

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 11, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 113

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (DENNIS M. O'BRIEN)  
PRESIDING**

#### PRAYER

REV. ROBERT A. GRAYBILL, Chaplain of the House of Representatives, offered the following prayer:

Shall we pause for a moment:

O God our creator, we pause humbly before You, for we are grateful for this new day which You have created for each of us. It is not yesterday, it is not tomorrow, but it is today, a new day to live and to love, a new day to share our dreams, a new day to experience the joys of this life. O God, for the gift of life You give to each of us this day, we offer our sincere thanks.

O God our sustainer, we seek Your abiding spirit that can bring calming presence upon our souls. These particular days cry out for peace, a time in our year when peace and joy cry out to be recognized, to be lifted up and treasured, to be honored by all nations in their struggles for a calm and peaceful life. O God, for the taste of peace, though only momentary, we give You our sincere thanks. And help us in whatever way possible, that our hunger for peace shall someday be satisfied, with peace and justice for all.

O God our fortress, we ask of Thee for Your encouraging presence to be upon these men and women of our Commonwealth who have accepted the responsibility to be our leaders in government, our voices that cry out for justice in the midst of wrongs, our hands that join together to make us stronger in the midst of challenge, and our passion that drives us on in the midst of setbacks. O God, for being the rock upon which we stand, we give You our thanks.

So today, O God, You are our creator, our sustainer, and our fortress. May You grant all of us that are gathered here a renewed hope, so we can step forth into a new day with a strong desire to help our brothers and sisters and to remain steadfast for the sake of freedom.

Please hear our prayer, O gracious God, we ask. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, December 10, 2007, will be postponed until printed. The Chair hears no objection.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence. The Chair recognizes the majority whip, who requests that the gentleman, Representative HANNA, from Clinton County be placed on leave for the day. The Chair hears no objection. The leave will be granted.

The Chair recognizes the minority whip, who indicates there will be no requests for leaves today.

#### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—201

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Beyer	Godshall	Micozzie	Seip
Biancucci	Goodman	Millard	Shapiro
Bishop	Grell	Miller	Shimkus
Blackwell	Grucela	Milne	Siptroth
Boback	Haluska	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.
Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causer	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True

Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman	Markosek	Rohrer	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

DeLuca Hanna

LEAVES ADDED—2

DePasquale Phillips

LEAVES CANCELED—1

Hanna

The SPEAKER. A quorum being present, the House will proceed to conduct business.

**RESOLUTION REPORTED FROM COMMITTEE**

**HR 506, PN 2834**

By Rep. GEORGE

A Resolution urging the Department of Environmental Protection and the Pennsylvania Public Utility Commission to exercise due diligence on behalf of the Commonwealth's energy consumers by identifying and evaluating measures taken in other states to manage the transition from electricity rate caps to no rate caps and minimize its impact upon the individual residential consumer, to make written suggestions on how certain laws may be changed to reduce the incidence of rate shock and the impact of rate shock and to submit the suggestions to the Chief Clerk for distribution among members of the House of Representatives.

ENVIRONMENTAL RESOURCES AND ENERGY.

The SPEAKER. The resolution will be placed on the active calendar.

**HOUSE RESOLUTIONS INTRODUCED AND REFERRED**

**No. 534** By Representatives CONKLIN, MELIO, JAMES, BRENNAN, KORTZ, McGEEHAN, SAINATO, GIBBONS, SIPTROTH, GEORGE, GOODMAN, PALLONE, MANN,

BELFANTI, MAJOR, SHIMKUS, PARKER, PETRONE, MANTZ, HARHAI, CRUZ, KULA, WOJNAROSKI and SEIP

A Resolution urging the Congress of the United States to fund the creation and maintenance of a database of the mental health needs of college and university students.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, December 11, 2007.

**No. 536** By Representatives MANN, BELFANTI, BENNINGTON, BRENNAN, CALTAGIRONE, CASORIO, COHEN, DALEY, DePASQUALE, D. EVANS, FRANKEL, FREEMAN, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, HARKINS, HORNAMAN, JOSEPHS, KOTIK, KULA, LONGIETTI, MAHONEY, MARSHALL, McILVAINE SMITH, MELIO, MOYER, PALLONE, PARKER, PETRONE, READSHAW, REICHLEY, RUBLEY, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, WALKO, WOJNAROSKI, YOUNGBLOOD and THOMAS

A Resolution urging the President of the United States and Congress to provide the necessary funding for the Community Oriented Policing Services Program.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, December 11, 2007.

**HOUSE BILLS INTRODUCED AND REFERRED**

**No. 1822** By Representatives CUTLER, BAKER, BEAR, BOYD, CIVERA, DALLY, DENLINGER, J. EVANS, EVERETT, FLECK, GINGRICH, HALUSKA, HARRIS, HENNESSEY, HERSHEY, HICKERNELL, HORNAMAN, HUTCHINSON, JAMES, KENNEY, KILLION, KOTIK, MELIO, MENSCH, R. MILLER, MOUL, MURT, MUSTIO, PICKETT, QUINN, REICHLEY, ROSS, SAYLOR, SCHRODER, SIPTROTH, K. SMITH, SOLOBAY, STABACK, STERN, TRUE, VULAKOVICH, WATSON, YOUNGBLOOD and MILNE

An Act amending the act of July 20, 1974 (P.L.564, No.193), known as the Peer Review Protection Act, further providing for immunity from liability; and providing for protection from retaliation.

Referred to Committee on JUDICIARY, December 11, 2007.

**No. 2024** By Representatives CUTLER, BENNINGHOFF, BAKER, BOYD, CAUSER, DALLY, DENLINGER, J. EVANS, FLECK, KENNEY, KILLION, MOYER, MURT, MUSTIO, NICKOL, PICKETT, PYLE, QUINN, RAPP, REICHLEY, ROAE, SEIP, STERN, WATSON, YOUNGBLOOD and MILNE

An Act establishing the Medical Safety Automation Fund; and providing grants to implement medical safety automation systems.

Referred to Committee on HEALTH AND HUMAN SERVICES, December 11, 2007.

**No. 2083** By Representatives CONKLIN, THOMAS, MAHONEY, KING, SWANGER, YOUNGBLOOD, BRENNAN, GRUCELA, KORTZ and SIPTROTH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, imposing a surcharge in cases involving local police action.

Referred to Committee on JUDICIARY, December 11, 2007.

**No. 2108** By Representatives WAGNER, BELFANTI, BENNINGTON, BLACKWELL, BRENNAN, CONKLIN, COSTA, CREIGHTON, DALEY, DePASQUALE, EVERETT, GERGELY, GINGRICH, GOODMAN, HARHAI, HARKINS, HENNESSEY, HORNAMAN, JOSEPHS, KULA, MAHONEY, MELIO, MILLARD, MURT, MYERS, M. O'BRIEN, PASHINSKI, RAPP, ROEBUCK, RUBLEY, SANTONI, SCAVELLO, SCHRODER, SHIMKUS, SIPTROTH, SWANGER, WALKO, J. WHITE, WOJNAROSKI, YOUNGBLOOD and CRUZ

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

Referred to Committee on TRANSPORTATION, December 11, 2007.

**No. 2109** By Representatives K. SMITH, MUNDY, BELFANTI, BIANCUCCI, BLACKWELL, BOBACK, CURRY, FABRIZIO, FREEMAN, GEORGE, GIBBONS, GOODMAN, GRUCELA, HORNAMAN, JAMES, JOSEPHS, KOTIK, KULA, LEACH, McGEEHAN, McILVAINE SMITH, MOUL, MOYER, M. O'BRIEN, PARKER, PASHINSKI, PRESTON, SHIMKUS, SIPTROTH, STABACK, WALKO, WANSACZ, WATSON, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for reporting by employees, for reports to department and coroner and for penalties.

Referred to Committee on AGING AND OLDER ADULT SERVICES, December 11, 2007.

**No. 2110** By Representatives CONKLIN, THOMAS, MAHONEY, KING, SWANGER, YOUNGBLOOD, BRENNAN, GRUCELA, KORTZ and SIPTROTH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, imposing a local government surcharge in cases commenced by local police action.

Referred to Committee on LOCAL GOVERNMENT, December 11, 2007.

**No. 2111** By Representatives MANN, STURLA, BAKER, BARRAR, BELFANTI, BEYER, BOYD, BRENNAN, CAPPELLI, CARROLL, COHEN, DeLUCA, DePASQUALE, FABRIZIO, FRANKEL, GEIST, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HARHART, HARKINS, HARPER, HORNAMAN, KOTIK, KULA, LENTZ, LONGIETTI, MAHONEY, MELIO, MENSCH, MICOZZIE, MOYER, MURT, MYERS, PASHINSKI, PAYNE, PEIFER, PHILLIPS, READSHAW, RUBLEY, SANTONI, SAYLOR, SCAVELLO, SCHRODER, SHIMKUS, SIPTROTH, SONNEY, STERN, SWANGER, TRUE,

WANSACZ, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offenses of criminal gang activity and criminal gang solicitation and recruitment; and imposing penalties.

Referred to Committee on JUDICIARY, December 11, 2007.

### KELSEY LANDY INTRODUCED

The SPEAKER. The Chair recognizes Representative Kula for the purpose of an introduction.

Mrs. KULA. Thank you, Mr. Speaker.

It gives me great pleasure this morning to welcome to the hall of the House at least a part of the Landy family, which is from the 52d District in my area. The Landy family began about 57 years ago – this immediate family – with Earl Landy, who is here today. We also have with us Earl's two sons, Jeff and Greg, who are here to present to you Jeff's daughter, Kelsey, who worked as a summer intern in my satellite office.

Kelsey Landy is an 11th grade student at Connellsville Senior High School who has taken a personal interest in the nationwide concern of bullying and school violence. Kelsey has taken the initiative to bring awareness to this issue that is plaguing our schools and has advocated for making changes to minimize this problem since spring of 2004, after viewing the Lifetime television movie, "Dawn Anna," that was about a woman's life and struggles which involved the death of her daughter, Lauren Townsend, at the Columbine tragedy. Kelsey became so passionate about the topic of bullying. Dawn Anna was impressed with Kelsey's views and efforts and has kept in contact with Kelsey.

The SPEAKER. Members and guests will please take their seats. Sergeants at Arms will clear the aisles. Members will take their seats.

Mrs. KULA. Dawn Anna was impressed with Kelsey's views and efforts and has kept in contact with Kelsey. Kelsey has been asked to travel to Colorado in the near future to meet the other families who suffered losses from the Columbine tragedy. With Kelsey's help, I hope in the very near future to introduce legislation that will address this problem.

Kelsey and her father, Jeff, and her grandfather and her uncle are seated to the left of the Speaker. I would ask that they please rise.

And we do hope, at the time that legislation can be introduced concerning this issue, that Kelsey will be back here to give her presentation on bullying. Thank you, Mr. Speaker.

The SPEAKER. Thank you.

### GUESTS INTRODUCED

The SPEAKER. Here today as the guests of Representative Rob Kauffman are 13 students from the Chambersburg Area School District. They are seated in the House gallery. Would you please stand and be recognized.

### BLOOD DONOR MONTH INTRODUCTIONS

The SPEAKER. Members of the House, today we have some very special guests here in the chamber. They are seated to my left, and they come to the Capitol with the purpose of alerting us that January 2008, at the behest of Representative Mauree Gingrich, is Blood Donor Month in Pennsylvania and across the nation. We appreciate the reminder and their challenge to give the gift of life all year round, but especially during this month of January when their supply, unfortunately, is short.

With us today – I ask that they stand when I call their names— are Patrick Bradley; Patrick, would you stand up. He is the CEO (chief executive officer) of the Central Pennsylvania Blood Bank and the person who keeps the operation up and running; we also have Jay Wimer, who is the director of community relations. Jay, would you stand, and he is the person who handles all media and public affairs; Diane Roush is the director of finance and she keeps the Central Pennsylvania Blood Bank fiscally sound; Michele Wicklem is the donor resource consultant who spends most of her time recruiting within our State agencies; and last, but certainly not least, is Ed Yost. Ed, would you please stand, and I would like to draw particular attention of the members to Ed – and Dave Argall, you would appreciate this. He is the Eagle Scout of all blood donors; he has donated over 26 gallons – 26 gallons – and continues to save lives every day. Ed, thank you very much.

Let us give them all a round of applause and welcome to the floor of the House.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. And, ladies and gentlemen, it gives me great pleasure to recognize that Gabrielle Prutisto, who is a staff member of the Democratic Caucus media department, has made a life decision; she has decided to say "yes" to Representative Frank Andrews Shimkus, and they will be married on May 3 at St. Luke's in Scranton.

Congratulations, Frank.

### DAIRY PRINCESS PRESENTED

The SPEAKER. I would like to invite Representative Curt Sonney to the podium for a presentation.

Mr. SONNEY. Thank you, Mr. Speaker.

Today I rise to congratulate a very special young lady from the 4th Legislative District, who has brought honor to herself and her family and her community. It is my pleasure today to recognize Lyndsey Rebecca Royek, the 2007-2008 Pennsylvania Dairy Princess.

A junior at Corry Area High School, Lyndsey is the daughter of Walter and Lisa Royek. She was selected as the Erie County Dairy Princess on May 12, 2007, and went on to be selected as the Pennsylvania Dairy Princess on September 29.

At the Pennsylvania pageant she was honored as the presentation winner and as the honorable mention in the speech selection. Lyndsey has served as a member of the Milky Ways 4-H Club since 2001 and as a member of the Warren County Junior Holstein Association since 2006. At Corry Area High School, she is a member of the National Honor Society,

the varsity soccer team, and the varsity swim team. She was selected as the rookie of the year by the swim team in 2005.

I am honored to have Lyndsey here with us today as a reminder of all of the good young men and women throughout this Commonwealth. It is far too common for Lyndsey, and other young people like her, to go unnoticed. Lyndsey is making the right choices and doing the right things. I am proud to have Lyndsey here with us today and to draw much-deserved attention to her accomplishments. While there are many very good young people across this Commonwealth, we in the 4th Legislative District in Erie County are proud to say the 2007-2008 Dairy Princess is from our community.

Accompanying Lyndsey today are her mother, Lisa Royek, and the executive director of the Pennsylvania Dairy Princess and Promotion Services, Junia Isiminger. They are seated at the left of the Speaker.

Mr. Speaker, please join me in congratulating Miss Lyndsey Royek, the 2007-2008 Pennsylvania Dairy Princess.

### READING CENTRAL CATHOLIC GIRLS VOLLEYBALL TEAM PRESENTED

The SPEAKER. The Chair would like to invite the chairman of the Judiciary Committee, Representative Caltagirone, to the podium for a presentation.

The Chair recognizes Representative Santoni.

Mr. SANTONI. Thank you, Mr. Speaker, and good morning everyone.

It gives me great pleasure to stand here with my colleagues from Berks County, Representatives Kessler and Caltagirone, to honor the 2007 Reading Central Catholic Girls Volleyball Team. Reading Central Catholic culminated their wonderful season by winning the State championship over Cochran, from around Erie, Pennsylvania.

Now, we honor a lot of State champions here on the floor of the House, but Reading Central Catholic is a little bit unique. They are not just a one-time champion, they are not only a two-time district champion, they won their district, District 3, Class A, 7 consecutive years. They have quite a legacy at Reading Central Catholic.

And they were here last year to be honored at State championships in 2006. So this makes them two-time defending PIAA, Class A, girls volleyball champions, and we are very, very proud of them. So next year they are looking for three-peat.

I do want to recognize some of the ladies on the team; they stand behind me. They are the seniors, the anchors of the Reading Central Catholic Volleyball Team. They are Adrienne Stigura, Kelsey Trainer, and Rachel Schleicher. Please give them a round of applause. And I would also like to recognize the remaining members of the team and their trainers and coaches in the back. Ladies and gentlemen, please stand, and let us give them a real warm round of applause from the House of Representatives.

You have quite a legacy to live up to, and we thank you for your attention. Thank you, Mr. Speaker.

### ANNOUNCEMENT BY MRS. GINGRICH

The SPEAKER. The Chair recognizes Representative Mauree Gingrich for an announcement.

Mrs. GINGRICH. Thank you, Mr. Speaker.  
If I may follow up on your introduction of some very important people here today—

The SPEAKER. If the lady will suspend for one moment.  
Members will please show respect. Take your seats. Hold your conversations to a minimum.

Mrs. GINGRICH. Thank you, Mr. Speaker, and thank you to my colleagues.

I just want to point out the not so subtle message that we got today from the Central Pennsylvania Blood Bank regarding the crisis season we are heading into during these cold and dangerous winter months. Please remember to give blood, and in order to help us remember to do so, they are leaving with us today a message. It is in the form of a key chain. The key chain contains a light. I would recommend you do what Ed Yost does, light this light and find your way to the nearest community blood bank.

Thank you for the generous gift.

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

**HB 904, PN 2998** (Amended) By Rep. FREEMAN

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, adding provisions to authorize temporary development moratorium.

LOCAL GOVERNMENT.

**CALENDAR**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 737, PN 1188**, entitled:

An Act amending the act of December 3, 2002 (P.L.1144, No.141), entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages," extending the expiration provision.

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

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

(Bill analysis was read.)

The SPEAKER. 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—201

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Beyer	Godshall	Micozzie	Seip
Biancucci	Goodman	Millard	Shapiro
Bishop	Grell	Miller	Shimkus
Blackwell	Grucela	Milne	Siproth
Boback	Haluska	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.
Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Capelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causer	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman	Markosek	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—2

DeLuca Hanna

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

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

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The House proceeded to third consideration of **SB 810, PN 1301**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey certain lands situate in the City of Pittston, Luzerne County, to the Redevelopment Authority of the City of Pittston; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Bensalem Township, certain lands situate in Bensalem Township, Bucks County.

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

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

(Bill analysis was read.)

The **SPEAKER**. 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—201

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rublely
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Beyer	Godshall	Micozzie	Seip
Bianucci	Goodman	Millard	Shapiro
Bishop	Grell	Miller	Shimkus
Blackwell	Grucela	Milne	Siptroth
Boback	Haluska	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.
Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causer	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley

Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman	Markosek	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—2

DeLuca Hanna

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.

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 65, PN 1351**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for parental discretion in classroom placement of twins and higher order multiples.

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

**BILL TABLED**

The **SPEAKER**. The Chair recognizes the majority leader, who moves that HB 65 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 174, PN 2187**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for veterans and members of United States military airborne units.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 174 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 281, PN 2188**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for pedestrians soliciting rides or business.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 281 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 652, PN 2939**, entitled:

An Act providing for the exclusion of veterans' disability benefits as eligible income.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 652 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 885, PN 1039**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the implementation and coordination of advanced multimodal traveler information through 511 service and other means and for powers and duties of the Department of Transportation.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 885 be removed from the active calendar and placed on the tabled bill calendar.

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1044, PN 2918**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Municipal Police Officers' Education and Training Commission, for police training and for powers of home rule charter counties; and making an inconsistent repeal of the Sheriff Fee Act.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1044 be removed from the active calendar and placed on the tabled bill 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 1085, PN 1257**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, prohibiting investments in countries identified as sponsors of terrorism.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1085 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 1086**, **PN 1258**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, prohibiting investments in corporations doing business in countries which sponsor terrorism.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1086 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 1087**, **PN 1259**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for prohibition of investments in countries identified as sponsors of terrorism.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1087 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 1177**, **PN 2804**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for clinical social work services.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1177 be removed from the active calendar and placed on the tabled bill calendar.

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

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1281**, **PN 2935**, entitled:

An Act amending the act of April 28, 1978 (P.L.87, No.41), known as the Pennsylvania Appalachian Trail Act, further providing for actions by municipalities and their powers and duties; and making editorial changes.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1281 be removed from the active calendar and placed on the tabled bill 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 1415**, **PN 2749**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the powers and duties of the State Board of Education.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1415 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 1610**, **PN 2126**, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further defining "contribution rate"; and further providing for county plan and expenditures.

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



**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1610 be removed from the active calendar and placed on the tabled bill calendar.

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

**BILL ON FINAL PASSAGE**

The House proceeded to consideration on final passage of **HB 1643, PN 2876**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for reports to Department of Education, for rules and regulations and safety patrols, for financial reports, for residence and right to free school privileges, for possession of weapons prohibited and for suspension and expulsion of pupils.

On the question recurring,  
Shall the bill pass finally?

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1643 be removed from the active calendar and placed on the tabled bill 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 1690, PN 2850**, entitled:

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

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1690 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 1761, PN 2722**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for law enforcement officers of limited jurisdiction.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1761 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 1962, PN 2734**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for marriage and family therapy services and for professional counseling services.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1962 be removed from the active calendar and placed on the tabled bill 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 **SB 638, PN 1615**, entitled:

An Act establishing the Cancer Drug Repository Program for accepting donated cancer drugs and dispensing cancer drugs; and providing for the powers and duties of the State Board of Pharmacy.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 638 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to third consideration of **SB 763, PN 1444**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 763 be removed from the active calendar and placed on the tabled bill calendar.

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

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 999, PN 1216**, entitled:

An Act designating a portion of State Route 26 in Centre County as the Marine Sergeant David "DJ" Emery, Jr. Highway.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 999 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **SB 1017, PN 1269**, entitled:

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, further providing for exclusions and exceptions.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1017 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

The House proceeded to second consideration of **SB 1065, PN 1465**, entitled:

An Act designating State Bridge No. 36-4009-0030-0000, the newly replaced bridge on Dillerville Road in the City of Lancaster, Lancaster County, as the Edward Anthony Davis Memorial Bridge.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1065 be removed from the active calendar and placed on the tabled bill calendar.

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

### RESOLUTIONS

Mr. DeWEESE called up **HR 137, PN 837**, entitled:

A Resolution urging the Congress of the United States to make significant reforms to the Alternative Minimum Tax.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 137 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 278, PN 1557**, entitled:

A Resolution opposing any effort to implement a trinational political, governmental entity among the United States, Canada and Mexico; opposing the Security and Prosperity Partnership of North America and initiatives pursued in conjunction with the partnership that threaten the sovereignty of the United States; and opposing a North American Union.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 278 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 310, PN 1749**, entitled:

A Resolution urging the United States Senate to adopt and the President of the United States to sign the Safe American Roads Act of 2007 (H.R. 1773).

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 310 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 318, PN 1764**, entitled:

A Resolution urging the Food and Drug Administration (FDA) to ban the importation of all wheat gluten products from China until China fully cooperates with the FDA's investigation into the adulteration of the food supply and opens all of its food processing plants for United States inspection.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 318 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 321, PN 1767**, entitled:

A Resolution urging passage of the Employee Free Choice Act of 2007.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 321 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 352, PN 2084**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study alternatives to the liquid fuels tax for purposes of funding the Commonwealth's transportation infrastructure and to report its findings to the General Assembly.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 352 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 353, PN 2085**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the feasibility and cost-effectiveness of placing transit agency employees under the Commonwealth's jurisdiction for the purposes of providing health benefits and pension benefits and to make a report.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 353 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 371, PN 2266**, entitled:

A Resolution memorializing the Congress of the United States to increase funding to the National Institutes of Health (NIH) by 6.7% in each of the next three years to accelerate the momentum of discovery to improve health and quality of life for millions of Americans.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 371 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 377, PN 2372**, entitled:

A Resolution memorializing the Congress of the United States to pass and the President of the United States to sign Indian Health Care Improvement Act reauthorization legislation.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 377 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 524, PN 2917**, entitled:

A Resolution questioning actions taken by the City of Philadelphia along its riverfront and directing the State Government Committee to hold hearings on these actions.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 524 be removed from the active calendar and placed on the tabled bill calendar.

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

\* \* \*

Mr. DeWEESE called up **HR 355, PN 2138**, entitled:

A Concurrent Resolution urging review of import-export control systems for food and drug products sourced from China.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 355 be removed from the active calendar and placed on the tabled bill calendar.

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

### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled bill calendar and placed on the active calendar:

HB 638;  
HB 784; and  
HB 1634.

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

### BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves the following bills be removed from the active calendar and placed on the tabled bill calendar:

HB 638;  
HB 784; and  
HB 1634.

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

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 288, PN 1847**, entitled:

An Act providing for requirements for hospitals and health care facilities that provide services to sexual assault victims, for provision of information and services relating to emergency contraception and for powers and duties of the Department of Health.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 288 be removed from the active calendar and recommitted to the Committee on Rules.

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

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. For what purpose does the gentleman, Representative Keller, rise?

Mr. W. KELLER. Mr. Speaker, I would like to announce an Appropriations meeting immediately following the Rules Committee in the majority caucus room.

The SPEAKER. A time?

Mr. W. KELLER. Immediately following the Rules Committee meeting, at the break. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There is an Appropriations meeting immediately following the Rules Committee meeting in the majority caucus room.

**HOUSE SCHEDULE****RULES AND APPROPRIATIONS COMMITTEE MEETINGS****DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

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

A brief announcement on our schedule: We will have a Rules Committee meeting in the majority caucus room at 12 – immediately, immediately – and an Appropriations meeting in the same setting, the majority caucus room, at 12:15. We are going to schedule a tentative, tentative caucus for the Democrats at 1, and we will be in touch with your offices by e-mail if that changes; those are pending negotiations that are ongoing. And, Mr. Speaker, we shall return to the floor at 1:30.

So to repeat: Rules Committee at 12, Appropriations Committee at 12:15, tentative Democratic caucus at 1, and a return to the floor at 1:30. Thank you, Mr. Speaker.

The SPEAKER. There will be a Rules Committee meeting at 12 and an Appropriations Committee meeting at 12:15 in the majority caucus room.

**REPUBLICAN CAUCUS**

The SPEAKER. Representative Major.  
Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 1 p.m. today; that is, Republicans will caucus at 1 o'clock. Thank you.

**HEALTH AND HUMAN SERVICES COMMITTEE MEETING**

The SPEAKER. Representative Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the Health and Human Services Committee in room G-50 of the Irvis Building at 12:30.

The SPEAKER. The Chair thanks the gentleman.

In room G-50 of the Irvis Building at 12:30, there will be a meeting of the Health and Human Services Committee.

Are there any other announcements?

**GUEST INTRODUCED**

The SPEAKER. The Chair would like to recognize, seated to the left of the Speaker, the guest of Representative Dan Frankel, Kevin Kelly from the University of Pittsburgh. He is majoring in economics, and he expects to graduate in the spring of 2008. Would you please stand and be recognized.

**RECESS**

The SPEAKER. This House will stand in recess till 1:30 p.m. or the call of the Chair.

**RECESS EXTENDED**

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

**AFTER RECESS**

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

**BILL REREPORTED FROM COMMITTEE**

**SB 1156, PN 1576**

By Rep. D. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for notice and hearing and for disposition of dependent child.

**APPROPRIATIONS.**

The SPEAKER. The bill will be placed on the supplemental calendar.

**BILL REREPORTED FROM COMMITTEE**

**HB 1752, PN 3000 (Amended)**

By Rep. D. EVANS

An Act providing for education for parents relating to sudden infant death syndrome and sudden unexpected death of infants; establishing the Sudden Infant Death Syndrome Education and Prevention Program; and providing for duties of the Department of Health.

**APPROPRIATIONS.**

The SPEAKER. That bill will be placed on the active calendar.

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

**HB 323, PN 364** By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death.

JUDICIARY.

**HB 1090, PN 1322** By Rep. CALTAGIRONE

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

JUDICIARY.

**HB 1225, PN 2999** (Amended) By Rep. MUNDY

An Act providing for local senior citizen property tax and rent rebates and for the powers and duties of the Department of Community and Economic Development.

AGING AND OLDER ADULT SERVICES.

**HB 1274, PN 1589** By Rep. CALTAGIRONE

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for release on parole.

JUDICIARY.

**HB 1845, PN 2516** By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of firearm with altered manufacturer's number and for altering or obliterating marks of identification.

JUDICIARY.

**HB 1976, PN 3001** (Amended) By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges in the courts of common pleas.

JUDICIARY.

**SB 861, PN 1652** (Amended) By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges in the courts of common pleas.

JUDICIARY.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 484, PN 2753** By Rep. CALTAGIRONE

A Resolution directing the Joint State Government Commission to study the Uniform Power of Attorney Act and Pennsylvania's current power of attorney statute to determine whether any amendments should be made to Pennsylvania's current statute.

JUDICIARY.

The SPEAKER. The resolution will be placed on the active calendar.

**BILL REPORTED FROM COMMITTEE**

**HB 1851, PN 2546** By Rep. CALTAGIRONE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the offense of aggravated assault by vehicle; and prescribing a penalty.

JUDICIARY.

**BILL REREFERRED**

The SPEAKER. The Chair moves, at the majority leader's request, that HB 1851, PN 2546, be rereferred to the Committee on Transportation.

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

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 296, PN 2873** By Rep. DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs imposed following conviction for passing bad checks and for the offense of debt pooling.

RULES.

The SPEAKER. The bill will be placed on the supplemental calendar.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative PHILLIPS be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

**GUEST INTRODUCED**

The SPEAKER. The Chair would like to welcome to the floor of the House, seated to the left of the Speaker, Judy Baker, who is the guest of Representative Kathy Rapp. Would you

please stand and be recognized. I hope to see you later this evening.

### SUNSHINE NOTICE

The SPEAKER. Notice is hereby given the House will convene in special session on Wednesday, December 12, 2007, at the call of the Chair.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

### NOTICE SESSION TIME HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of October 15, 1998, P.L. 729, Number 93, that the House of Representatives will convene in open special session in the Hall of the House on the following date:

December 12, 2007  
At the call of the Chair

Roger Nick  
Chief Clerk  
December 11, 2007

### BILL SIGNED BY SPEAKER

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

#### SB 737, PN 1188

An Act amending the act of December 3, 2002 (P.L.1144, No.141), entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages," extending the expiration provision.

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

The SPEAKER. The House will be temporarily at ease.  
The House will come to order.

### CALENDAR CONTINUED

### RESOLUTION

Mr. M. O'BRIEN called up **HR 523, PN 2916**, entitled:

A Resolution urging the Attorney General to ask for an injunction restraining construction on riparian lands of the Commonwealth and urging the Attorney General to appeal a submerged lands license issued by the Department of Licenses and Inspection of the City of Philadelphia.

On the question,  
Will the House adopt the resolution?

Mr. MAHER offered the following amendment No. **A04750**:

Amend Title, page 1, line 1, by inserting after "the"  
Governor, the Department of General Services  
and the

Amend First Resolve Clause, page 3, line 1, by inserting after  
"the" where it appears the second time  
Governor, the Department of General Services  
and the

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

### AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman,  
Representative Maher, on the amendment.

Mr. MAHER. That amendment is withdrawn, Mr. Speaker.  
The SPEAKER. The Chair thanks the gentleman.

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

Mr. J. TAYLOR offered the following amendment No. **A04870**:

Amend Title, page 1, line 1, by striking out "ask for" and  
inserting

seek a referral from the Department of General  
Services in order to intervene and file

Amend First Resolve Clause, page 3, lines 2 and 3, by striking  
out "file for a restraining order against" and inserting

seek a referral from the Department of General  
Services in order to intervene and file an  
injunction restraining

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

The SPEAKER. The Chair recognizes Representative Taylor  
on the amendment.

Mr. J. TAYLOR. Mr. Speaker, if you can give us a minute.  
One of these two will be withdrawn, and I am just trying to  
determine which one it is.

The SPEAKER. The House will be at ease.

### AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative  
Taylor.

Mr. J. TAYLOR. Mr. Speaker, that amendment will be  
withdrawn.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. Does the gentleman intend to offer amendment A04935?

Mr. J. TAYLOR. Yes.

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

Mr. J. TAYLOR offered the following amendment No. **A04935**:

Amend Title, page 1, line 1, by striking out "Attorney General to ask for" and inserting

Department of General Services to seek

Amend Title, page 1, line 2, by inserting after "Commonwealth" or to refer the action to the Attorney General

Amend Title, page 1, line 3, by striking out "Attorney General" and inserting

Department of General Services

Amend Title, page 1, line 5, by removing the period after "Philadelphia" and inserting

or to refer the action to the Attorney General.

Amend First Resolve Clause, page 3, lines 1 and 2, by striking out "Attorney General" and inserting

Department of General Services

Amend First Resolve Clause, page 3, lines 2 and 3, by striking out "a restraining order against" and inserting  
an injunction restraining

Amend First Resolve Clause, page 3, line 4, by inserting after "Commonwealth"

or to refer the action to the Attorney General

Amend First Resolve Clause, page 3, line 7, by inserting after "license"

or to refer the action to the Attorney General

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

The SPEAKER. The Chair recognizes Representative Taylor on the amendment.

Mr. J. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, if I could have your attention, please.

The SPEAKER. The gentleman is entitled to be heard. Members will please take their seats. Conferences will break up.

Mr. J. TAYLOR. Thank you, Mr. Speaker.

Whether or not you rely on the Pennsylvania Constitution, Article I, section 27, or the Administrative Code of 1929 or the Dam Safety and Encroachments Act of 1978 or the many precedents that we have set here on the floor and in our State Government Committee, it is clear that we have well established the fact that the General Assembly and the Commonwealth of Pennsylvania have the exclusive right to grant title to riparian lands and the use of those lands in our navigable waterways throughout Pennsylvania.

Mr. Speaker, a week and a half ago in the city of Philadelphia, the city's Commerce Department gave permission to the Department of Licenses and Inspection to grant a permit to build on riparian lands in the city of Philadelphia, which many of us feel, and I would submit to you, they have no right to do. They do not have the authority to grant this use in the face of precedent that has been well established that only the Commonwealth has the authority to grant the use of these riparian lands.

As a result, the resolution that we have before you today, this particular amendment, calls for the Department of

General Services to immediately intervene and ask for a restraining order of the actions of the department, of the Commerce Department of the city of Philadelphia, to establish that only the Commonwealth can grant such authority; and secondly, in the alternative, in the event that DGS (Department of General Services) does not act, to at least refer this case to the Attorney General for the proper intervention in this matter.

I would ask that you support our notion of making a statement in this case, that has been well established on this floor, that we have the ability, the General Assembly and the Commonwealth, in the area of riparian rights. So in that, I would ask for your support of this amendment and for HR 523.

The SPEAKER. The Chair recognizes Representative O'Brien.

Mr. M. O'BRIEN. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I would urge an affirmative vote.

The SPEAKER. Representative Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, this is an issue that is a very important one to both sides in the State Government Committee. It is a good-government issue. It is a great issue that the gentlemen, both from Philadelphia, have raised. It is an issue that is near and dear to their constituents in the Philadelphia area, but it is also an issue that transcends just the Philadelphia area. It is an issue of who has the authority to grant riparian rights and transfer those rights in an equitable manner. And as many people know, the Philadelphia City Council has attempted to twist a 1907 law to fit their own personal needs and grant riparian rights transfer to a gambling entity, thereby subverting, if I may use that word, or at least usurping, the authority of the Commonwealth of Pennsylvania that has been clearly established over many generations.

And so it is with enthusiastic support that I rise to support the gentleman, Mr. Taylor's amendment and the gentleman, Mr. O'Brien's legislation and commend them for their leadership in bringing this issue to the public attention.

Thank you, Mr. Speaker.

The SPEAKER. Representative Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Taylor amendment.

It is critical to all of us. This is probably one of the most important resolutions and amendments that we are going to deal with, not only this year but next year. By doing what they did in Philadelphia, they have thumbed their nose at the legislature and the process of doing things the right way. They basically told everybody to go to [word stricken]; we are going to do what we want. Well, it is time for all of us to let them know they are not going to get away with it.

So let us all support the Taylor amendment and the O'Brien resolution.

Thank you very much.

The SPEAKER. The Chair will remind members to be cognizant of what words they use on the floor.

Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in support of the Taylor amendment, and very quickly, I will try to provide some additional information, in addition to what has already been mentioned by my colleagues.



As has been said, the authority of the General Assembly to be primary caretakers of the Commonwealth property has been seriously compromised by action taken by the Philadelphia Licenses and Inspection Department. Using an obscure 1907 Philadelphia law that deals with wharves, docks, and waterways, the commerce commission, as you have heard, allowed the city's Department of Licenses and Inspection to provide SugarHouse Casino to build on 12 acres of prime riparian land located along the Delaware River in Philadelphia. They provided SugarHouse with a 99-year lease with an annual rental of \$282,270. Why is this action so wrong? As you heard Representative Taylor speak, the authority to provide leases and selling the property is granted to the General Assembly – sole authority under the State Constitution and under the 1929 Administrative Code.

Mr. Speaker, today, as an example, we dealt with this General Assembly leasing and selling land. One was in SB 810, which we passed just this morning, and we have on our House calendar HB 1685, clearly indicating that it is this General Assembly that uses the legislative process and has the authority to sell and lease Commonwealth land.

Mr. Speaker, as former chairman of the House State Government Committee, we dealt specifically with riparian land along the Delaware. Those issues were crafted into legislation that went through the committee process and eventually some of those bills were signed into law, clearly indicating that it was our authority, not some other group, that had the ability to lease and sell riparian lands.

So the question is, are we willing to give up this essential responsibility to placate a special interest group? I say, today, let us reject this landgrab initiated by the Philadelphia Licenses and Inspection Department in order to provide SugarHouse Casino with 11 acres of prime riparian land.

Under House rules, it was always the Department of General Services that provided a rule 32 – a rule 32 – whereby the Department of General Services would appraise the State land and make a recommendation to the General Assembly as to its value. That has not been done in the situation I just mentioned.

Mr. Speaker, finally in closing, when this House debated SB 862, there was a provision in the bill, SB 862, that would amend—

The SPEAKER. The House will come to order. The conversations on the floor are entirely too loud. Conferences will break up. Members will take their seats.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, last session when this General Assembly debated SB 862, which was an amendment to the Gaming Act of 2004, there was a provision in that bill – I am not sure if it was an amendment or it was written into the bill itself – that would remove the authority, would remove the authority from the General Assembly to negotiate riparian land along the Delaware, taking away our authority. Well, the result was that provision was soundly defeated because the House members were well aware that they, by statutory law, had the right and the authority to sell or lease the people's land.

Mr. Speaker, when we vote on this amendment and on the final bill, HR 523, those voting boards should be awash in green. This is our right and this is our responsibility in selling, leasing, and providing easements on the people's property.

Thank you, Mr. Speaker. Thank you for the opportunity to speak on this very, very important issue.

The SPEAKER. The Chair will again ask the members to hold their conversations to a minimum or adjourn to the anteroom.

Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Skulduggery, nothing less than skulduggery. The Governor, as the chief executive of this State, has an obligation to safeguard the assets of the people of Pennsylvania. Now, occasionally defalcations happen and are discovered, and some are not discovered, but when it is happening in the public view, when the whole world can see that this asset belonging to the people of Pennsylvania is being usurped to turn it over to casino interests and the Governor refuses to enforce the protection that he is obliged to do, it is a sad day. It is a sad day that we even need to consider this amendment to remind the Governor that he needs to do his job – enforce the law.

Now, if someone were to be building a cabin somewhere deep in the forest owned by Pennsylvania, now perhaps that might not be noticed straight off, but if it were discovered, I have no doubt that Pennsylvania would tell that individual, you cannot build here; this land belongs to the public. If someone were attempting to build a shopping mall in a State forest, it would be hard for that to happen without somebody noticing, and I am confident that our State government would stand up and say, you cannot do this, and if you bring in a piece of equipment to start it, you are willfully trespassing and will be prosecuted.

The Governor can certainly admonish the local officials that are trying to lead this charge, but the Governor has a responsibility, that those who would trespass – willfully trespass – on the property of Pennsylvania to build a casino without the permission of this General Assembly and the Governor must be prosecuted. It would be better to simply stop it before it starts; but if it starts, the Governor has a duty to see that the State Police enforce the laws.

Please join me in supporting this important amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Pyle. The gentleman waives off.

Does the gentleman, Representative Taylor, seek to be recognized?

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

The following roll call was recorded:

YEAS—200

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Beyer	Godshall	Micozzie	Seip
Biancucci	Goodman	Millard	Shapiro
Bishop	Grell	Miller	Shimkus
Blackwell	Grucela	Milne	Sipthroth
Boback	Haluska	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.

Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causer	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
Denlinger	Kirkland	Pickett	Wagner
DePasquale	Kortz	Preston	Walko
Dermody	Kotik	Pyle	Wansacz
DeWeese	Kula	Quigley	Waters
DiGirolamo	Leach	Quinn	Watson
Donatucci	Lentz	Ramaley	Wheatley
Eachus	Levdansky	Rapp	White
Ellis	Longietti	Raymond	Williams
Evans, D.	Mackereth	Readshaw	Wojnaroski
Evans, J.	Maher	Reed	Yewcic
Everett	Mahoney	Reichley	Youngblood
Fabrizio	Major	Roae	Yudichak
Fairchild	Manderino	Rock	
Fleck	Mann	Roebuck	O'Brien, D.,
Frankel	Mantz	Rohrer	Speaker
Freeman	Markosek		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

On the question,  
Will the House adopt the resolution as amended?

The SPEAKER. Representative O'Brien.  
Mr. M. O'BRIEN. Thank you, Mr. Speaker.

Sovereignty, sovereignty, odd word, but here in Pennsylvania we know the moment that sovereignty passed from the British Crown on July 20, 1777, to the Commonwealth of Pennsylvania, and to this day sovereignty rests with the Commonwealth in safekeeping with the General Assembly.

Article I, section 27, of the Pennsylvania Constitution speaks about public trust, and we swear an oath to protect that public trust. Therein lie the property rights that we, as the General Assembly of this Commonwealth, protect. Whereas in 1907, there was a statute to streamline some port developments; the city of Philadelphia, Department of Commerce, has decided to take that outdated and archaic statute and use it as a frontal assault on the sovereignty of the Commonwealth of Pennsylvania. In 1929 it was set aside. In 1978 it was set aside. It is clearly set aside, but yet the Philadelphia Department of

Commerce's executive director chooses to ignore the current statute and prevailing law.

Today, Mr. Speaker, I offer this resolution which simply calls on the Governor and the Department of General Services to maintain and preserve the public trust, and if they choose not, for the Attorney General under the Commonwealth Attorneys Act to preserve the sovereignty of the Commonwealth and the authority of the General Assembly.

Now, as we all know, the cities, the boroughs, the municipalities of this Commonwealth are the creation of the General Assembly, but as the drama oftentimes plays out, Frankenstein's monster turns against its creator, and yet again, yet again, the Frankenstein monster of the Philadelphia Department of Commerce has turned against its creator.

Mr. Speaker, I would ask that the townsfolk take their torches and take their pitchforks and vote "yes" on this resolution.

The SPEAKER. The Chair recognizes Representative Keller. I hope he can follow that.

Mr. W. KELLER. Mr. Speaker, what else could I say? Ditto, I guess.

Just to reiterate, Mr. Speaker, the Philadelphia Department of Commerce, the Philadelphia Department of Commerce took an action a few weeks ago that was always done in this House; it took an act of the legislature to grant riparian rights. They just ignored all law, all precedent, and granted the riparian rights through the city's Commerce Department.

We are asking the Attorney General, as the chief law enforcement officer of this State, to take an action, to enjoin that action – the abuse of the law – that the Commerce Department took. It has already been printed in the papers that he is not going to do that. My question is, if not the Attorney General of this Commonwealth, if not the chief law enforcement officer of this Commonwealth, who protects this chamber from illegal actions? They are telling us this chamber does not have standing, that only the Attorney General and the Department of General Services can do it. We need this resolution passed to tell them that somebody should stand up for this chamber and stop this illegal move by the city's Commerce Department.

Thank you, Mr. Speaker.  
The SPEAKER. Representative Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I opposed the introduction of the legalization of gambling, but notwithstanding my opposition, it happened anyway. I am not in favor of transferring even Commonwealth riparian rights for the purposes of gambling, but if it does happen, it must be done legally and properly according to Article V of our Constitution, as well as the Administrative Code, and not an end around with the approval of the Governor and the city of Philadelphia, the mayor of Philadelphia, the SugarHouse gambling entity, and the law firm that was representing those people. I believe that their using an old 1907 Philadelphia port law to avoid going through that process is abominable.

And there is another issue here that really has not been enunciated yet, and that is the price in which these lands would be granted is minimal and it equates to casino welfare. It is unbelievable that the lease agreement that was arranged in this very creative, but I believe illegal, transaction is just around a quarter of a million dollars, and this is waterfront property, riparian rights, and it should be done properly through the Commonwealth of Pennsylvania, through rule 32, proper

procedures, Administrative Code, constitutional pro forma legal transaction through the legislature.

A quarter of a million dollars is just a pittance of what this is worth. This is a giveaway to another casino; it is casino welfare. It circumvents the process of the legislature. It undermines the expressed will and desire of the people of Philadelphia, and they were ignored in this whole process, and that is not fair to the people of Philadelphia. It is not fair to the people of Pennsylvania. It is the Pennsylvanian's property. It is the Commonwealth's property. It is very valuable property, and it is worth millions of dollars, not a quarter of a million dollars under a very questionable lease agreement.

Even the Honorable Vince Fumo, Senator Fumo, made a very accurate remark, I believe, recently in one of the newspapers. He said, "The city's attempt to facilitate SugarHouse's end run around the state Legislature is not only bad public policy, it is without legal authority. This action will prompt additional costly litigation and is highly unlikely to survive judicial scrutiny.

"SugarHouse's attempt to avoid paying Commonwealth taxpayers anything for its use of public lands is unacceptable and illustrative of the lengths to which the company will go to gain financial advantage at the public's expense."

So I rise enthusiastically to support the gentleman, Mr. O'Brien's resolution. It is well thought out. The gentleman, Mr. Taylor, representing their constituents – the entire Philadelphia delegation, I believe, is supportive of this, and it is very, very important to the Commonwealth of Pennsylvania and future riparian rights transfers that they be done legally and that they be done at fair market value for a reasonable price. If indeed it is done, it must be done legally.

Thank you, Mr. Speaker.

The SPEAKER. Representative McGeehan.

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

Mr. Speaker, I rise to support my colleagues in Philadelphia, and I, along with them, have the honor of representing a good portion of the Delaware River in Philadelphia.

Mr. Speaker, what Representatives O'Brien, Taylor, Keller, Donatucci, and others are attempting to do is correct an egregious wrong that has been foisted upon the people, not just in Philadelphia but in Pennsylvania. Mr. Speaker, the ruling by the Commerce Department in the city of Philadelphia spits in the face of 600 years of riparian law, not just here in this Commonwealth but in the institution that fathered this great body, the great English law. From the times of the sovereigns in England to the times of this legislature, riparian rights have been granted by representatives of the people. In England it was the King, but the representatives of the people in America are this body. We are the only body that can grant the rights of anyone to use common land in the Commonwealth.

And, Mr. Speaker, I will point to the wonderful mural behind you and to the left as we look at it, the treaty that is signed by William Penn and the Indians. In 1681, Charles II granted Pennsylvania to William Penn, the lands that are Pennsylvania to William Penn, and along with those lands, he granted the right to the riverbeds of all the navigable waterways in Pennsylvania. I know sometimes we look at casino gambling and concentrate on the waterways in Philadelphia, but as my good friends, Representatives O'Brien and Keller, pointed out, there are 177 districts in this Commonwealth that have navigable waterways that are subjected to riparian rights. So while it is happening to Representatives Keller and O'Brien

and Taylor today, it can happen to you tomorrow, and that is why it is important for you to stand up today to say, the power to give, to lease, to rent, to grant our common lands, the rights of our waterways, those rights rest in this body and not anybody else in this Commonwealth – not to any city, not to any government, not to any person with deep pockets and deep political connections who can rig it to allow that they subvert 600 years of history in this Commonwealth and in our sister country of England.

Mr. Speaker, for those reasons, to reassert the sovereignty of this Commonwealth, we must vote "yes" on the O'Brien resolution.

Thank you, Mr. Speaker.

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I do not know how I can be more eloquent than the gentleman from Philadelphia who preceded me at the microphone.

I believe that we can make good use of gambling revenue. I believe we can reduce Philadelphia's wage tax. I believe we can help people across the State with property tax. But I am not going to allow that to happen on the backs of the people who have lived in South Philadelphia and kept their neighborhood good and wholesome and improved through many difficult years.

Are we going to have casinos in South Philadelphia and on the river area? Mr. Speaker, do not bet on it.

Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

#### YEAS—200

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Bennington	Gingrich	Metcalfe	Schroder
Beyer	Godshall	Micozzie	Seip
Bianucci	Goodman	Millard	Shapiro
Bishop	Grell	Miller	Shimkus
Blackwell	Grucela	Milne	Sipthoth
Boback	Haluska	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.
Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causar	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai

Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
Denlinger	Kirkland	Pickett	Wagner
DePasquale	Kortz	Preston	Walko
Dermody	Kotik	Pyle	Wansacz
DeWeese	Kula	Quigley	Waters
DiGirolamo	Leach	Quinn	Watson
Donatucci	Lentz	Ramaley	Wheatley
Eachus	Levdansky	Rapp	White
Ellis	Longietti	Raymond	Williams
Evans, D.	Mackereth	Readshaw	Wojnaroski
Evans, J.	Maher	Reed	Yewcic
Everett	Mahoney	Reichley	Youngblood
Fabrizio	Major	Roae	Yudichak
Fairchild	Manderino	Rock	
Fleck	Mann	Roebuck	O'Brien, D.,
Frankel	Mantz	Rohrer	Speaker
Freeman	Markosek		

NAYS—0

NOT VOTING—0

EXCUSED—3

DeLuca                      Hanna                      Phillips

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

**GUESTS INTRODUCED**

The SPEAKER. Today the House is pleased to welcome, as the guests of Representative Dick Stevenson, Mr. Richard Leo and his wife, Ruth. Mr. Leo is a retired physics professor from Grove City College, which is the alma mater of two current members of the House of Representatives, Mark Mustio and John Pallone. Would you please join the Chair in welcoming, seated to the left of the Speaker, Mr. Richard Leo and his wife, Ruth.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative DePASQUALE be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. Representative O'Brien. For what purpose does the gentleman rise?

Mr. M. O'BRIEN. Mr. Speaker, while I was lighting my torch, I neglected to make a comment that I have written remarks that I would like to submit for the record.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread upon the record.

Mr. M. O'BRIEN submitted the following remarks for the Legislative Journal:

Mr. Speaker, the Attorney General of the Commonwealth of Pennsylvania has the authority to seek an immediate injunction in Commonwealth Court to prevent and restrain the construction of a building on riparian lands owned by the Commonwealth. The Attorney General has the constitutional mandate to enforce the laws of the Commonwealth. The issuance of a submerged lands license by the city of Philadelphia is a usurpation of the exclusive authority of the General Assembly to oversee the riparian rights on the rivers of Pennsylvania, including the Delaware River. The Attorney General has the duty and obligation to support, obey, and defend the Constitution of the Commonwealth of Pennsylvania. The city of Philadelphia's action is a clear violation of the law and represents frontal attack on the authority of the General Assembly to control lands owned by the Commonwealth in trust for the public.

Mr. Speaker, the Pennsylvania Constitution, Article IV, section 4.1 refers to the Attorney General as "the chief law officer of the Commonwealth and shall exercise such powers and perform such duties as may be imposed by law." (May 16, 1978, 1977 P.L.365, J.R.4) The Attorney General is a constitutional officer in Pennsylvania, elected statewide, and its powers are strictly a matter of legislative designation and enumeration. The Attorney General has the duty to uphold and defend the constitutionality of all statutes so as to prevent their suspension or abrogation in the absence of a controlling decision by a court of competent jurisdiction.

Mr. Speaker, the Office of Attorney General is an independent department, headed by the Attorney General. The duties and powers of the Attorney General are set out further in the Commonwealth Attorneys Act. The Commonwealth Attorneys Act, 71 P.S. § 732-204(a)(3) states in relevant part: "It shall be the duty of the Attorney General to uphold and defend the constitutionality of all statutes so as to prevent their suspension or abrogation in the absence of a controlling decision by a court of competent jurisdiction." The language of the Commonwealth Attorneys Act is clear and requires the Attorney General to defend the constitutionality of all statutes so as to prevent their suspension or abrogation regardless of political winds of the day. "The Attorney General is the Commonwealth officer statutorily charged with defending the constitutionality of all enactments passed by the General Assembly." Maryland Cas. Co. v. Odyssey Contracting Corp., 894 A.2d 750, Super.2006, *reargument denied, appeal denied* 909 A.2d 1290, 589 Pa. 739, *certiorari denied* 127 S.Ct. 1887, 167 L.Ed.2d 365. It is ridiculous to think that the Attorney General is expected to defend the constitutionality of all statutes on one hand but ignore clear violations of the same statutes on the other hand. If the Attorney General was not made aware of the violations, it is understandable, but in this particular case the Attorney General has been informed of the continuing violation.

Moreover, Mr. Speaker, Article VI, section 3, of the Pennsylvania Constitution requires the Attorney General to take an oath of office before entering on the duties of his offices. The oath is as follows: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity." If an Attorney General refuses to act when there is a clear violation of State law, the oath of office becomes meaningless. The political winds of the day should not be the paramount consideration for the Attorney General when exercising prosecutorial discretion in determining which laws should be enforced and which laws should be ignored.

Mr. Speaker, the following laws are being disregarded, violated, and ignored as a result of inaction by the Attorney General of this Commonwealth:

- I. Article I, section 27, of the Constitution of the Commonwealth of Pennsylvania

- II. The Administrative Code of 1929, 71 P.S. § 194 (P.L.177, No.175)
- III. The Dam Safety and Encroachments Act of 1978, 32 P.S. § 693.15 (P.L.1375, No.325)
- IV. The Act of June 8, 1907 (P.L.488, No.321), referred to as Supplementary Act, First Class Cities

I. Mr. Speaker, Article I, section 27, of the Constitution of the Commonwealth of Pennsylvania is being disregarded, violated, and ignored. "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment." "Pennsylvania's public natural resources are the common property of all the people, including generations yet to come." "As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." (May 18, 1971, P.L.769, J.R.3) The Attorney General is a constitutional officer who has taken an oath to support, obey and defend the Constitution of this Commonwealth and must take action to uphold the Constitution of Pennsylvania. The continued inaction by this Attorney General regarding the riparian rights owned by the Commonwealth and controlled by the General Assembly will have a seriously negative impact on the citizens of this Commonwealth and will result in irreparable harm and destruction to the natural resources of this Commonwealth. The Attorney General has a clear constitutional mandate and justification to intervene in this matter to stop the city of Philadelphia from illegally taking Commonwealth property.

II. Mr. Speaker, the Administrative Code of 1929, 71 P.S. § 194 is being violated by the usurpation of the exclusive authority of the General Assembly to oversee the riparian rights on the rivers in this Commonwealth and the Attorney General refuses to enforce the law. Real property belonging to the Commonwealth shall not be sold or exchanged, nor shall any grant, right of way or other interest be conveyed, without "specific authority from the General Assembly so to do...." Section 514 of the Act of April 9, 1929 (P.L.177, No.175). The courts have consistently held the Attorney General to be an appropriate participant in matters not specifically enumerated. The Pennsylvania Supreme Court recently helped to clarify the Attorney General's position as the chief law officer of the Commonwealth by refusing to grant the Attorney General a dismissal from a case naming him as a defendant but instead, averring: "...the Attorney General contends that, because Act 72 does not give him any authority to enforce the law, he is not a proper party and should be dismissed." "We deem the participation of the Attorney General to be appropriate, not to mention helpful, as he is the Commonwealth official statutorily charged with defending the constitutionality of all enactments passed by the General Assembly, regardless of the nature of the constitutional challenge or the opinion of any other state official concerning a given statute's validity." *Stilp v. Com.*, 588 Pa. 539 905 A.2d 918 Pa. 2006 *citing City of Philadelphia v. Com.*, 575 Pa. 542, 838 A.2d 566, 583-84 (2003) (citing 71 P.S. § 732-204(a)(3) ("It shall be the duty of the Attorney General to uphold and defend the constitutionality of all statutes...")). The Attorney General is a constitutional officer in Pennsylvania, elected statewide, takes an oath to support, obey, and defend the Constitution of the Commonwealth. The Attorney General has a clear constitutional mandate and justification to intervene in this matter to stop the city of Philadelphia from illegally taking Commonwealth property.

III. Mr. Speaker, the Dam Safety and Encroachments Act, 32 P.S. § 693.15 is being violated by the usurpation of the exclusive authority of the General Assembly to oversee the riparian rights on the rivers in this Commonwealth and the Attorney General refuses to enforce the law. Section 15(e) of the act of November 26, 1978 (P.L.1375, No.325), states "No title, easement, right-of-way or other interest in submerged lands or other real estate of the Commonwealth may be granted except as expressly provided by this section or other specific authority from the General Assembly." The city of Philadelphia has

issued a private corporation a submerged lands license without the express authority to do so from the Pennsylvania General Assembly. The actions by the city of Philadelphia are a violation and usurpation of the exclusive authority of the General Assembly to oversee the riparian rights on the rivers of Pennsylvania, including the Delaware River. The Attorney General is a constitutional officer who has taken an oath to support, obey, and defend the Constitution and the laws of this Commonwealth and must take all appropriate action to uphold the Constitution and laws of this Commonwealth. A failure to act on the part of the Attorney General equates to passive participation in the illegal activity and the Attorney General must act now to stop the illegal taking of Commonwealth property by a city and a private corporation.

IV. Mr. Speaker, the Act of June 8, 1907 (P.L.488, No.321), referred to as Supplementary Act, First Class Cities, grants the city of Philadelphia the authority and power to oversee the piers, wharves, docks, slips, bulkheads, and basins within the limits of the city. However, this act does not grant a city of the first class the property rights below the low-water mark line. The Commonwealth and General Assembly hold absolute title to the land below the low-water mark. Arguments made by the city of Philadelphia that the power to oversee the piers, wharves, docks, slips, bulkheads, and basins within the limits of the city are disingenuous and an example of the city trying to play fast and loose with long settled law and precedent. Moreover, the land between the high-water mark and the low-water mark is subject to the control of the Commonwealth. Such land is part of what is known as the "riparian lands" of the Commonwealth. The action by the city of Philadelphia to issue submerged lands license is in direct conflict with and preempted by the Constitution of the Commonwealth of Pennsylvania.

Mr. Speaker, time is of the essence in this situation because the city of Philadelphia has already illegally granted a private business the right to build on the Commonwealth's "riparian lands" in a clear attempt to contravene the General Assembly's constitutional mandate. Once a building is constructed on the Commonwealth's "riparian lands," the damage is irreversible and the "taking" will be complete. The inaction of the Attorney General will result in an unlawful "taking" of Commonwealth property. The precedent the Attorney General will set with respect to not exercising his prosecutorial authority in this case will result in continued and future actions of the city of Philadelphia to take Commonwealth "riparian lands" without seeking the approval of the General Assembly.

Mr. Speaker, according to the Attorneys General's own Web page, the "Attorney General...is Pennsylvania's top law enforcement official, with a wide range of responsibility to protect and serve the citizens and agencies of the Commonwealth." Please, Mr. Attorney General, protect and serve the citizens of this Commonwealth and intervene in this matter, immediately. Past Attorneys General have opined on the specific issue of control over "riparian lands" owned by the Commonwealth and clearly stated: "the Commonwealth is the owner of the bed of navigable rivers and streams below the low-water mark." "Since existing law requires that specific authority must be obtained from the General Assembly for the grant of such an interest, the opinion pointed out that the applicant must obtain such an interest from the General Assembly by a duly enacted statute." 1978 Pa. Op. Atty. Gen. 73, 1978 WL 21489 (Pa. A.G.) *clarifying* 1977 Pa. Op. Atty. Gen. 77-20 (Dec. 30, 1977).

Mr. Speaker, in conclusion, I will once again restate my basic arguments. The Attorney General has the constitutional mandate to enforce the laws of the Commonwealth. The issuance of a submerged lands license by the city of Philadelphia is a usurpation of the exclusive constitutional authority of the General Assembly to oversee the "riparian rights" of Pennsylvania. The action of the city of Philadelphia is a clear violation of the Pennsylvania Constitution and several statutes. The Attorney General has the authority to take immediate action to stop the construction of a building on "riparian lands" owned

by the Commonwealth. The Attorney General has the duty and obligation to support, obey, and defend the Constitution of the Commonwealth of Pennsylvania and should act now to stop the illegal "taking" by the city of Philadelphia. Thank you, Mr. Speaker.

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

**HB 1448, PN 3003** (Amended) By Rep. OLIVER

An Act amending the act of April 28, 1999 (P.L.24, No.3), known as the Mental Health or Mental Retardation Facility Closure Act, providing for proceeds derived from facility disposition; and establishing the Mental Health Community Services Account and the Mental Retardation Community Services Account.

HEALTH AND HUMAN SERVICES.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 501, PN 2815** By Rep. OLIVER

A Resolution directing the House of Representatives Health and Human Services Committee to develop recommendations for sports nutrition and sports nutritional supplements.

HEALTH AND HUMAN SERVICES.

The SPEAKER. The resolution will be placed on the active calendar.

**HOUSE BILL  
INTRODUCED AND REFERRED**

**No. 2088** By Representatives ADOLPH, YUDICHAK, BARRAR, KILLION, BRENNAN, CLYMER, GEORGE, HENNESSEY, W. KELLER, R. MILLER, MILNE, MOYER, MUNDY, MURT, MUSTIO, O'NEILL, PALLONE, PAYNE, PETRI, REICHLEY, ROSS, RUBLEY, SAYLOR, SEIP, SONNEY, J. TAYLOR and WATSON

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for the State Board of Osteopathic Medicine, for respiratory care practitioners, for respiratory care practitioner certificates and permits and for reasons for refusal, revocation or suspension of license; and providing for regulations.

Referred to Committee on PROFESSIONAL LICENSURE, December 11, 2007.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. For the information of the members, it is the understanding of the Chair that the majority leader has borrowed the olive branch from Representative Dwight Evans and shared that with the minority leader, Representative Smith, and they are going to walk in harmony on the Petri motion to revert. Is that correct?

The Chair recognizes the majority leader, Representative DeWeese. Wait a second.

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 1100, PN 1617**, entitled:

An Act providing for the Hazardous Sites Cleanup Fund, for its funding from certain lapses and appropriation, for expenditures from the fund and for audits of the fund; making an appropriation; and making related repeals.

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

**BILL REVERTED TO  
PRIOR PRINTER'S NUMBER**

The SPEAKER. The Chair returns to the issue before the House, which is the Petri motion to revert to the prior printer's number.

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

The SPEAKER. The Chair recognizes Representative Petri on that motion.

Mr. PETRI. Thank you, Mr. Speaker.

I want to thank the majority leader for working this issue out, and I will be brief.

I believe that we have changed our course of action materially today. We have stepped up to the plate. We are doing something to solve a problem, a crisis that is looming, and we are solving it before it happens.

A budget, in the end, is the document where we tell the people of Pennsylvania what our priorities are. By reverting to the prior printer's number, we solve this problem for the next several budget cycles, and we tell the people of Pennsylvania that the environment is paramount to our interests and to their interests. We have set up a situation where we can protect people's basic human health and safety.

The \$40 million that has been set aside by the Senate utilizes the stock and franchise tax, which has traditionally funded the Hazardous Sites Cleanup Fund. There is no loss to any group. We have now built, by the passage of the final bill – as of tomorrow, we will have built several budgets and we will have done all of this without a tax increase.

So I want to thank the majority leader and the other members and encourage your vote. Thank you.

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. What a difference a day makes, Mr. Speaker.

In an effort to tame the toxic temperament of the times, in the wee hours last night and again this morning, in consultation with the Governor and his senior staff and with members like David Kessler and Neal Goodman and Jim Wansacz and a variety of other members in our caucus, along with the leadership team, we have made an agreement with the minority leader, Mr. Smith, and with Mr. Petri, and I rise to endorse the Petri-DeWeese motion to revert.

The SPEAKER. There were several speakers – Moyer, Maher, Pyle, Harper, Beyer, Gabig, Saylor, and Rick Taylor.

Do any of those members wish to be recognized? They all waive off? Is there any member—

Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to echo the comments that we appreciate the cooperation. We think this is the right direction to go for Pennsylvania. It resolves this issue for at least several years to come, and I believe it is in the best interest of the people of Pennsylvania, and that really is what we are here to do, Mr. Speaker.

So thank you very much.

The SPEAKER. Representative McCall.

Mr. McCALL. Very briefly, Mr. Speaker.

I concur with everything that has been said here today.

I think it is extremely important that this chamber rise above politics, and that is what we are about doing, rising above politics, taking into consideration the human factor to this proposal, as well as the effect that this proposal will have on the hazardous sites around this Commonwealth. Time is a luxury we do not have. There is no guarantee that the State Senate will stay in session to consider anything that we do.

As a father who is concerned about any layoffs that can occur because of our inaction, I strongly advocate that we do, in fact, rise above politics, that we vote to revert back to a prior printer's number, and put this measure on the Governor's desk as soon as we can.

Thank you, and thank you to the membership.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Adolph	Galloway	Marshall	Ross
Argall	Geist	Marsico	Rubley
Baker	George	McCall	Sabatina
Barrar	Gerber	McGeehan	Sainato
Bastian	Gergely	McI. Smith	Samuelson
Bear	Gibbons	McIlhattan	Santoni
Belfanti	Gillespie	Melio	Saylor
Benninghoff	Gingrich	Mensch	Scavello
Bennington	Godshall	Metcalfe	Schroder
Beyer	Goodman	Micozzie	Seip
Biancucci	Grell	Millard	Shapiro
Bishop	Grucela	Miller	Shimkus
Blackwell	Haluska	Milne	Siptroth
Boback	Harhai	Moul	Smith, K.
Boyd	Harhart	Moyer	Smith, M.
Brennan	Harkins	Mundy	Smith, S.
Brooks	Harper	Murt	Solobay
Buxton	Harris	Mustio	Sonney
Caltagirone	Helm	Myers	Staback
Cappelli	Hennessey	Nailor	Stairs
Carroll	Hershey	Nickol	Steil
Casorio	Hess	O'Brien, M.	Stern
Causar	Hickernell	O'Neill	Stevenson
Civera	Hornaman	Oliver	Sturla
Clymer	Hutchinson	Pallone	Surra
Cohen	James	Parker	Swanger
Conklin	Josephs	Pashinski	Tangretti
Costa	Kauffman	Payne	Taylor, J.
Cox	Keller, M.	Payton	Taylor, R.
Creighton	Keller, W.	Peifer	Thomas
Cruz	Kenney	Perry	True
Curry	Kessler	Perzel	Turzai
Cutler	Killion	Petrarca	Vereb

Daley	King	Petri	Vitali
Dally	Kirkland	Petrone	Vulakovich
Denlinger	Kortz	Pickett	Wagner
Dermody	Kotik	Preston	Walko
DeWeese	Kula	Pyle	Wansacz
DiGirolamo	Leach	Quigley	Waters
Donatucci	Lentz	Quinn	Watson
Eachus	Levdansky	Ramaley	Wheatley
Ellis	Longiotti	Rapp	White
Evans, D.	Mackereth	Raymond	Williams
Evans, J.	Maher	Readshaw	Wojnaroski
Everett	Mahoney	Reed	Yewcic
Fabrizio	Major	Reichley	Youngblood
Fairchild	Manderino	Roae	Yudichak
Fleck	Mann	Rock	
Frankel	Mantz	Roebuck	O'Brien, D., Speaker
Freeman	Markosek	Rohrer	
Gabig			

NAYS—0

NOT VOTING—0

EXCUSED—4

DeLuca	DePasquale	Hanna	Phillips
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1156, PN 1576**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for notice and hearing and for disposition of dependent child.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

The SPEAKER. The House will be temporarily at ease.

The House will come to order.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 652 and HB 1281 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. ROEBUCK called up HR 537, PN 2988, entitled:

A Resolution recognizing with pride Philadelphia Phillies shortstop Jimmy Rollins' winning of the 2007 National League Most Valuable Player award, as well as his work involving African-American youth in the game of baseball.

On the question, Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Roebuck on the resolution.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I would ask my colleagues to support this resolution honoring Jimmy Rollins on his achievement of winning the 2007 Most Valuable Player Award in the National League.

Certainly Jimmy Rollins offered a challenge to the Phillies in January of last year, and to the league, suggesting that they were the best team in the National League East, and not only did he offer the challenge; he made the challenge become real. He inspired that team. He showed the strength that an individual can have in keeping a team focused and bringing them from a position where from the first game of the season they were behind, but on the 160th game of the season, bringing them into first place and ultimately to the league championship, and I would ask that we would all offer our support of this resolution honoring Jimmy Rollins for his outstanding achievement.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Hanna on the floor. His name will be added to the master roll.

CONSIDERATION OF HR 537 CONTINUED

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

The following roll call was recorded:

YEAS-200

Table with 4 columns of names: Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S.

Table with 4 columns of names: Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, Denlinger, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Freeman, Gabig, Harkins, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, Mantz, Markosek, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Petrone, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Rohrer, Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnarowski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

Table with 3 columns of names: DeLuca, DePasquale, Phillips

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

ED HUSSIE PRESENTED

The SPEAKER. The Chair would like to get the attention of the members.

The Chair would like to ask Edward Hussie to please approach the rostrum.

Ed Hussie has been the legal counsel for the Republican Caucus for these many 40 years, four decades, in the Pennsylvania House. He has inspired, enriched, and enabled not only the members of this House but causes involving families, as Sam Rohrer said, and children. There are numerous legislators that could come up here and tell wonderful stories about how valuable Ed's friendship and leadership and advice have been to many of us. I first met him when I was 23 years of age, and I can tell you that Ed has been a wonderful friend and adviser over these many years.

It is a mixed blessing to be standing at this rostrum at a time when we are recognizing Ed for his 40 years of service, because nobody here can contemplate the consequence of Ed leaving this wonderful body, and everyone, I am sure, has in their mind



and in their hearts that they want Ed Hussie on speed dial for the foreseeable future.

### REMARKS BY MINORITY LEADER

The SPEAKER. Ladies and gentlemen, I would like to recognize the minority leader, Representative Sam Smith, for some remarks.

Mr. S. SMITH. Thank you, Mr. Speaker.

It is an honor and a sad privilege, in a way, to be here today to present Ed Hussie with a citation in recognition of his 40 years of service to this legislative body. And while sometimes when you first come into this place, you do not always know who works for whom on the various sides of the aisle, any of the members that have been here long know that Ed has been there and delivered a tremendous amount of staff work and is probably one of the most conscientious and thorough individuals that I have ever had the pleasure of working with to the point where you had to be careful what you asked Ed; he would give you the whole story even if you only needed half of it. And that was just a testament to his dedication and commitment and his basic training as a lawyer, that he knew that he was going to give you everything that there was to have on an issue.

Ed has worked on some of the tougher issues around this place as a staff attorney, as a counselor to the leaders, and particularly, over the latter years of his service, on the tough issues like the issues involving pro-life and abortion issues and gaming and ethics and open records. So he was always embroiled in his role in issues that were the toughest to resolve, sometimes emotionally driven, and he always was there with a steady hand and with sound advice.

His countless hours of dedicated service will long be remembered, and I just want to wish you— As a humble man, Ed, I know you did not really even want to come up here for this modest recognition, but we are thankful that you did come here because people do need to see you and know who you were as you prepare to depart this grand hall in the very near future for the last time, and we thank you very, very much for your years and years of service.

God bless you, Ed.

### REMARKS BY ED HUSSIE

The SPEAKER. And now, ladies and gentlemen, I am going to ask Ed Hussie to bang the ceremonial gavel and grace us all with some parting remarks.

Ed Hussie, ladies and gentlemen.

Mr. HUSSIE. I just have to say that I am caught by surprise, which is good news, because I have very little to say, not having prepared anything. So I will be very brief in what I want to say.

The thing I always remember, the thing I always wanted to do when I was in school was political science, which was my major, and law, and there is no job in the world where you can get that full satisfaction from what you love to do than working in a staff capacity in the General Assembly. I came here 40 years ago, and if I had to do it again, I would pick the exact same job. It is just a wonderful place to go. It is not really work. It is really fun, it is a hobby, and it has been just the most wonderful experience I could ever hope to have.

I have worked a lot with our members, and I have worked with some people on the other side of the aisle, and if the public could only see – they only see what is in the papers – if they could only see in concrete situations where members get together to work on a problem they care about for their constituents and see the decency and the hard work and the compassion they have, people would have an entirely different impression of this institution.

I love this place, and I will miss you all. And that is all I can think of saying right now because I am a little bit flustered.

The SPEAKER. When people retire, they often go out and use their time to enjoy their hobbies. I am hoping that I can read between the lines with Ed Hussie that if this really was his hobby, then he will never really leave us.

Ed, Godspeed, and God bless you.

### STATEMENT BY MR. PETRONE

The SPEAKER. For what purpose does the gentleman, Representative Petrone, rise?

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, a point of personal privilege.

The SPEAKER. Is the gentleman wishing to be recognized under unanimous consent?

Mr. PETRONE. Yes, sir. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order and may proceed.

Mr. PETRONE. Mr. Speaker, many of us who are veterans did not have a chance to make any remarks last week on the occasion of Pearl Harbor Day, December 7. I happen to be a U.S. Navy veteran, and that day is very close to my heart.

But I am curious, Mr. Speaker, if there are any veterans, members of the House from the Second World War, still here in the House of Representatives. I would be curious of that fact, and I am wondering if our leader, Mr. DeWeese, might be able to ascertain someone or is there anybody who knows if there is a veteran here in our midst from the Second World War? I am curious about that fact.

The SPEAKER. Representative Merle Phillips, I believe.

Mr. PETRONE. I understand Representative Phillips is in the hospital.

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. Mr. Smith, are you a veteran of the Second World War?

Mr. S. SMITH. I am trying to respond to his inquiry.

I am pretty sure that Representative Phillips is from the Korean era.

The SPEAKER. That is correct.

Mr. S. SMITH. I am almost positive of that.

Mr. PETRONE. Is there anyone here who knows if we have a veteran from the Second World War? We do have a veteran. One person left, Representative George, sir.

The SPEAKER. I believe that is from the Civil War.

Mr. PETRONE. Representative George, a fellow swabbie.

Representative George, would you please get up and say a few words about our Navy days? Come on, Representative, you are the last one. You are the last of the Mohicans.

STATEMENT BY MR. GEORGE

Mr. GEORGE. Mr. Speaker, why did you let him do that?

The SPEAKER. The Chair has no excuse.

Mr. GEORGE. You are still mad at me from the other day then?

Let me say this to Mr. Petrone, my good friend and colleague, thank you very much.

Let me say this, quite honestly, I am the only World War II PT (patrol torpedo) boat sailor that did not run for President of the United States. But I am like every other American and every other legislator; we admire those people who, with a little effort, are willing to step forward to do all they can to contain any element or any country from bringing forth any effort that would take away our freedoms. Even though all of us know that democracy is not a perfect type of government, unfortunately, there is nothing better.

And I am a pretty lucky guy – I am blowing my own horn now, Mr. Speaker. When we come back, I hope I will be 80 years of age; I have a birthday December 23. But for some of you— And I hope that nobody steps up, but you know, Mr. Speaker, I can still handle myself.

The SPEAKER. The Chair is well aware of that.

Mr. GEORGE. And I want to tell you something, that I came down here in the election of November '74, and I have been most grateful that the people in Clearfield County have given me that opportunity. And like someone said just a moment ago— Oh, I cannot say it has been all pleasure like the gentleman that was up there, but a lot of it has been pleasurable, but in a lot of it I have gotten a lot of satisfaction.

So God willing, and if it does not rain and you guys do not peeve me off, I might be back here next year. Thank you very much.

SUPPLEMENTAL CALENDAR E

RESOLUTION PURSUANT TO RULE 35

Miss MANN called up HR 539, PN 3005, entitled:

A Resolution declaring December 17 through 23, 2007, as "Dream Come True Week" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table listing names of members who voted YEAS: Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K.

Table listing names of members who voted NAYS, NOT VOTING, or EXCUSED: Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, Denlinger, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Freeman, Gabig, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, Mantz, Markosek, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Petrone, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Rohrer, Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnarowski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Table listing names of members who were EXCUSED: DeLuca, DePasquale, Phillips

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

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Mr. MELIO called up HR 542, PN 3002, entitled:

A Resolution honoring Brigadier General Cecil B. Hengeveld upon his retirement as Deputy Adjutant General for Veterans Affairs.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table listing names of members who voted YEAS: Adolph, Argall, Baker, Galloway, Geist, George, Marshall, Marsico, McCall, Ross, Rubley, Sabatina

Barrar	Gerber	McGeehan	Sainato
Bastian	Gergely	McI. Smith	Samuelson
Bear	Gibbons	McIlhatten	Santoni
Belfanti	Gillespie	Melio	Saylor
Benninghoff	Gingrich	Mensch	Scavello
Bennington	Godshall	Metcalfe	Schroder
Beyer	Goodman	Micozzie	Seip
Biancucci	Grell	Millard	Shapiro
Bishop	Grucela	Miller	Shimkus
Blackwell	Haluska	Milne	Siptroth
Boback	Hanna	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.
Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causar	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
Denlinger	Kirkland	Pickett	Wagner
Dermody	Kortz	Preston	Walko
DeWeese	Kotik	Pyle	Wansacz
DiGirolamo	Kula	Quigley	Waters
Donatucci	Leach	Quinn	Watson
Eachus	Lentz	Ramaley	Wheatley
Ellis	Levdansky	Rapp	White
Evans, D.	Longietti	Raymond	Williams
Evans, J.	Mackereth	Readshaw	Wojnaroski
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Youngblood
Fairchild	Major	Roae	Yudichak
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	O'Brien, D.,
Freeman	Mantz	Rohrer	Speaker
Gabig	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-3

DeLuca DePasquale Phillips

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

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. For what purpose does Representative Fairchild rise?

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to submit for the record comments regarding the recently passed HR 542.

The SPEAKER. The gentleman is in order. His remarks will be submitted for the record.

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

Mr. Speaker, HR 542 honors a great man who has proudly served this Commonwealth for the past 6 years as the Deputy Adjutant General for Veterans Affairs.

Brig. Gen. Cecil Hengeveld is retiring from his current position after many years of service to country and Commonwealth. He has been the key advocate for veterans and their families under the Department of Military and Veterans Affairs, and he will be greatly missed by myself, the members of our House committee and the veterans of Pennsylvania.

I stand today to ask the members of this chamber to join me in honoring Brig. Gen. Cecil Hengeveld by passing this resolution honoring his retirement on December 28, 2007.

Thank you, Mr. Speaker.

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

**HB 1742, PN 3008** (Amended) By Rep. DALEY

An Act requiring scrap processors and recycling facility operators to collect certain information relating to the purchase of scrap material; requiring commercial accounts; and restricting scrap processors and recycling facility operators from purchasing certain materials.

COMMERCE.

**CALENDAR CONTINUED**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1787, PN 2919**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for municipal curative amendments; and providing for procedure for municipal curative amendment subsequent to appellate court decision.

On the question,

Will the House agree to the bill on second consideration?

Ms. **McILVAINE SMITH** offered the following amendment No. **A04829**:

Amend Title, page 1, lines 20 and 21, by striking out "further providing for municipal curative amendments; and"

Amend Bill, pages 2 and 3, lines 1 through 30, by striking out all of said lines on said pages and inserting

Section 1. The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended by adding a section to read:

Amend Sec. 3, page 5, line 23, by striking out "3" and inserting

2

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Smith for an explanation.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker.

This amendment amends the bill to remove the provision in the bill reducing the wait period from 36 months to 24 months before the municipality can use the municipal curative amendment procedure.

This is agreed to by the PA Builders Association, and I ask for your support.

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

The following roll call was recorded:

YEAS—200

Adolph	Galloway	Marshall	Ross
Argall	Geist	Marsico	Rubley
Baker	George	McCall	Sabatina
Barrar	Gerber	McGeehan	Sainato
Bastian	Gergely	McI. Smith	Samuelson
Bear	Gibbons	McIlhattan	Santoni
Belfanti	Gillespie	Melio	Saylor
Benninghoff	Gingrich	Mensch	Scavello
Bennington	Godshall	Metcalf	Schroder
Beyer	Goodman	Micozzie	Seip
Biancucci	Grell	Millard	Shapiro
Bishop	Grucela	Miller	Shimkus
Blackwell	Haluska	Milne	Siptroth
Boback	Hanna	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.
Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causar	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
Denlinger	Kirkland	Pickett	Wagner
Dermody	Kortz	Preston	Walko
DeWeese	Kotik	Pyle	Wansacz
DiGiroloamo	Kula	Quigley	Waters
Donatucci	Leach	Quinn	Watson
Eachus	Lentz	Ramaley	Wheatley
Ellis	Levdansky	Rapp	White
Evans, D.	Longiatti	Raymond	Williams
Evans, J.	Mackereth	Readshaw	Wojnaroski
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Youngblood
Fairchild	Major	Roae	Yudichak
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	O'Brien, D.,
Freeman	Mantz	Rohrer	Speaker
Gabig	Markosek		

NAYS—0

NOT VOTING—0

EXCUSED—3

DeLuca DePasquale Phillips

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. GRELL offered the following amendment No. A04826:

Amend Sec. 2 (Sec. 609.3), page 4, line 4, by striking out "the" and inserting

that

Amend Sec. 2 (Sec. 609.3), page 4, line 18, by striking out "270" and inserting

210

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

The SPEAKER. The Chair recognizes Representative Grell for an explanation.

Mr. GRELL. Thank you, Mr. Speaker.

This amendment changes the date from 270 days to 210 days for a municipality to react to an adverse court decision on a zoning ordinance, or a municipal ordinance, and I believe the prime sponsor of the bill has agreed to this amendment.

The SPEAKER. Representative McIlvaine Smith.

Ms. McILVAINE SMITH. Yes; we have agreed to this amendment, and I ask for everyone's support.

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

The following roll call was recorded:

YEAS—200

Adolph	Galloway	Marshall	Ross
Argall	Geist	Marsico	Rubley
Baker	George	McCall	Sabatina
Barrar	Gerber	McGeehan	Sainato
Bastian	Gergely	McI. Smith	Samuelson
Bear	Gibbons	McIlhattan	Santoni
Belfanti	Gillespie	Melio	Saylor
Benninghoff	Gingrich	Mensch	Scavello
Bennington	Godshall	Metcalf	Schroder
Beyer	Goodman	Micozzie	Seip
Biancucci	Grell	Millard	Shapiro
Bishop	Grucela	Miller	Shimkus
Blackwell	Haluska	Milne	Siptroth
Boback	Hanna	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.
Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causar	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla

Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
Denlinger	Kirkland	Pickett	Wagner
Dermody	Kortz	Preston	Walko
DeWeese	Kotik	Pyle	Wansacz
DiGirolamo	Kula	Quigley	Waters
Donatucci	Leach	Quinn	Watson
Eachus	Lentz	Ramaley	Wheatley
Ellis	Levdansky	Rapp	White
Evans, D.	Longiotti	Raymond	Williams
Evans, J.	Mackereth	Readshaw	Wojnaroski
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Youngblood
Fairchild	Major	Roae	Yudichak
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	O'Brien, D.,
Freeman	Mantz	Rohrer	Speaker
Gabig	Markosek		

NAYS—0

NOT VOTING—0

EXCUSED—3

DeLuca DePasquale Phillips

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. GRELL offered the following amendment No. A04780:

Amend Sec. 2 (Sec. 609.3), page 4, line 26, by striking out "The" and inserting

Upon initiation of the procedures, as set forth in clause (1), the

Amend Sec. 2 (Sec. 609.3), page 4, line 30, by inserting a period after "609.1"

Amend Sec. 2 (Sec. 609.3), page 4, line 30; page 5, line 1, by striking out ", from the date that the" in line 30, page 4 and all of line 1, page 5

Amend Sec. 2 (Sec. 609.3), page 5, line 2, by striking out "Similarly," and inserting

Upon initiation of the procedures, as set forth in clause (1),

Amend Sec. 2 (Sec. 609.3), page 5, lines 6 and 7, by striking out ", from the date that the decision of the appellate court is filed"

Amend Sec. 2 (Sec. 609.3), page 5, line 11, by striking out "that the decision of the appellate court is filed," and inserting of the declaration and proposal,

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Grell on the amendment.

Mr. GRELL. Thank you, Mr. Speaker.

Whereas the two previous amendments were agreed to, unfortunately the prime sponsor and I were not able to reach an agreement on this amendment. In this case, the amendment is intended to address what I believe is an improper and unconstitutional provision of the proposed legislation in that it would allow a municipality to enact a corrective curative amendment and apply it retroactively to adversely affect the rights of parties, particularly property owners, who may seek to develop their property under the ordinance.

Mr. Speaker? Mr. Speaker, may we have order?

The SPEAKER. Will the House come to order. Members, staff, will please adjourn their caucuses. Members will take their seats.

Mr. GRELL. Thank you, Mr. Speaker.

For the benefit of the members, the underlying bill addresses a situation where a municipality has a defect in its zoning ordinances, and under current law, there are two ways a municipality can address that. The current law allows for a curative amendment to be offered by a landowner, or a property owner. It also allows for a curative amendment to be filed by the municipality to correct its own ordinance. What the underlying bill does is gives the municipality a further opportunity to correct or enact a curative amendment after a court, an appellate court, has already determined that their ordinance is invalid.

The effect of the bill as it is written would allow the municipality, after they have been told by the appellate court that their ordinance is invalid, it would give that municipality an additional 8 months to change their ordinance. Meanwhile, the property owner, who has been unable to develop their property in accordance with the ordinances during the entire duration of the underlying appeal, plus the appellate action, would have to wait an additional 8 months before they could make use of their property.

Now, in the previous session, with the help of many members, we have tried to protect the rights of property owners against adverse actions by the municipalities. Specifically, many of you, if not all of you, joined with us last session in enacting eminent domain reform, which protected the rights of property owners against egregious actions by municipalities in taking property for private use. But there is also an insidious taking of property through adverse government regulation, and the underlying bill, without this amendment, in my view, is one of those episodes of insidious effect of overgovernment regulation on property owners.

The real difficulty with the bill as it is drafted – during this 8 or 9 months after an adverse court decision, the property owner has to continue to wait for the municipality to enact an ordinance. The effect of this amendment, quite simply, is to say that if the municipality wants to wait until the court has told them that their ordinance is defective, if they want to do that, they can do that, but they do it at their own peril, so that a diligent property owner who comes into the municipality the day after that court decision would have the ability to make use of their property rather than having to wait an additional 8 months for the municipality to fix its ordinance.

Without this amendment, there is absolutely no incentive for the municipality to cure its own defective ordinance, because they will know that even if it goes to the highest appellate court

in the State, all they have to do is string the developer or the property owner along for an additional 8 or 9 months – I am sorry, 7 or 8 months – and they can fix their ordinance. So there is absolutely no incentive on the part of the municipality to enact a fair ordinance in the first place, and once they have been challenged on the validity of their ordinance in the courts, they have no incentive whatsoever to correct their own ordinance.

So for those of you who are interested and concerned about property rights, I would certainly seek your support of this amendment. There is a constitutional aspect to this issue because the Pennsylvania courts have ruled that the government, whether it is the legislature or a local government, cannot enact legislation and make it apply retroactively to take away vested property rights of owners. This was done in the context of sovereign immunity; it was also done in the context of the Crown Cork & Seal decision several years ago. So all we are trying to do is say that the municipality can fix its ordinance after the court decides that it is an invalid ordinance, but they have to act diligently, and if they do not act diligently, a diligent property owner will not be denied the use of the property. And I would seek the members' support of this amendment. Thank you.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I must rise in opposition to the amendment as it has been structured, and I would like to make a couple of brief comments as to why.

First of all, the comment has been made that the property rights are completely withdrawn from the applicant; that is really not true. The specific ordinance that has been struck down usually stops them from doing a particular type of development that they might like to do or might prevent them from doing it in a particular way. There are always alternative ways to develop that property, so the assertion that there is a complete loss of property rights is not accurate.

Secondly, this is as a result of a municipality believing that they had enacted a legal ordinance and finding out after the courts looked at it that, in fact, it was not. We are thinking here, and should be thinking, I think, about the people who live in that municipality, not just whether or not a particular board of supervisors or borough council erred, but think about also the other neighbors, the other people who live around this development. The township should have a reasonable period of time to go through and attempt to get back in conformity for the good of all the people who live in that municipality. So therefore, providing a period of time for them to legally bring in a new ordinance that meets the court's objections and get back in conformity with the law is a reasonable thing that is good for the bulk of the people who live in that municipality.

And finally, I urge us to think carefully about how long it takes to enact a new ordinance. The 8-month period sounds like a long time, but remember, in order to adopt a new ordinance, you have to advertise it, you have to draft it, you then have to allow time for the comment periods that are necessary in order to properly enact an ordinance, so it is not something that can be done overnight. There is a reasonable effort to try and make this a short enough period so that it is not overly burdensome but long enough so that they can meet the necessary requirements of notice and taking in comment from county planning and township planning and other alternative places that are required under our rules.

So this is an attempt to try and give a municipality who has erred and drafted an ordinance that has been struck down an opportunity to make a good-faith effort to correct the situation for the good of the people and the municipality and the neighborhood as a whole, and I urge my colleagues to defeat the amendment.

### THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

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

Mr. KESSLER. Thank you, Mr. Speaker.

Being a township supervisor for 13 years, I am somewhat familiar with this situation. Every township in Pennsylvania has to zone for every use under the sun. Let us say, for example, you live in a development and the landowner beside you is zoned residential and a township forgets to zone an area for a racetrack – you live in this development, and the person who owns the property beside you is zoned residential. They would be able to build homes there, but what they could do is they could go into a township and plead their case that that township did not zone for a racetrack and try to require the township to change that zoning to be able to build a racetrack on there. This is what – this bill will help prevent that from happening. If you lived in a development, you certainly would not want a piece of land that is adjacent to you that is zoned for development turned into a racetrack. This gives the township an ability to go ahead and zone a proper piece of land in the township for that type of use, a racetrack.

So I would urge my colleagues to vote "no" against this amendment, so that way we would not have those types of mixed uses that would not be necessary in a township. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentledady, Ms. Quinn.

Ms. QUINN. Thank you, Mr. Speaker.

With all due respect to my colleague, amendment 4780 will negate the fundamental problem that HB 1787 would fix. I urge you to vote against amendment 4780.

HB 1787 would protect municipalities from unreasonable zoning challenges while they will be in the process of remedying their zoning ordinances after an appellate court decision. The additional 8 months needed to change the ordinances, it is time that our municipalities need. We are talking about municipal leaders who are volunteers, who, in most cases, work full-time jobs, who are pitted against paid attorneys, legal staffs for developers, and they just need that extra time to cure their developments, to cure the zoning. What we saw in my district in Bedminster Township, 2 days after a court decision we had a pileup effect of developers attacking at the very Achilles' heel of the zoning issue. We need to implement 1787 because this is a bill that might not be a sensitive need to all of our communities now, but I guarantee you, it is going to be coming that way.

So please, I urge a vote against amendment 4780 and the support of 1787. Otherwise, it is just not even worth bringing the other bill up. Thank you.

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

Mr. HENNESSEY. Thank you, Mr. Speaker.

I also rise to oppose amendment 4780. The comment was made that a developer who has challenged the township ordinance is unable to develop under the old ordinance. In fact, that is not exactly accurate. He actually chose not to follow the dictates, the determinations, the planning decisions made by the township supervisors of that particular locality and instead chose to challenge and insist upon his own choice of land use, outside what the town fathers have agreed to and decided on through the ordinance process. This amendment would allow an individual to dictate to the municipality and to the citizens of that municipality how land should be developed.

The comment was made that we should not – the township should be at peril if it defends an ordinance which is subsequently found to be technically deficient or illegal in some respects. And frankly, asking a township to make a determination and put its citizens at risk any time it decides to fight a challenge or to defend its ordinance against the challenge seems to me to put the shoe on the wrong foot. We should not be asking the township and the citizens to be at risk, but rather, leave that risk on the shoulders of the developer who is bringing the challenge.

Our job is to protect the citizens, not to put them at risk. I think this amendment has the opposite effect. I ask its defeat. Thank you.

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, as a former township supervisor like my friend from Berks County, I, too, rise to oppose the Grell amendment. I believe the amendment, as written, would undermine the ability for the municipality to remedy any defect that they may have in their particular ordinance. This is very germane to several municipalities that I represent currently.

So again, I would ask the members for a "no" vote on the Grell amendment and a support vote for HB 1787. Thank you, Mr. Speaker.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

I also rise to oppose the Grell amendment. I think there were some good arguments put forth, particularly by the gentleman, Mr. Ross, and the gentleman, Mr. Hennessey, as to why this is a bad idea. Developers would still have an opportunity, or landowners would have an opportunity to develop their land under the current zoning. It is just that they would not be able to proceed with the challenge that was handed down by the court until the municipality has the opportunity to remedy that challenge through a rewrite of its zoning code. We have to give our municipalities the opportunity to rectify that challenge in order to ensure orderly and proper development within their communities, and to ensure that they can maintain the quality of life within their communities, without having these kinds of disruptive, curative challenges. The Grell amendment undermines the ability of the municipality to make those orderly remedies to the challenge.

And so I would urge a "no" vote on the Grell amendment. I think we want to protect our communities, give them the opportunity to address any challenge that has been handed down, without creating the kind of hole that the Grell amendment would create in this process that would undermine the municipality's effectiveness to remedy the challenge and to

proceed with a better zoning ordinance. So for those reasons I urge a "no" vote on the Grell amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Steil, from Bucks County.

Mr. STEIL. Thank you, Mr. Speaker.

I also urge a negative vote on amendment 4780. One issue that has not been brought up is that municipalities must go through a public hearing process any time their zoning ordinances are amended. There are advertising requirements, and those requirements lengthen the time that municipalities have to amend their ordinance. By an earlier amendment, we have already lowered that time to 210 days, which means they have 7 months from the date of the court decision, including all of the public hearing process, to identify and make the change. I think that is a very bare minimum of time that they will need.

So I would oppose amendment 4780 and ask for a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady, Ms. McIlvaine Smith.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker, and thank you to all of the speakers. I agree with everything they said. This is why I would like you to oppose this amendment; it would totally negate this bill. Thank you.

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

Mr. GRELL. Thank you, Mr. Speaker. I will be brief.

With all due respect to my colleagues who have spoken against the amendment, for the most part, they are missing the point. The point of this amendment, and the only point of this amendment, is that what the sponsor seeks to do through this legislation is to allow the municipality to apply its correction, or its curative amendment, retroactively by this 8-month period. There is nothing that prevents the municipality from doing all the things that the previous speakers have said – having the hearings, publishing the notice. All of that can be done, and should be done, during the pendency of the court action. There is no reason to have the municipality wait until the court has already ruled the ordinance invalid before starting that process. That is where the constitutional issue arises in applying this retroactively, and for that basis, those of you who are concerned about private property rights should support this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Seeing no other members— The Chair apologizes and recognizes the gentelady, Ms. Harper.

Ms. HARPER. I had a law partner who used to say the only time you could know if your zoning was valid was when some guy in a black robe told you so. In the curative amendment realm, it is almost impossible for a municipality to know with certainty whether its ordinance will be overturned or sustained. When the decision comes down and the ordinance is invalid and the municipality must scramble to catch up, it needs the time provided by the McIlvaine Smith bill to correct the ordinance, to get things done correctly. Remember, if we do not plan and zone correctly, it is not the municipal officials who suffer; it is every citizen who lives in the township and every resident who lives next door to a development that goes in by law rather than by adequate planning.

I would urge the defeat of this amendment and the speedy passage of this bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.  
Seeing no other members, the question recurs, will the House adopt the amendment?

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

The following roll call was recorded:

## YEAS—83

Argall	Ellis	Kauffman	Pyle
Baker	Evans, J.	Keller, M.	Quigley
Barrar	Everett	Killion	Rapp
Bastian	Fairchild	Kortz	Raymond
Bear	Fleck	Kotik	Readshaw
Benninghoff	Gabig	Longietti	Reed
Beyer	Geist	Maher	Reichley
Boback	Gibbons	Major	Roae
Boyd	Gillespie	Markosek	Rock
Brooks	Gingrich	Marsico	Rohrer
Buxton	Godshall	Metcalfe	Sainato
Cappelli	Grell	Miller	Saylor
Casorio	Haluska	Moul	Smith, S.
Causer	Hanna	Nailor	Sonney
Civera	Harhart	Nickol	Stairs
Conklin	Harris	Pallone	Stern
Cox	Helm	Payne	Stevenson
Creighton	Hershey	Perry	True
Cutler	Hess	Perzel	Turzai
Dally	Hickernell	Petrarca	Vulakovich
Denlinger	Hutchinson	Pickett	

## NAYS—117

Adolph	Harhai	Milne	Smith, K.
Belfanti	Harkins	Moyer	Smith, M.
Bennington	Harper	Mundy	Solobay
Bianucci	Hennessey	Murt	Staback
Bishop	Hornaman	Mustio	Steil
Blackwell	James	Myers	Sturla
Brennan	Josephs	O'Brien, M.	Surra
Caltagirone	Keller, W.	O'Neill	Swanger
Carroll	Kenney	Oliver	Tangretti
Clymer	Kessler	Parker	Taylor, J.
Cohen	King	Pashinski	Taylor, R.
Costa	Kirkland	Payton	Thomas
Cruz	Kula	Peifer	Vereb
Curry	Leach	Petri	Vitali
Daley	Lentz	Petrone	Wagner
Dermody	Levdansky	Preston	Walko
DeWeese	Mackereth	Quinn	Wansacz
DiGirolamo	Mahoney	Ramaley	Waters
Donatucci	Manderino	Roebuck	Watson
Eachus	Mann	Ross	Wheatley
Evans, D.	Mantz	Rubley	White
Fabrizio	Marshall	Sabatina	Williams
Frankel	McCall	Samuelson	Wojnaroski
Freeman	McGeehan	Santoni	Yewcic
Galloway	McI. Smith	Scavello	Youngblood
George	McIhattan	Schroder	Yudichak
Gerber	Melio	Seip	
Gergely	Mensch	Shapiro	O'Brien, D.,
Goodman	Micozzie	Shimkus	Speaker
Gruclca	Millard	Siptroth	

## NOT VOTING—0

## EXCUSED—3

DeLuca	DePasquale	Phillips
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER pro tempore. The Chair understands that there are no further amendments.

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.)

## GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair at this time recognizes members of the Valley Woodwind Ensemble of the Red Hill Band, guests of the Honorable Bob Mensch, who is also a member of the ensemble, performing with Vince Bercher, Bob McNaughton, Darryl Nestor, and Ariel Schultz, and they will be performing in the rotunda tonight at the autism holiday celebration. Those individuals are located in the gallery. Please rise and be recognized.

## SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 296, PN 2873**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs imposed following conviction for passing bad checks and for the offense of debt pooling.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I am wondering if someone would stand for interrogation on this, maybe the—

The SPEAKER pro tempore. The gentleman, Mr. Stevenson, has agreed to a brief period of interrogation, and you may proceed, Mr. Vitali.

Mr. VITALI. Could we have a brief explanation of this?

Mr. STEVENSON. Thank you, Mr. Speaker.

The legislation is a bill which passed the House last April by a vote of 194 to 1, which raises the amount which may be collected upon conviction – of someone being convicted of passing a bad check. The bill was amended in the Senate to add language which would align current State law with the Federal Pension Protection Act of 2006. This will take effect on



January 1, 2008. And currently our Crimes Code in Pennsylvania is at odds with the Federal Pension Protection Act, and that is the reason for moving this bill at this time.

Mr. VITALI. Thank you.

The language that caught my eye, and as I am reading it more carefully, it is less of a concern, but there is language in there that talks about exemptions from taxation of certain debt organizations. But as I am seeing that, we are not exempting anyone from taxation under this bill, are we?

Mr. STEVENSON. No.

Mr. VITALI. Thank you.

Mr. STEVENSON. Thank you.

Mr. VITALI. That concludes my interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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—198

Adolph	Geist	Marshall	Ross
Argall	George	Marsico	Rubley
Baker	Gerber	McCall	Sabatina
Barrar	Gergely	McGeehan	Sainato
Bastian	Gibbons	McI. Smith	Samuelson
Bear	Gillespie	McIlhattan	Santoni
Belfanti	Gingrich	Melio	Saylor
Benninghoff	Godshall	Mensch	Scavello
Bennington	Goodman	Metcalfe	Schroder
Beyer	Grell	Micozzie	Seip
Biancucci	Grucela	Millard	Shapiro
Bishop	Haluska	Miller	Shimkus
Blackwell	Hanna	Milne	Siptroth
Boback	Harhai	Moul	Smith, K.
Boyd	Harhart	Moyer	Smith, M.
Brennan	Harkins	Mundy	Smith, S.
Brooks	Harper	Murt	Solobay
Buxton	Harris	Mustio	Sonney
Caltagirone	Helm	Myers	Staback
Cappelli	Hennessey	Nailor	Stairs
Carroll	Hershey	Nickol	Steil
Casorio	Hess	O'Brien, M.	Stern
Causar	Hickernell	O'Neill	Stevenson
Civera	Hornaman	Oliver	Sturla
Clymer	Hutchinson	Pallone	Surra
Cohen	James	Parker	Swanger
Conklin	Josephs	Pashinski	Tangretti
Costa	Kauffman	Payne	Taylor, J.
Cox	Keller, M.	Payton	Taylor, R.
Creighton	Keller, W.	Peifer	Thomas
Cruz	Kenney	Perry	True
Curry	Kessler	Perzel	Turzai
Cutler	Killion	Petrarca	Vereb
Dally	King	Petri	Vitali
Denlinger	Kirkland	Petrone	Vulakovich
Dermody	Kortz	Pickett	Wagner
DeWeese	Kotik	Preston	Walko
DiGirolamo	Kula	Pyle	Wansacz
Donatucci	Leach	Quigley	Waters
Eachus	Lentz	Quinn	Watson
Ellis	Levdansky	Ramaley	Wheatley
Evans, D.	Longietti	Rapp	White
Evans, J.	Mackereth	Raymond	Williams
Everett	Maher	Readshaw	Wojnaroski
Fabrizio	Mahoney	Reed	Yewcic
Fairchild	Major	Reichley	Youngblood

Fleck	Manderino	Roae	Yudichak
Frankel	Mann	Rock	
Gabig	Mantz	Roebuck	O'Brien, D.,
Galloway	Markosek	Rohrer	Speaker

NAYS—2

Daley	Freeman
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NOT VOTING—0

EXCUSED—3

DeLuca	DePasquale	Phillips
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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 (DENNIS M. O'BRIEN)  
PRESIDING**

**BILL SIGNED BY SPEAKER**

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

**HB 296, PN 2873**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs imposed following conviction for passing bad checks and for the offense of debt pooling.

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

**THE SPEAKER PRO TEMPORE  
(MATTHEW E. BAKER) PRESIDING**

The SPEAKER pro tempore. Will the gentleman, Mr. Dally, kindly approach the rostrum.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The House will come to order.

**REMARKS SUBMITTED FOR THE RECORD**

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

Mr. CRUZ. Personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his personal privilege.

Mr. CRUZ. Yesterday one of my colleagues from Philadelphia, Representative Youngblood, introduced some remarks on a report on gun violence, and I am submitting my remarks for the record, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and he may submit his remarks for the record.

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

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

December 10, 2007

RE: Crime and Gun Violence in Pennsylvania

Dear Colleagues:

Gun violence is an epidemic that crosses all barriers in our Commonwealth. It is not an ethnic issue, an economic issue, or an age or gender issue. It affects every Pennsylvanian, directly or indirectly, and in all aspects of our daily lives.

I recently introduced HR 525 which urges the United States Census Bureau to change its policy of recording the residence of incarcerated persons from the location of the correctional facilities to the last known home address of such persons. This resolution would have a dramatic impact on funding that is allocated through Federal and State programs. Without adequate funding, home municipalities of incarcerated individuals will not be able to provide much-needed programs and services that help people become productive wage-earning individuals. The cycle of violence continues unless we offer offenders an option to improve the quality of their lives.

I urge all my colleagues to support HR 525 as another important step in preventing gun violence in Pennsylvania and throughout our nation.

Thank you for your time and attention.

Sincerely,  
Representative Angel Cruz  
180th Legislative District

#### STATEMENT BY MR. DALLY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Dally, on unanimous consent.

Mr. DALLY. Thank you, Mr. Speaker.

I wish to bring to the attention of the members of the House a concurrent resolution that was introduced this afternoon by the Lehigh Valley delegation, both Democrats and Republicans, on the Mcare Act (Medical Care Availability and Reduction of Error Act). With the ongoing discussions taking place in terms of a resolution to the bill that is presently, or two bills, I guess, that are presently pending in the House, this resolution basically requests that the Governor issue an Executive order, an emergency Executive order, to suspend the assessment under the act until March 31 of 2008. The purpose of this resolution is to provide the Governor with a sense of the House and the Senate, since it is a concurrent resolution, and request that he take that action.

This is not a rule 35 resolution, thus it has to be referred to a committee. It was introduced earlier this afternoon. But I want to bring to the attention of the members HR 543, in the event that they wish to sign on as cosponsors. And here again, all we are doing is requesting that the Governor issue an emergency Executive order to suspend the assessment under the act to give

the parties that are negotiating final resolution of that issue the opportunity to do so, and also not be a burden to the doctors and hospitals of the Commonwealth that are looking at that abatement for assistance in their Mcare insurance obligations.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

#### STATEMENT BY MR. EACHUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Eachus, upon unanimous consent.

Mr. EACHUS. Thank you, Mr. Speaker, and I respect the gentleman's concerns about the Mcare assessment.

You know, one of the issues that we discussed today and yesterday was what we were going to do about the extension of the Mcare abatement process, as well as the fate of SB 1137, which I have asked the leader of the House to go over today. Yesterday we entered into a discussion with members of the Republican Caucus in a bipartisan way – Representatives Boyd and Watson, Smith and Micozzie – in the hopes that we could find a solution that would find a way to resolve the Mcare abatement issue, as well as find a solution to the 800,000 Pennsylvanians who are currently without health insurance.

The lack of health insurance for Pennsylvanians puts people in a significant health disadvantage and financial disadvantage, and I think that both sides of the aisle understand that clearly. But let me say, as someone who has been involved in health-care access as the Democratic Policy Committee chairman, that I feel strongly, and I know our caucus feels strongly, that a clear solution to the uninsured, the Cover All Pennsylvanians proposal, is something that we feel strongly about in the most clear and concise way. What we hope to do in the coming months is we are going to ask today to go over 1137 in the hopes that we can once again forge a discussion about the direction of how we are going to resolve the issue of the Mcare abatement, as well as how we resolve the issue of the 800,000 people in Pennsylvania who are currently without health insurance.

I have to say that the things within the discussions that we had yesterday are things that House Democrats believe in: first, the ability to create disease management programs that allow for wellness, wellness and health; healthy-living programs that allow for the stability of health; the other issues relating to community health access and points of access for those who are in need of health services; the ability to collect various cost information about health-care services so the consumers can understand the costs of those services and we can get a better grasp, in a transparent way, of what we are paying for health care across the Commonwealth, as well as the ability to expand and maintain the quality of patient safety in this Commonwealth. These are the core values that House Democrats concisely feel must be addressed in the concept of a plan that will cover all Pennsylvanians, and we are going to be working between now and the time that we return to forge a solution.

But let me say clearly that we think it is fair that after a 5-year program where we supported physicians and hospitals in this Commonwealth to the tune of \$1 billion, that the

800,000 people in the Commonwealth should clearly have an ability to have access to health insurance. This is a foundational issue for House Democrats, something that we feel strongly about, something that we feel we can build consensus in our caucus about, and something we believe that we can reach across the aisle and work with the administration on, in a clear and concise way.

I am hopeful, Mr. Speaker, that what we can do in the coming weeks, during the Christmas break, is put together a good work group that can focus on these issues and, once again, resolve the issue of the Mcare abatement, but linked directly to the ability to solve the issues of access to health insurance for Pennsylvanians.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### HOUSE SCHEDULE

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker. Just a concluding remark on schedule.

We will adjourn momentarily and reconvene tomorrow at 10 a.m. The first order of business will be the open records legislation that Mr. Mahoney and Mr. Grell and Mr. Shapiro and many others have been guiding through the process these last many months. Subsequent to what we hope will be a favorable passage at the noontime, we will move immediately into a final passage on the hazardous waste site cleanup proposal, that was voted on earlier today on second consideration after we reverted to a prior printer's number.

Rather than elongate the evening and have the open records proposal be acceded to, we would hope, in the later hours of the evening, with a lot of consultation – well, that might be a hyperbole – but with substantial consultation with our honorable friends in the Republican leadership, we decided that it would be more helpful and appropriate, especially after last night's long, long evening, to terminate our debate at a more reasonable time tonight, launch out tomorrow morning earlier, at 10, and if need be, we could go on and on and on.

But we have had a full, open, and honest debate, Mr. Speaker, on open records. We are in the 12th month of that debate, and the members have had multiple opportunities to amend and alter and modify. Our new House rules are, in part, responsible for a more methodical and deliberative process that heretofore would have probably been somewhat alien.

But we have many hours tomorrow. One would hope that on final passage, third consideration, we could, conceivably, wrap this up in a couple of hours and get right into the final passage on HSCA (Hazardous Sites Cleanup Act). But we did not want to take this up to, as I want to say occasionally, the iron tongue of midnight, or 11 o'clock as it may have been, and so we are going to alter the schedule and come in tomorrow morning and do open records during the daylight.

Thank you very much, sir. I will hopefully see all of our membership at 10 a.m.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### STATEMENT BY MINORITY LEADER

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, simply to concur with the essential remarks by the majority leader, and I think that the time schedule that was provided, given the fact that we would not have been able to, under the rules, address the open records bill until later this evening and so close to the 11 o'clock hour that it might not have been productive, or at least have allowed us the ability to conclude it. And I agree with the time schedule and the general plan for tonight and tomorrow, and I appreciate the change in direction in that regard and think that it is a good direction for us to go.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### COMMITTEE MEETING POSTPONED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

To make a committee announcement.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. CASORIO. Thank you, Mr. Speaker.

The Labor Relations Committee informational meeting that was scheduled for tomorrow morning, Wednesday morning at 10 a.m., has been postponed again. The Labor Relations meeting for tomorrow at 10 has been postponed.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### ANNOUNCEMENT BY MR. STURLA

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the House Professional Licensure Committee meeting originally scheduled for 10 a.m. tomorrow will be at the call of the Chair.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the edification of the members, there will be no further recorded votes.

### ANNOUNCEMENT BY MAJORITY LEADER

Mr. DeWEESE. Mr. Speaker, just one other announcement.

The SPEAKER pro tempore. The gentleman, Mr. DeWeese, may proceed.

Mr. DeWEESE. Tomorrow the Rules Committee will probably have to meet at the call of the Chair to accept some proposals coming from the Senate. So I just wanted to alert my colleagues of that development.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any further announcements?

### COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, the House Urban Affairs Committee meeting scheduled for 10 a.m. tomorrow morning has been temporarily canceled, and we will probably call the meeting off the floor at the most opportune time.

Once again, the 10 a.m. meeting has been canceled. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

In the Senate,  
December 10, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Tuesday, January 1, 2008, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses on January 1st, it reconvene on Monday, January 14, 2008, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, December 17, 2007, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of December 17th, it reconvene on Tuesday, January 1, 2008, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses on January 1st, it reconvene on Monday, January 14, 2008, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,  
Will the House concur in the resolution of the Senate?

### RECESS RESOLUTION AMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves to amend the resolution by striking out the following words in the third paragraph: "it reconvene on Monday, December 17, 2007, unless sooner recalled by the Speaker of the House of Representatives; and be it further

"RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of December 17th."

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

On the question,  
Will the House concur in the resolution of the Senate as amended?

Resolution as amended was concurred in.

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.

### BILLS AND RESOLUTIONS PASSED OVER

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

### ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, I would like to announce that there will still be a meeting of the Energy and Environmental Committee at 9 a.m. in the Ryan Office Building. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Environmental Resources and Energy Committee will meet at 9 a.m. in the Ryan Building.

### LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

I just want to remind the members of the House Local Government Committee that our meeting for tomorrow is still on at 9 o'clock. I urge them to attend. It is in 60 East Wing and will be at 9 o'clock. I do not anticipate a long meeting, so hopefully we can get out of there within a half-hour's time – 9 o'clock.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Local Government Committee will meet tomorrow at 9 a.m. in 60 East Wing.

### ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Just as a friendly reminder to the members, the Autism Caucus is having a holiday party in the rotunda at 5:30 this evening, and all members are welcome to attend – 5:30, main rotunda, autism holiday party.

### SENATE MESSAGE

#### RECESS RESOLUTION FOR CONCURRENCE

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

**ADJOURNMENT**

The SPEAKER pro tempore. Is there any further business?

Seeing none, the Chair recognizes the gentleman, Mr. Mantz from Berks County, who moves that this House do now adjourn until Wednesday, December 12, 2007, at 10 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:26 p.m., e.s.t., the House adjourned.