MARSICO. Mr. Speaker, this is a technical amendment. It is agreed to. I ask for an affirmative vote.

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

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again I would urge the members to support this. It is a one-word technical amendment change in the bill. Thank you.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for interrogation?

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

Mr. MARSICO. Absolutely, Mr. Speaker.

Mr. Speaker, this is a technical amendment—

Mr. THOMAS. Mr. Speaker, would you define "recidivist sentencing"? I have never heard that term.

Mr. MARSICO. Mr. Speaker, I never mentioned that term. This is truly a technical amendment to fix an incorrect statutory citation in Act 122. It referred to ecoterrorism in section 3311(b)(2) when it should have been section 3311(b)(3).

I ask for an affirmative vote.

Mr. THOMAS. But, Mr. Speaker, in the amendment there is reference to something called recidivist sentencing, and I do not understand that terminology.

Mr. MARSICO. Like I said, Mr. Speaker, this is to correct a section that was actually not part of the section. It is just correcting the new section with a new section. It is part of Act 122. That is all it does. It does not refer to what you are insinuating.

Mr. THOMAS. Mr. Speaker, would you or the other chairman of the committee explain to me how these amendments are responding to Justice Kagan's instructions in I guess it is the Miller case?

Mr. MARSICO. Mr. Speaker, it has nothing to do with Justice Kagan. It is a technical amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—1

Thomas

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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. MURPHY offered the following amendment
No. A13354:

Amend Bill, page 1, line 25, by inserting after "COUNSEL;" in sentencing, providing for sentencing for certain murders of infant persons;

Amend Bill, page 14, by inserting between lines 12 and 13 Section 9. Title 42 is amended by adding a section to read:

§ 9711.1. Sentencing for certain murders of infant persons.

(a) Sentence enhancement.—The Pennsylvania Commission on Sentencing, pursuant to section 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under 18 Pa.C.S. § 2502(c) (relating to murder) when the victim was less than 13 years of age at the time of the commission of the offense.

(b) Applicability.—The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall determine, by preponderance of the

evidence, if this section is applicable.

(c) Consecutive sentence.—A sentence imposed upon a person to whom this section applies shall be served consecutively to any other sentence the person is serving and to any other sentence being then imposed by the court.

Amend Bill, page 14, line 13, by striking out "9" and inserting 10

Amend Bill, page 14, line 27, by striking out "10" and inserting 11

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Lackawanna County, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

As many of you may remember, in January of this year I had a good friend and former constituent, Chrissy McLaughlin, here representing her son, Zachary, who died as a result of child abuse perpetrated on him by her at the time live-in boyfriend. The intent of that legislation was to significantly increase the penalties, the penalties and the mandatory minimums for those that commit heinous crimes, violent crimes which result in the death of a child under the age of 13 years old.

It got the overwhelming support of almost everyone here in this House. In an effort to try to work with the Senate to make sure that we are able to enhance these penalties, we just tweaked it a little bit. It is still going to be in honor of Zachary, but amendment 13354 will allow the judges to use an enhancement on third-degree murder of children under the age of 13.

I think we are doing a great thing here today with the underlying bill. I think we are doing a great thing in sending a message to protect our children here in Pennsylvania through this amendment, and I would ask for your unanimous support.

Thank you, Mr. Speaker.

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

On the amendment, the gentleman from Dauphin County, Mr. Marsico, is recognized.

Mr. MARSICO. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I applaud the maker for his leadership with this amendment and ask for an affirmative vote.

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

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again I would urge the members to support this. This is agreed to. We had the family in the committee for a hearing, and I would certainly appreciate your support on Murphy's amendment. Thank you.

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

The following roll call was recorded:

YEAS—194

Adolph	Dunbar	Knowles	Quigley
Aument	Ellis	Kortz	Quinn
Baker	Emrick	Kotik	Rapp

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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. MULLERY offered the following amendment
No. A13372:

- Amend Bill, page 1, line 21, by inserting after "RECORDS;" providing for crime victims;
- Amend Bill, page 10, by inserting between lines 2 and 3 Section 4.1. Title 18 is amended by adding a chapter to read:

**CHAPTER 94
CRIME VICTIMS**

Sec.
9401. Definitions.
9402. Office of the Victim Advocate.
§ 9401. Definitions.

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

"Crime Victims Act." The act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

"Office of Victim Advocate." The Office of Victim Advocate established under section 302 of the Crimes Victims Act.

§ 9402. Office of Victim Advocate.

The Office of Victim Advocate has the power and duty to represent and advocate for the interests of individual crime victims in accordance with section 302 of the Crime Victims Act, and advocate for the interests of crime victims generally, including the victims of crimes committed by juveniles.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

Amendment 13372 adds two sections to the bill, which provides for definitions and powers of the State Victim Advocate to fulfill his or her role as such under the Crime Victims Act and includes in that on behalf of victims of juvenile crime.

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

The following roll call was recorded:

YEAS—101

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

NAYS—93

Aument	Farry	Killion	Quinn
Baker	Fleck	Knowles	Rapp
Barrar	Gabler	Krieger	Reese
Benninghoff	Geist	Lawrence	Roae
Bloom	Gillen	Mackenzie	Rock
Boback	Gillespie	Major	Ross
Boyd	Gingrich	Maloney	Saccone
Brooks	Godshall	Marshall	Saylor
Brown, R.	Grell	Marsico	Scavello
Causar	Grove	Masser	Simmons
Christiana	Hahn	Metcalfe	Sonney
Clymer	Harhart	Micozzie	Stern
Cox	Harper	Millard	Stevenson
Creighton	Harris	Miller	Swanger
Culver	Heffley	Milne	Tallman
Cutler	Helm	Moul	Taylor
Day	Hess	Oberlander	Tobash
Delozier	Hickernell	Payne	Toepel
Denlinger	Hutchinson	Peifer	Toohil
DiGirolamo	Kampf	Perry	Truitt
Dunbar	Kauffman	Pickett	Turzai
Ellis	Keller, F.	Pyle	Vereb
Evankovich	Keller, M.K.	Quigley	Watson
Everett			

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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?

MOTION TO SUSPEND RULES

The SPEAKER. On that question, the gentleman from Philadelphia County, Mr. Thomas, has an amendment that was late filed. Are you seeking to suspend the rules for the consideration of that amendment?

Mr. THOMAS. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia County, Mr. Thomas, moves that we suspend the rules for the immediate consideration of a late-filed amendment, A13649.

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

The SPEAKER. On that question, is the gentleman, Mr. Thomas, seeking recognition on the motion to suspend?

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, the request for the amendment, the author should have received a certificate in a timely manner, and I just learned today that it was not filed, and so I am asking my colleagues on both sides to support a suspension of the rules so that we can clarify several things within the context of SB 850.

The SPEAKER. On the motion to suspend the rules, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

Sir, we oppose the suspension of the rules. Thank you.

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

Is the gentleman, Mr. Thomas, seeking recognition for a second time?

Mr. THOMAS. Yes, Mr. Speaker.

I thought I heard the majority leader say that he supported suspension.

The SPEAKER. No. I believe he said he opposed the suspension of the rules.

Mr. THOMAS. Oh, he said he opposed suspension.

Thank you, Mr. Speaker.

Mr. Speaker, I rise for the second time to urge a suspension of the rules.

Mr. Speaker, this is probably one of the toughest issues that we will face as we close out this term.

I am excited, I am excited about the last appointment to the United States Supreme Court, and I am convinced that Justice Elena Kagan was right on point, and that is why I support more women in the legislature and in the Judiciary, because I do not think anybody else would have written this opinion.

But what it comes down to as it relates to this motion to suspend, to the best of my knowledge, there are 300-and-some who some people have called babies in Pennsylvania who are behind bars for the rest of their natural life, and I have a copy of Justice Kagan's opinion. It is available for you and me to read it. Nowhere else in America or in the free world are there this many babies behind bars for the rest of their natural life, and I am not excusing the crime that they committed; I am not excusing that, but I raise the same question that Justice Kagan and the rest of the court raised. When you have a situation where a 10-year-old commits a crime of first degree, second degree, the question is—

The SPEAKER. Will the gentleman suspend.

I appreciate in giving you a little leeway to sort of indicate to the members what the underlying substance of the amendment is, but the question before the House is not debating the amendment; it is whether or not we should suspend the rules for the immediate consideration.

Mr. THOMAS. Mr. Speaker, I am strongly urging my colleagues on both sides to suspend the rules to allow me to introduce an amendment that will respond appropriately to the instructions issued by the United States Supreme Court to bring Pennsylvania into the 21st century and out of the 18th century with how we treat children when faced with challenges in situations that they get caught in.

My amendment would add daylight to a very dark situation in Pennsylvania, and so I ask each and every one of you to stand with the United States Supreme Court and support this suspension so that we can kind of clear this up a little bit.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—77

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

NAYS—117

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

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 1200, PN 2409**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for public access to procurement records; further providing for competitive sealed proposals, for sole source procurement and for emergency procurement.

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

Mr. **GRELL** offered the following amendment No. **A13589**:

Amend Bill, page 1, lines 15 through 17; page 2, lines 1 through 9, by striking out all of said lines on said pages and inserting

(b) Public posting and availability of procurement information.—The purchasing agency shall post the following procurement documents on the department's, or in the case of an independent agency, its own publicly accessible Internet website or otherwise made available in the manner indicated below:

(1) Public notice of an invitation for bids or request for proposals may be given in accordance with section 512(c)(1) (relating to competitive sealed bidding) or 513(b) (relating to competitive sealed proposals) by posting the invitation for bids or request for proposals, including if applicable, the written determination required by section 513(a), on the date issued and until the closing date for receipt of bids or proposals.

(2) Bid tabulations recording the name of each bidder and bid amount in accordance with section 512(d) shall be posted as soon as practicable after bid opening, unless the purchasing agency elects to cancel the invitation for bids.

(3) Notices of award pursuant to an invitation for bids shall be posted as soon as practicable after the purchasing agency elects to make an award in accordance with section 512(g).

(4) The written determination required by section 513(g) shall be posted upon receipt of the final negotiated contract signed by the selected offeror. Subject to proper redaction under the Right-to-Know Law, responsive proposals received by the purchasing agency and until fully executed, the final negotiated contract, are not required to be posted but shall be made available to the public upon request.

(5) Requests to award a contract pursuant to section 515(a)(1), (2), (4) and (10) (relating to sole source procurement) shall be posted for seven calendar days for public comment prior to approval of the request by the department or independent purchasing agency. Upon approval of a request by the department or independent purchasing agency, the signed and written determination required under section 515(b) shall be posted.

(6) The written determinations required by section 516 (relating to emergency procurement) shall be posted in advance, if feasible, but no later than seven calendar days after authorization by the department or independent purchasing agency.

(7) All contracts resulting from a procurement under this part shall be posted as soon as practicable upon their full execution by the Commonwealth.

(8) Requests pursuant to section 515 or 516 to extend a contract for which no further options, renewals or extensions are

available in the contract shall be posted for seven calendar days for public comment prior to approval of the request by the department or independent purchasing agency. Upon approval of a request by the department or an independent purchasing agency, the signed and written determination required under section 515(b) or 516 shall be posted.

(c) Access and retention.—Procurement documents specified under subsection (b) must be accessible on the Internet website for a minimum of 30 days from posting and further retained in accordance with section 563 (relating to retention of procurement records) and applicable agency record retention policies.

Amend Bill, page 4, lines 29 and 30; page 5, lines 1 through 3, by striking out "and shall be posted on the." in line 29, all of line 30 on page 4, all of lines 1 and 2 and "days" in line 3 on page 5

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Cumberland County, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

This is a clarifying amendment dealing with some language in the bill pertaining to the publication of determinations by the Department of General Services on sole source and emergency purchase contracts.

I believe it is an agreed-to amendment, Mr. Speaker, and I would urge the members' support. Thank you.

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

The following roll call was recorded:

YEAS—194

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

Daley	Hess	O'Brien, M.	Toohil
Davidson	Hickernell	O'Neill	Truitt
Davis	Hornaman	Oberlander	Turzai
Day	Hutchinson	Parker	Vereb
Dean	James	Pashinski	Vitali
Deasy	Josephs	Payne	Waters
DeLissio	Kampf	Payton	Watson
Delozier	Kauffman	Peifer	Wheatley
DeLuca	Kavulich	Perry	White
Denlinger	Keller, F.	Petrarca	Williams
DePasquale	Keller, M.K.	Petri	Youngblood
Dermody	Keller, W.	Pickett	
DiGirolamo	Killion	Preston	Smith, S.,
Donatucci	Kirkland	Pyle	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

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

Ms. **JOSEPHS** offered the following amendment No. **A13322**:

Amend Bill, page 4, line 7, by striking out "\$250,000" and inserting
\$100,000

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

The bill currently requires the head of the purchasing agency to sign a determination justifying sole source procurement as being in the best interest of the Commonwealth when the sole source procurement is more than \$250,000. My amendment would reduce that threshold to \$100,000.

I do not know of any opposition to this amendment. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I want to rise in support of the Josephs amendment.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman has said enough.

Mr. METCALFE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman may proceed if he has other comments.

As we would say sometimes hanging out, it is like, my work is done.

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

The following roll call was recorded:

YEAS-194

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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?

The SPEAKER. It is the Speaker's understanding the lady, Ms. Josephs, has withdrawn the other amendment filed? The Speaker thanks the lady.

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

Mr. **WHEATLEY** offered the following amendment No. **A13459**:

Amend Bill, page 1, line 3, by striking out "AND"

Amend Bill, page 1, line 4, by inserting after "procurement" where it occurs the second time
; providing for contracting with veteran-owned small businesses; and imposing duties on the Department of General Services and other Commonwealth purchasing agencies

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

Section 3. Title 62 is amended by adding a chapter to read:

CHAPTER 22

VETERAN-OWNED SMALL BUSINESSES

Sec.

2201. Definitions.

2202. Regulations.

2203. Veteran-owned small business participation goals.

2204. Duties of department.

2205. Bonding and progress payments.

2206. (Reserved).

2207. Reports.

2208. Compliance with Federal requirements.

§ 2201. Definitions.

Subject to section 2202 (relating to regulations), the following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Service disabled." A veteran who possesses either a disability rating letter issued by the United States Department of Veterans Affairs or a disability determination from the United States Department of Defense.

"Service-disabled veteran-owned small business." A small business owned and controlled by a service-disabled veteran or veterans or, if approved by the Department of General Services, a surviving spouse or permanent caregiver of a service-disabled veteran.

"Small business." A business that does not exceed the limitation on revenue or number of employees established by the Department of General Services for designation as a small business.

"Veteran." A person who served on active duty in the United States Armed Forces, including any of the following:

(1) A reservist or member of the National Guard who was discharged or released from the service under honorable conditions.

(2) A reservist or member of the National Guard who completed an initial term of enlistment or qualifying period of service.

(3) A reservist or member of the National Guard who was disabled in the line of duty during training.

"Veteran-owned small business." A small business owned and controlled by a veteran or veterans.

§ 2202. Regulations.

The department shall establish policy in accordance with this chapter for executive agencies and independent agencies and may promulgate regulations establishing detailed definitions of the words and phrases defined in section 2201 (relating to definitions) using, in

addition to the criteria set forth in section 2201, other criteria as it deems appropriate, including the number of employees and the dollar volume of business. State-affiliated entities shall implement the policy for their procurement programs.

§ 2203. Veteran-owned small business participation goals.

Each purchasing agency shall have an annual goal of not less than 5% participation by veteran-owned small businesses in all contracts entered into by the purchasing agency. The participation goal shall apply to the overall dollar amount expended by the purchasing agency with respect to the contracts.

§ 2204. Duties of department.

The department shall have the following duties:

(1) Where feasible, provide appropriate staff who shall be responsible to the department and who shall serve within designated Commonwealth agencies to assist veteran-owned small businesses and service-disabled veteran-owned small businesses in this Commonwealth in learning how to do business with Commonwealth agencies.

(2) Give special publicity to procurement procedures and issue special publications designed to assist veteran-owned small businesses and service-disabled veteran-owned small businesses in learning how to do business with Commonwealth agencies.

(3) Compile, maintain and make available source lists of veteran-owned small businesses and service-disabled veteran-owned small businesses for the purpose of encouraging procurement from veteran-owned small businesses.

(4) Include veteran-owned small businesses and service-disabled veteran-owned small businesses on solicitation mailing lists.

(5) Assure that veteran-owned small businesses and service-disabled veteran-owned small businesses are solicited on each procurement for which the businesses may be suited.

(6) Develop special training programs to assist veteran-owned small businesses and service-disabled veteran-owned small businesses in learning how to do business with Commonwealth agencies.

(7) Assure that participation by veteran-owned small businesses and service-disabled veteran-owned small businesses is appropriately factored into the evaluation of proposals for supplies, services or construction when a purchasing agency uses the competitive sealed proposals method under section 513 (relating to competitive sealed proposals).

(8) Certify businesses that have been identified as veteran-owned small businesses and service-disabled veteran-owned small businesses.

§ 2205. Bonding and progress payments.

(a) Bonding.—Notwithstanding other provisions of this part:

(1) Except as provided in paragraph (2), a purchasing agency may reduce the level or change the types of bonding normally required or accept alternative forms of security to the extent reasonably necessary to encourage procurement from veteran-owned small businesses and service-disabled veteran-owned small businesses.

(2) For contracts under \$50,000, veteran-owned small businesses and service-disabled veteran-owned small businesses shall be exempt from any bonding requirements.

(b) Progress payments.—A purchasing agency may make special provisions for progress payments as it deems reasonably necessary to encourage procurement from veteran-owned small businesses and service-disabled veteran-owned small businesses.

§ 2206. (Reserved).

§ 2207. Reports.

(a) Report to Department of General Services.—By August 15, 2013, and each August 15 thereafter, each executive and independent agency shall submit an annual report for the period of July 1 to June 30 to the Department of General Services on actual utilization of veteran-owned small businesses and service-disabled veteran-owned small

businesses as contractors, subcontractors, suppliers and professional service providers.

(b) Report to standing committees.—The department and each State-affiliated entity shall annually, before October 1, report in writing to the Veterans Affairs and Emergency Preparedness Committee of the Senate and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives concerning total contract dollars awarded to veteran-owned small businesses and service-disabled veteran-owned small businesses by the purchasing agency during the preceding fiscal year. The report shall include a list of all veteran-owned small businesses and service-disabled veteran-owned small businesses that participated as contractors, subcontractors or suppliers during the preceding fiscal year. The department and State-affiliated entity initial reports shall be submitted to the standing committees under this section on or before October 1, 2012, or on or before October 1 at least 12 months after the effective date of this section, whichever is later.

§ 2208. Compliance with Federal requirements.

If a procurement involves the expenditure of Federal assistance or contract funds, the purchasing agency shall comply with Federal law and authorized regulations that are mandatorily applicable and that are not presently reflected in this part.

Amend Bill, page 5, line 6, by striking out "3" and inserting

4

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

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would encourage my colleagues to support this. We supported it in SB 623, and essentially, we are just putting the same language from SB 623 into this bill as well.

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

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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. WHEATLEY offered the following amendment
No. **A13460**:

Amend Bill, page 1, line 3, by striking out "AND"
Amend Bill, page 1, line 4, by inserting after "procurement" where it occurs the second time

; and providing for small business reserve program

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

Section 3. Title 62 is amended by adding a section to read:

§ 2109. Small business reserve program.

(a) Establishment.—The department shall establish a small business reserve program for the purpose of increasing economic opportunities for small and disadvantaged businesses, including veteran-owned small businesses, and affording such small and disadvantaged businesses the opportunity to bid on State government contracts without competing with larger businesses. All procurement by the department shall be eligible for designation for the small business reserve program, and shall be published in the same manner as required for a request for proposal or an invitation for bid.

(b) Reserve account.—Notwithstanding any other provision of this title to the contrary, the department shall structure its procurement procedures to reserve up to 5% of the total dollar value of its procurement contracts, including public works, construction and professional services and designed professional services contracts, to be made directly to qualified small and disadvantaged businesses, including veteran-owned small businesses. However, the total dollar value of procurements by the department shall not include the value of any contract to which this subsection would not apply because of a conflict with Federal law.

(c) Eligibility.—To participate in the small business reserve program, a small and disadvantaged business, including a veteran-owned small business, that has been certified by the department or self-certified, as the case may be, to participate in Commonwealth procurement activities must meet the following eligibility requirements:

(1) The business must be an independently owned, for-profit, United States business.

(2) The business must not be dominant in its field of operation.

(3) The business may not employ more than 100 employees.

(4) If the business has operated for three or more years, it, by type or classification, may not exceed the following three-year average gross sales:

(i) Twenty million dollars for contracts to provide goods.

(ii) Twenty million dollars for procurement services.

(iii) Twenty million dollars for construction or public works contracts.

(iv) Seven million for building design contracts and other designed professional services or professional services contracts.

(v) Twenty-five million dollars for information technology contracts and other such contracts for the procurement of technology goods or services.

(vi) If the business has been in operation for less than three years, the average gross sales shall be computed for the period of time during which the business has been fully operational.

(vii) If the business is a newly created small and disadvantaged business or a veteran-owned small business, average gross sales shall be based on projected gross sales.

(d) Limit.—Notwithstanding the provisions of subsection (c), for a small and disadvantaged business or a veteran-owned small business to operate in more than one general business classification, its combined operations must not exceed the lowest three-year average gross sales for the business types selected.

(e) Awards.—The department shall award a procurement contract designated for the small business reserve program to the small and disadvantaged business or veteran-owned small business that submits a bid or proposal that meets one of the following requirements:

(1) Is the lowest bid price.

(2) Is the lowest evaluated bid price, if the invitation for bid or request for proposal so provides.

(3) Is in the best interest of the Commonwealth.

(f) Commonwealth agencies.—

(1) A Commonwealth agency may collaborate with the department to structure its procurement procedures to provide for a small business reserve program which shall be subject to the requirements of this act.

(2) Upon request, the department shall assist the purchasing unit of a Commonwealth agency with the development and implementation of a small business reserve program.

(g) Construction and application.—

(1) This section shall not be construed to preclude any small and disadvantaged business or veteran-owned small business from competing for any other contract that is not specifically designated for the small business reserve program.

(2) This section shall apply to any eligible "small business" and "disadvantaged business" as those terms are defined under section 2102 (relating to definitions) and shall include any eligible veteran-owned small business and service-disabled veteran-owned small business under this chapter. Any reference to veteran-owned small business in this section shall be

interpreted to include any service-disabled veteran-owned small business.

(h) Regulations.—The department shall adopt and promulgate regulations to carry out the requirements of this section. The regulations shall:

(1) Establish a comprehensive bidder's list of eligible small and disadvantaged businesses and veteran-owned small businesses.

(2) Provide procedures for updating and maintaining the list in paragraph (1).

(3) Provide procedures for small and disadvantaged businesses and veteran-owned businesses to register with the department and self-certify as a small business.

(4) Establish criteria to ensure that Pennsylvania-based small and disadvantaged businesses and veteran-owned small businesses are given priority for program participation, whenever feasible.

(5) Include any other information the department determines necessary and appropriate to carry out the requirements of this section.

(i) Reporting requirements.—

(1) On or before December 31, 2014, and on or before each December 31 thereafter, the department shall submit a report to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives on the operation and effectiveness of the small business reserve program. The report shall include the following:

(i) The total number and dollar value of payments the department and other Commonwealth agencies made to small and disadvantaged businesses and veteran-owned small businesses pursuant to designated small business reserve contracts.

(ii) The total number and dollar value of payments the department made to small and disadvantaged businesses and veteran-owned small businesses that were not designated as small business reserve contracts.

(iii) The total dollar value of payments made by the department under procurement contracts.

(iv) Information on any Commonwealth agency that implemented a small business reserve program, including information required under subparagraphs (i), (ii) and (iii).

(v) Any other information or recommendation the department determines necessary.

(2) Nothing in this section shall be construed to prevent the department from consolidating the reports required under section 2107 (relating to report to General Assembly) with the report required under this section or to prevent the department from transmitting such reports by electronic mail.

(j) Definitions.—For the purposes of this section, the term "Commonwealth agency," shall have the meaning given to it in section 103 (relating to definitions) and shall include any other agency for which the department acts as the purchasing agency.

Amend Bill, page 5, line 6, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, several months ago we read and we heard the Governor's presentation around DGS, the Department of General Services, creating a small business kind of reserve fund for small businesses to compete for certain State contracts that

were comparable to small businesses. We are essentially putting that same type of language construct into the State Procurement Code that will allow for veteran-owned as well as disadvantaged businesses to compete for a certain amount of State contracts, that they will be competing amongst themselves instead of competing with larger firms for those State contracts, and I would ask my colleagues to support it.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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. **WHEATLEY** offered the following amendment
No. **A13461**:

Amend Bill, page 1, line 3, by striking out "AND"
Amend Bill, page 1, line 4, by inserting after "procurement"
where it occurs the second time

; and providing for oversight and responsibility

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

Section 3. Title 62 is amended by adding a section to read:

§ 2109. Oversight and responsibility.

(a) Identification of best practices.—

(1) The department shall identify and adopt best practices for use by Commonwealth agencies to determine the most effective means for promoting, increasing and sustaining procurement opportunities for disadvantaged businesses.

(2) The department and each Commonwealth agency awarding contracts in accordance with the applicable provisions of this title, including construction, public works, designed professional services and professional services contracts, shall adopt the best practices identified by the department in accordance with paragraph (1) in order to increase oversight, transparency and accountability in contracting and subcontracting and promote, increase and sustain procurement opportunities for disadvantaged businesses. The best practices shall include, but not be limited to, the following:

(i) Uniform templates, including templates for procurement planning, submitting proposals and bids, contracting and contract management, including standard forms, reports and other knowledge-based tools.

(ii) (A) Verifiable goals for participation by disadvantaged businesses of not less than 5% of the total dollar value of State contracts entered into by each Commonwealth agency during the calendar year, including construction, public works, designed professional services, professional services contracts and sole source contracts. In the case of construction contracts, the participation goal shall apply to a local agency or other public or private entity that receives a Commonwealth appropriation or grant funds for the performance of a construction or reconstruction project, including a construction or reconstruction project performed by a private entity on a facility to be leased or purchased by the Commonwealth. Existing contracts with an optional renewal clause that did not include the disadvantaged business participation goal established under this subparagraph shall be subject to the participation goal and other disadvantaged business review and inclusion requirements prior to renewal of the contract by the department or a Commonwealth agency.

(B) The department or a Commonwealth agency may attain participation goals by, where appropriate, directly designating prime contracts for disadvantaged businesses or by requiring that a portion of a prime contract, which is not directly designated for disadvantaged businesses, be subcontracted to disadvantaged businesses.

(C) The department and each Commonwealth agency shall make a good faith effort to attain the goals established in this paragraph.

(b) Duties of department.—The department shall:

(1) Ensure that disadvantaged business participation is a component of its and each Commonwealth agency's strategic procurement priorities through the identification of measurable goals and objectives.

(2) Develop a best practices manual for use by Commonwealth agencies. The manual shall provide procedures for the uniform implementation of procurement policies, best practices and participation goals for disadvantaged businesses.

(3) Establish and require a comprehensive quarterly and annual reporting process for Commonwealth agencies. Such reports shall include data on contract award amounts and actual spending for contractors, subcontractors, vendors, suppliers and professional services contractors, including consultant services.

(4) Designate a single point of contact to implement, monitor and report work force utilization and contractor participation in disadvantaged business programs.

(5) Create a coordinated cross-agency, integrated disadvantaged business support system. The support system shall be designed to provide training in the areas of information management, business management, technical assistance and other such developmental assistance to disadvantaged businesses.

(6) Identify and adopt uniform monitoring, enforcement, tracking and reporting procedures, guidelines or policy statements.

(7) Expand its ability to quantify and measure the effectiveness of Commonwealth procurement programs.

(8) Use the department's e-marketplace system to provide public notice of contracting, subcontracting and grant opportunities.

(9) Continue to connect disadvantaged businesses to other entities, such as the Small Business Development Centers, Minority Business Enterprise Centers and Professional Technical Assistance Centers for developmental assistance.

(10) Identify and adopt guidelines that will ensure accountability and transparency in the procurement process. The guidelines shall include, but not limited to, documentation requirements to be used throughout the procurement process, reporting and disclosure requirements, treatment of confidential information and procedures for reporting and resolving complaints.

(11) Identify and adopt best practices to ensure that the procurement process is properly structured and managed to ensure probity and provide fairness and equal treatment for all contractors, including disadvantaged businesses.

(12) Adopt, implement and adhere to all contract compliance requirements, policy statements, guidelines, regulations and applicable laws pertaining to procurement by disadvantaged businesses.

(c) Monitoring, enforcement and sanctions.—The following shall apply:

(1) The department shall administer this section and shall adopt and implement best practice guidelines to monitor and enforce the provisions of this section as they relate to the Commonwealth's disadvantaged business program.

(2) Each Commonwealth agency shall provide mandatory quarterly and annual reports on the utilization of

disadvantaged businesses on procurement contracts and subcontracts. An evaluation of a prime contractor's performance on contracts shall include a review of good faith efforts in the oversight of disadvantaged business procurement, timely payment, as provided under Subchapter D of Chapter 39 (relating to prompt payment schedules), and continued commitment to the utilization of disadvantaged subcontractors.

(3) Sanctions for failure to demonstrate good faith efforts in the oversight, timely payment and commitment to disadvantaged businesses and subcontractors shall include withholding of payments to the prime contractor and suspension or debarment from participation in Commonwealth procurement for no less than 12 months or more than 36 months. The department and any other Commonwealth agency may also institute any appropriate and necessary administrative, legal, judicial or other proceedings after inquiry, review or investigation if it finds that any person, contractor or grantee has failed to comply with or has violated any requirement or action set forth in this title or regulations promulgated under this title.

(d) Construction.—Nothing in this section shall be construed to authorize the department or a Commonwealth agency to discriminate in the awarding of any contract or subcontract or to authorize a contractor or any other person or entity to discriminate in the solicitation or acceptance of bids or offers for contracting or subcontracting in any procurement authorized under this title.

Amend Bill, page 5, line 6, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. WHEATLEY. Again, Mr. Speaker, this amendment would encourage the Department of General Services to look at best practices and ways to increase opportunities for disadvantaged businesses as well as by veteran-owned businesses across the Commonwealth in its procurement practices, and I would encourage my colleagues to support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Adolph	Dunbar	Kortz	Quinn
Aument	Ellis	Kotik	Rapp
Baker	Emrick	Krieger	Ravenstahl
Barbin	Evankovich	Kula	Readshaw
Barrar	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
Briggs	George	Marshall	Samuelson
Brooks	Gerber	Marsico	Santarsiero
Brown, R.	Gergely	Masser	Santoni
Brown, V.	Gibbons	Matzie	Saylor
Brownlee	Gillespie	McGeehan	Scavello
Burns	Gingrich	Metcalfe	Schmotzer
Buxton	Godshall	Metzgar	Simmons
Caltagirone	Goodman	Miccarelli	Smith, K.
Carroll	Grell	Micozzie	Smith, M.

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

NAYS-1

Gillen

NOT VOTING-0

EXCUSED-6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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.

**DECISION OF CHAIR RESCINDED
ON SB 850**

The SPEAKER. Without objection, the Speaker rescinds his announcement by which SB 850, PN 2418, on page 5 of today's House calendar received second consideration as amended.

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

AMENDMENT A13372 RECONSIDERED

The SPEAKER. The Speaker is in receipt of a reconsideration motion to reconsider the vote - it was filed by Representatives Perry and Payne to reconsider the vote by which amendment A13649 was passed to SB 850 earlier today.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the vote, please; strike the board.

I apologize to the members. The motion to reconsider was relative to the vote by which amendment A13372 was passed earlier this evening.

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

The following roll call was recorded:

YEAS-192

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

NAYS—2

Roae Schmotzer

NOT VOTING—0

EXCUSED—6

Bear Evans, D. Hackett Murt
 Brennan Evans, J.

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

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Mullery, who calls up amendment A13372.

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

The following roll call was recorded:

YEAS—194

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

DeLuca	Kavulich	Perry	White
Denlinger	Keller, F.	Petrarca	Williams
DePasquale	Keller, M.K.	Petri	Youngblood
Dermody	Keller, W.	Pickett	
DiGirolamo	Killion	Preston	Smith, S.,
Donatucci	Kirkland	Pyle	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear Evans, D. Hackett Murt
 Brennan Evans, J.

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.)

**BILL ON CONCURRENCE
 IN SENATE AMENDMENTS
 TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 444, PN 2433**, 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 definitions and for games of chance permitted; providing for major league sports drawing; further providing for registration of manufacturers, regulations and for licensing of eligible organizations to conduct games of chance; providing for applicability; and further providing for distribution of proceeds and for enforcement.

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

The SPEAKER. Moved by the gentleman, Mr. Turzai, that the House concur in the amendments.

The Speaker recognizes the gentleman, Mr. Turzai, for a brief description of the Senate amendments.

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

Act 2 of 2012 was prompted by the desire of many local nonprofit organizations to be able to have a greater opportunity with respect to raising revenues for their organizations. Upon passage of that landmark legislation, there has been some discussion in practical effect of some changes, many of them that were really, with respect to the law, before and after Act 2 of 2012, had no perspective on Act 2 of 2012. There was just a desire to have some further reforms.

So under SB 444, the House and now the Senate readdressed some of the issues, and under SB 444 as amended by the Senate in front of us today, it defines a 50-50 drawing as a game of chance; it permits a major league sports drawing, which is a

50-50 drawing conducted by an affiliated nonprofit organization; it permits an organization to use their proceeds from games of chance to pay for background checks and license fees; it exempts organizations whose proceeds are less than \$2500 in a year from submitting annual reports and obtaining background checks; it clarifies that an organization may use another eligible organization's premises if the organization is unable to conduct games at their own premise; exempts a nonprofit sports team and a primary or secondary school sponsored club, sports team, or organization from conducting a 50-50 drawing or raffle at a licensed premise; and clarifies that 50-50 drawing tickets do not need to be purchased from a licensed manufacturer or licensed distributor.

As indicated, the changes reflected in SB 444 were dealing with many things that existed in the law before and after the passage of Act 2 of 2012, but however, given the administration's enforcement of some aspects of the existing law, many organizations brought these additional request changes to us and here we are with SB 444 in front of us, and I would urge passage of the concurrence.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—182

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

DeLissio	Josephs	Payton	Vitali
DeLozier	Kampf	Peifer	Waters
DeLuca	Kauffman	Perry	Watson
DePasquale	Kavulich	Petrarca	Wheatley
Dermody	Keller, F.	Petri	Williams
DiGirolamo	Keller, M.K.	Pickett	Youngblood
Donatucci	Keller, W.	Preston	
Dunbar	Killion	Pyle	Smith, S., Speaker
Ellis	Kirkland	Quigley	

NAYS—12

Aument	Cutler	Lawrence	Neuman
Boyd	Denlinger	Metcalfe	Stern
Clymer	Hickernell	Milne	White

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR C

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2293, PN 4150**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for classification of offenses and penalties and for revocation, suspension or denial of license, permit or registration; providing for serious unlawful take and for taking or possessing by illegal methods; and further providing for Lake Erie fishing permits.

On the question,

Will the House concur in Senate amendments?

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

The Speaker recognizes the gentleman from Pike County, Mr. Peifer, for a brief description of the Senate amendments.

Mr. PEIFER. Thank you, Mr. Speaker.

The Senate did make some small word changes to HB 2293, the major change having to do with "serious poaching incidents" changed to "serious unlawful take." The Senate also removed the sunset provision for the use of Lake Erie permit fees. Currently money generated from these fees are used for access and habitat improvements to Lake Erie. The sunset date was 2014. That date has now been eliminated.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The House will be at ease for a moment.

REAL PROPERTY DISPOSITION PLAN NO. 1, RESOLUTION A

Mr. KAUFFMAN called up for consideration **RPDP 1, Resolution A**, entitled:

In the House, June 18, 2012

Resolved, That Real Property Disposition Plan No. 1 of 2012, transmitted by the Governor under The Administrative Code of 1929 to the General Assembly under date of June 15, 2012 which is incorporated herein by reference be approved.

On the question,
Will the House adopt Real Property Disposition Plan No. 1, Resolution A?

The SPEAKER. The Speaker recognizes the gentleman from Franklin County, Mr. Kauffman.

Mr. KAUFFMAN. Mr. Speaker, I move that the House adopt the Real Property Disposition Plan No. 1 of 2012, Resolution A, approving the plan except as to the 166-acre tract in Greene Township, Franklin County, known as the Scotland School for Veterans' Children.

The SPEAKER. The gentleman, Mr. Kauffman, from Franklin County calls up Real Property Disposition Plan No. 1 of 2012, Resolution A, and moves that the House approve the plan in part. Excluded from approval would be the 166-acre tract in Greene Township, Franklin County, known as the Scotland School for Veterans' Children.

The Chair rules the resolution is divisible pursuant to Act 48 of 1981.

Will the House agree to the motion to adopt Real Property Disposition Plan No. 1 of 2012, Resolution A, except as to the Scotland School for Veterans' Children parcel?

Mr. **TURZAI** offered the following amendment No. **A13525**:

- 1 Amend Resolution A, by striking out "June 15, 2012 which is
- 2 incorporated herein by reference be approved." and inserting
- 3 June 15, 2012, and modified by letters of the Secretary of
- 4 General Services to the Majority Leader of the Senate and the
- 5 Majority Leader of the House of Representatives under date of
- 6 September 28, 2012, which is incorporated herein by reference be
- 7 approved; and be it further
- 8 RESOLVED, That a copy of this resolution and the secretary's
- 9 letters be published in the journal of each chamber.

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

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

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

For the Real Property Disposition Plan, the Senate and the House need to pass identical versions, and we have been working with our colleagues across the Capitol and with the Governor on this particular piece of legislation.

My amendment amends the 2012 Real Property Disposition Plan to place certain conditions and restrictions on parcels currently listed in the plan as follows: First, on the Scotland School it will be removed as brought up by the good gentleman from Franklin County, and that was taken care of in HB 2406,

Act 120 of 2012, and it puts restrictions on the Allentown State Hospital property and on the DGS Annex parcel. The prompt return of surplus properties to productive use in the private sector is a win-win situation for the taxpayers of the Commonwealth, and I would urge everybody to please vote "yes."

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

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

Mr. BARBIN. I join in the motion made by the good gentleman from Franklin County. The Senate has taken the Scotland School off their list. There is no reason to keep it on our list.

In addition, when this disposition came through, we were transferring land to a theological seminary and there was no explanation as to why we were given the unimproved land along with that. So I think this will just allow the House and the Senate to make the best review of whether the additional land should be transferred. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bear	Evans, D.	Hackett	Murt
Brennan	Evans, J.		

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 adopt Real Property Disposition Plan No. 1, Resolution A, as amended?

The SPEAKER. The question is, will the House agree to adopt the Real Property Disposition Plan No. 1 of 2012, Resolution A, with the stated exception to the Scotland School parcel as amended?

On the question recurring,
Will the House adopt Real Property Disposition Plan No. 1, Resolution A, as amended?

The following roll call was recorded:

YEAS—192

Adolph	Dunbar	Knowles	Quigley
Aument	Ellis	Kortz	Rapp
Baker	Emrick	Kotik	Ravenstahl
Barbin	Evankovich	Krieger	Readshaw
Barrar	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
Briggs	George	Markosek	Samuelson
Brooks	Gerber	Marshall	Santarsiero
Brown, R.	Gergely	Marsico	Santoni
Brown, V.	Gibbons	Masser	Saylor
Brownlee	Gillen	Matzie	Scavello
Burns	Gillespie	McGeehan	Schmotzer
Buxton	Gingrich	Metcalfe	Simmons
Caltagirone	Godshall	Metzgar	Smith, K.
Carroll	Goodman	Miccarelli	Smith, M.
Causar	Grell	Micozzie	Sonney
Christiana	Grove	Millard	Staback
Clymer	Hahn	Miller	Stephens
Cohen	Haluska	Milne	Stern
Conklin	Hanna	Mirabito	Stevenson
Costa, D.	Harhai	Moul	Sturla
Costa, P.	Harhart	Mullery	Swanger
Cox	Harkins	Mundy	Tallman
Creighton	Harper	Murphy	Taylor

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

NAYS-2

Petri Quinn

NOT VOTING-0

EXCUSED-6

Bear Evans, D. Hackett Murt
 Brennan Evans, J.

A majority of the members elected to the House having voted in the affirmative on Real Property Disposition Plan No. 1, Resolution A, as amended, the question was determined in the affirmative and the resolution was adopted.

Ordered, That the clerk inform the Senate and His Excellency, the Governor, accordingly.

The following correspondence was submitted for the record:

Commonwealth of Pennsylvania
 Department of General Services

September 28, 2012

The Honorable Mike Turzai
 110 Main Capitol
 Harrisburg, PA 17120

Dear Leader Turzai:

The Department of General Services (DGS) has prepared the 2012 Real Property Disposition Plan (the "Plan") in accordance with Act 48 of 1981, amending the Act of April 9, 1929 (P.L. 177, No. 175), known as the Administrative Code of 1929. The Senate and House State Government Committees both held hearings earlier this year and the Plan is now up for consideration in each respective chamber.

The Department discussed the Plan with members of the General Assembly who have properties located in their district. In order to satisfy any outstanding concerns with regard to these properties, the Department has agreed to address several requests made by the legislature.

The Allentown State Hospital listed on the Plan is valued at \$1.2 million. The carrying costs for this property are \$1.8 million per year. Approval of this year's Plan by the Legislature enables the

Commonwealth to market and sell this parcel and bring in much needed revenue to the General Fund and to the local municipalities by restoring it to the tax rolls.

DGS is committed to working with the local legislators and community. The Department will put the following conditions in the Invitation to Bid, whereby a prospective buyer is made aware of and must abide by with regard to this property:

- DGS will work with the Wildlands Conservancy to preserve the environmentally steep slopes and woodlands on the property.
- The Community Services for Children (CSC) has a permanent easement for ingress and egress to their property, which was granted at the time of the original conveyance. That easement is of record with the Lehigh County Recorder of Deeds. In addition, the CSC is also interested in acquiring an approximate 1-acre portion of the property.
- An approximate 2-acre portion of the property will be made available to the East Side Youth Center.

We look forward to continuing to work with you. Thank you for your dedication to the Commonwealth.

Sincerely,
 Sheri Phillips
 Secretary

* * *

Commonwealth of Pennsylvania
 Department of General Services

September 28, 2012

The Honorable Mike Turzai
 110 Main Capitol
 Harrisburg, PA 17120

Dear Leader Turzai:

The Department of General Services (DGS) has prepared the 2012 Real Property Disposition Plan (the "Plan") in accordance with Act 48 of 1981, amending the Act of April 9, 1929 (P.L. 177, No. 175), known as the Administrative Code of 1929. The Senate and House State Government Committees both held hearings earlier this year and the Plan is now up for consideration in each respective chamber.

The Department discussed the Plan with members of the General Assembly who have properties located in their district. In order to satisfy any outstanding concerns with regard to these properties, the Department has agreed to address several requests made by the legislature.

The Harrisburg Annex parcel listed on the plan is valued at \$1.5 - \$2 million. With the legislature's approval of this year's Plan, the Commonwealth will be able to market this property in order to sell this surplus land and bring in much needed revenue to the General Fund. In addition, the sale will bring additional revenue to the local municipalities by putting them back on the tax rolls. This property is in a prime location with close access to major Interstates and across from the Farm Show Complex.

DGS recognizes that agriculture is the number one industry in the Commonwealth and that the Farm Show Complex has a large economic impact on the central Pennsylvania economy by drawing in

hundreds of thousands of visitors from across the state that spend millions of dollars at events and local businesses. Therefore, DGS working in conjunction with the PA Department of Agriculture (PDA) will place appropriate conditions in the Invitation of Bid, whereby a buyer will only be able to utilize the property in a manner that will complement and support the Farm Show Complex.

DGS shall ensure that the PDA is informed of and has input into all potential terms, conditions, restrictions, issues relating to the sale and use of the property, as well as conditions relating to the parking and operational needs of the Farm Show Complex. DGS will not sell the property without the mutual agreement of DGS and PDA, and DGS will exercise its right to reject any or all bids that do not meet the shared objectives of DGS and PDA.

We look forward to continuing to work with you. Thank you for your dedication to the Commonwealth.

Sincerely,
Sheri Phillips
Secretary

* * *

Commonwealth of Pennsylvania
Department of General Services

September 28, 2012

The Honorable Mike Turzai
110 Main Capitol
Harrisburg, PA 17120

Dear Leader Turzai:

The Department of General Services (DGS) has prepared the 2012 Real Property Disposition Plan (the "Plan") in accordance with Act 48 of 1981, amending the Act of April 9, 1929 (P.L. 177, No. 175), known as the Administrative Code of 1929. The Senate and House State Government Committees both held hearings earlier this year and the Plan is now up for consideration in each respective chamber.

The Department discussed the Plan with members of the General Assembly who have properties located in their district. In order to satisfy any outstanding concerns with regard to these properties, the Department has agreed to address several requests made by the legislature.

The Harrisburg Annex parcel listed on the plan is valued at \$1.5 - \$2 million. With the legislature's approval of this year's Plan, the Commonwealth will be able to market this property in order to sell this surplus land and bring in much needed revenue to the General Fund. In addition, the sale will bring additional revenue to the local municipalities by putting them back on the tax rolls.

Act 21 of 2009 authorized DGS to convey a permanent pedestrian easement to Susquehanna Township for the Capital Area Greenbelt. This deed of easement, which is recorded with the Dauphin County Recorder of Deeds, acts to protect the pathway of the Greenbelt. To add further protection to this popular recreational area, DGS has agreed to provide formal notice of the permanent easement in the Department's Invitation to Bid and conveyance documents. This will ensure that the buyer is aware of the easement and their legal obligation not to disturb the existing Greenbelt pathway through the parcel. In addition, DGS will add several restrictions to the Invitation to Bid as follows:

- vehicular access to the surplus parcel will only be permitted from Azalea Drive, unless another option is created that will not affect the Greenbelt easement; and
- the existing foliage along the trail will be protected through the reservation of a conservation easement.

We look forward to continuing to work with you. Thank you for your dedication to the Commonwealth.

Sincerely,
Sheri Phillips
Secretary

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus tomorrow at 10 a.m. So I would ask our Republican members to please report to our caucus room at 10 a.m. on Tuesday morning. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the Democrat leader from Allegheny County, Mr. Dermody, for the purpose of a caucus announcement.

Mr. DERMODY. That is right, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. DERMODY. Mr. Speaker, the Democrats will also caucus at 10 a.m. tomorrow, at 10 a.m. Thank you, Mr. Speaker.

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

VOTE CORRECTION

The SPEAKER. The Speaker recognizes the gentleman from Bucks County, Mr. Petri, for the purpose of correcting the record.

Mr. PETRI. Thank you, Mr. Speaker.

My voting apparatus malfunctioned. I would like to correct the record and be recorded as a "no" vote on HB 1020; HB 1020, "no" vote. Thank you.

The SPEAKER. The gentleman's remarks will be noted in the record.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 135, PN 4060; HB 1417, PN 2634; HB 1868, PN 4074; and HB 2467, PN 4079**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**HOUSE AMENDMENTS
TO SENATE 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 the Senate amendments to **HB 1310, PN 3893**.

BILLS SIGNED BY SPEAKER

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

HB 1310, PN 3893

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions; and limiting number of retail licenses to be issued in each county.

HB 2293, PN 4150

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for classification of offenses and penalties and for revocation, suspension or denial of license, permit or registration; providing for serious unlawful take and for taking or possessing by illegal methods; and further providing for Lake Erie fishing permits.

SB 1345, PN 2285

An Act providing for streamlined procedures for reviewing applications for the modification or collocation of wireless communications facilities and wireless support structures.

SB 1480, PN 2074

An Act providing for the capital budget for the fiscal year 2012-2013.

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

BILLS RECOMMENDED

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

SB 86;
SB 390;
SB 850;
SB 1144;
SB 1185;
SB 1200;
SB 1255;
SB 1442;
SB 1531; and
SB 1572.

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

BILLS REMOVED FROM TABLE

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

SB 657;
SB 1303; and
SB 1402.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 11, PN 2889**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for enforcement; further providing for definitions, for general powers of board, for when sales may be made at Pennsylvania liquor stores, for sales by Pennsylvania liquor stores; adding provisions relating to wholesale wine distribution; further providing for authority to issue liquor licenses to hotels, restaurants and clubs, for sale of malt or brewed beverages by liquor licensees, and for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses; adding provisions relating to enhanced distributor's licenses; and further providing for malt and brewed beverages retail licenses, for distributors' and importing distributors' restrictions on sales and storage, for retail dispensers' restrictions on purchases and sales, for interlocking business prohibited, for licenses not assignable and transfers, for revocation and suspension of licenses and fees, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for moneys paid into Liquor License Fund and returned to municipalities, and for moneys paid into State Stores Fund for use of Commonwealth.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that **HB 11** be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 451, PN 3594**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, defining "household" and "putative father"; further providing for hearing, for alternative procedure for relinquishment, for grounds for involuntary termination,

for petition for involuntary termination; providing for notice if putative father or his whereabouts unknown; further providing for report of intention to adopt and for consents necessary to adoption; and repealing provisions relating to consents not naming adopting parents.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 451 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 710, PN 4135**, entitled:

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

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 710 be removed from the active calendar and placed on the tabled calendar.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 910, PN 3727**, entitled:

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.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 910 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to third consideration of **HB 1232, PN 2835**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for automated red light enforcement systems in first class cities, for applicability and uniformity of law and for disposition and use of liquid fuels and fuels tax.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1232 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to 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. The Speaker 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.

* * *

The House proceeded to third consideration of **HB 1659, PN 3816**, entitled:

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

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1659 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1659 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 ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1916, PN 3298**, as further amended by the House Rules Committee:

An Act itemizing public improvement projects for flood protection and flood damage repair to be constructed by the Department of General Services, together with their estimated financial costs; providing for the adoption of specific disaster mitigation or assistance projects or flood assistance projects, together with their estimated financial costs; authorizing the use of interest earnings held by the Commonwealth Financing Authority for funding the projects; and making appropriations.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1916 be removed from the active calendar and placed on the tabled calendar.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1926, PN 2828**, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the definition of "public utility corporation," for additional powers of certain public utility corporations and for certain appropriations by right of eminent domain prohibited.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1926 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 1972, PN 2965**, entitled:

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

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1972 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 2189, PN 3068**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impersonating a public servant and for visual and audible signals on emergency vehicles.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 2189 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 2203, PN 3582**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for place of filing; and providing for electronic filing of reports and for inability to file reports or statements by deadline.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 2203 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 2318, PN 4080**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for child exploitation awareness education.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 2318 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 2507, PN 4088**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentencing for offenses committed in association with a criminal street gang.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 2507 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 2590, PN 3979**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for administrative subpoena.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 2590 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 2627, PN 4048**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for DARE plate and for payments to special funds.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 2627 be removed from the active calendar and placed on the tabled calendar.

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

* * *

The House proceeded to second consideration of **HB 2635, PN 4141**, entitled:

An Act authorizing the Department of Conservation and Natural Resources to release, upon the satisfaction of certain conditions, Project 70 restrictions on certain land owned by the West Rockhill - Sellersville Joint Recreation Authority, Bucks County; authorizing the conveyance of an easement and the release of Project 70 restrictions imposed on a portion of land owned by the Pennsylvania Fish and Boat Commission in Gamble Township, Lycoming County, in return for the imposition of Project 70 restrictions on certain land being conveyed to the commission in Gamble Township, Lycoming County, and other terms and conditions; authorizing the sale and transfer of title for Project 70 lands owned by Erie County to Springfield Township, Erie County; authorizing Westmoreland County to convey and transfer a fee

interest in certain Project 70 land in Unity Township free of Project 70 restrictions in return for the imposition of Project 70 restrictions on other land in Unity Township to be acquired by Westmoreland County; and authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to QRS Realty Corp. certain lands and building situate in the City of Erie, Erie County.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 2635 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 **SB 161, PN 2297**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for criteria for institutions of purely public charity.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 161 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.

RESOLUTIONS

Mr. TURZAI called up **HR 16, PN 3514**, entitled:

A Resolution memorializing Congress to address concerns raised by security screening methods employed by the Transportation Security Administration.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 16 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.

* * *

Mr. TURZAI called up **HR 225, PN 1566**, entitled:

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

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 225 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.

* * *

Mr. TURZAI called up **HR 879, PN 4107**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of the Department of Public Welfare's proposal to begin collecting copayments.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 879 be removed from the active calendar and placed on the tabled calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the lady, Mrs. Davidson, from Delaware County, who moves that this House do adjourn until Tuesday, October 16, 2012, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 7:38 p.m., e.d.t., the House adjourned.