

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JANUARY 14, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 2

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Let us pray together:

Our holy and gracious God, we are grateful to be here in this place today. These honorable Representatives have been entrusted by the citizens of this State to govern our Commonwealth. In the midst of a world of rapid change, of challenge, of diversity and need, this is a solemn and daunting task. It is an extraordinary responsibility and challenge which calls for courage and conviction, integrity and honor, understanding and compassion, intelligence and commitment.

As these members of this chamber gather today to begin a new year to do the important work before them, O God, in Your grace, draw near. Send us Your compassion, Your courage, Your wisdom, Your strength, and Your forgiveness and understanding. May the will and work of this House be carried out so the people of this land may live in harmony and hope and share in Your blessings of peace.

May our nation be a beacon of freedom, hope, justice, and faith in the world today. Please guide our staff with wisdom and protect our troops and law enforcement serving near and far.

We pray in Your holy name. 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 Tuesday, January 1, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, who requests that Representative GERBER from Montgomery County,

Representative SIPTROTH from Monroe County, and Representative TANGRETTI from Westmoreland County be placed on leave for the week. The Chair sees no objection. The leaves will be granted.

The majority whip requests that Representative BENNINGTON from Allegheny County be placed on leave for today. Without objection, that leave will be granted.

The Chair turns to the Republican whip, who requests that Representative RUBLEY from Chester County be placed on leave for the week, and Representative HENNESSEY be placed on leave for the day. The Chair sees no objection. These leaves will be granted.

Members will report to the floor.

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—197

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Bennington	Hennessey	Siptroth	Tangretti
Gerber	Rubley		

LEAVES ADDED—4

Donatucci	Galloway	Maher	O'Brien Speaker
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The SPEAKER. A quorum being present, the House will proceed to conduct business.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 119, PN 146 By Rep. ROEBUCK

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 powers and duties of the board.

EDUCATION.

HB 379, PN 3058 (Amended) By Rep. HANNA

An Act amending Titles 3 (Agriculture) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the definitions of "agricultural biosecurity areas" and for "posted notice"; and further providing for keeping and handling of domestic animals, for criminal trespass and for ecoterrorism.

AGRICULTURE AND RURAL AFFAIRS.

HB 1265, PN 3059 (Amended) By Rep. HANNA

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

AGRICULTURE AND RURAL AFFAIRS.

BILL REPORTED FROM COMMITTEE

HB 1926, PN 2679 By Rep. HANNA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of cruelty to animals.

AGRICULTURE AND RURAL AFFAIRS.

BILL REREFERRED

The SPEAKER. The Chair moves, at the majority leader's request, that HB 1926, PN 2679, be rereferred to the Committee on Judiciary.

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

The SPEAKER. Without objection, the bill will be so rereferred.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1825 By Representatives KILLION, BOYD, COX, CUTLER, J. EVANS, GILLESPIE, KENNEY, MILNE, MUSTIO, NICKOL, PICKETT, REICHLEY, STERN, WATSON and QUINN

An Act requiring the Insurance Department to develop standard health benefit plans that certain insurers shall offer to individuals and small employers; and requiring the Insurance Department to facilitate the availability of standard health benefit plan information by electronic and other means.

Referred to Committee on INSURANCE, January 3, 2008.

No. 1940 By Representatives GRELL, BENNINGHOFF, BOYD, CAPPELLI, CLYMER, CUTLER, DENLINGER, EVERETT, FLECK, GINGRICH, GOODMAN, HELM, HERSHEY, HUTCHINSON, KAUFFMAN, M. KELLER, MARSHALL, METCALFE, MOYER, MURT, MUSTIO, NAILOR, REED, REICHLEY, ROAE, SONNEY, STERN, TURZAI, WATSON, VULAKOVICH, ROSS and PHILLIPS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for certificates of merit in product liability actions.

Referred to Committee on JUDICIARY, January 3, 2008.

No. 2080 By Representatives TURZAI, LEVDANSKY, BARRAR, BEAR, BENNINGHOFF, BOYD, CLYMER, COX, CREIGHTON, CUTLER, DALLY, DENLINGER, ELLIS, EVERETT, GABIG, GEIST, GILLESPIE, GINGRICH, GRELL, HARHART, HARRIS, HERSHEY, HUTCHINSON, KAUFFMAN, M. KELLER, MANTZ, MARSHALL, MENSCH, METCALFE, R. MILLER, MILNE, MURT, NAILOR, NICKOL, PEIFER, PERRY, PHILLIPS, QUIGLEY, RAPP, ROAE, ROHRER, ROSS, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SONNEY, STEIL, STERN, R. STEVENSON, SWANGER and THOMAS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for apportionment of business income.

Referred to Committee on FINANCE, December 13, 2007.

No. 2140 By Representatives BENNINGHOFF, GINGRICH, HERSHEY, LONGIETTI, McILHATTAN, MURT, MUSTIO, PETRONE, RAPP, REICHLEY, SAYLOR, SIPTROTH, SWANGER and JAMES

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for mandatory and optional membership; and further regulating termination of annuities.

Referred to Committee on FINANCE, January 3, 2008.

No. 2141 By Representatives BENNINGHOFF, BENNINGTON, BOYD, BRENNAN, CARROLL, CUTLER, EVERETT, GILLESPIE, GINGRICH, HORNAMAN, JOSEPHS, MARSHALL, MELIO, MILNE, MOUL, ROAE, STERN, SWANGER, TRUE and DeLUCA

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for restricted activities.

Referred to Committee on STATE GOVERNMENT, January 3, 2008.

No. 2142 By Representatives ROSS, BARRAR, BOYD, BRENNAN, CARROLL, CREIGHTON, DePASQUALE, FLECK, GEIST, GINGRICH, GRELL, HARPER, HERSHEY, HESS, HORNAMAN, LONGIETTI, McILHATTAN, McILVAINE SMITH, MILLARD, R. MILLER, MILNE, MOYER, NAILOR, NICKOL, O'NEILL, PAYNE, PETRARCA, PHILLIPS, PICKETT, RAPP, READSHAW, REICHLEY, ROHRER, RUBLEY, SAYLOR, SCHRODER, SIPTROTH, SWANGER, TRUE, WANSACZ and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for declarations of estimated tax.

Referred to Committee on FINANCE, January 3, 2008.

No. 2143 By Representatives ROSS, ADOLPH, BELFANTI, BENNINGTON, CAPPELLI, FREEMAN, GINGRICH, HERSHEY, HORNAMAN, McILVAINE SMITH, MILNE, MUNDY, MUSTIO, NICKOL, O'NEILL, RUBLEY, SANTONI, SAYLOR, SIPTROTH, STEIL, SWANGER, VITALI and WAGNER

An Act providing for the adoption of procedures to encourage energy efficiency and demand-side resources by electric distribution companies, for program administrator, for review of recommendations by the Public Utility Commission, for responsibilities of electric distribution companies and for reporting.

Referred to Committee on CONSUMER AFFAIRS, January 3, 2008.

No. 2145 By Representatives BENNINGHOFF, BASTIAN, BEAR, BELFANTI, BOBACK, BRENNAN, CALTAGIRONE, CARROLL, CUTLER, DALLY, DENLINGER, DePASQUALE, FAIRCHILD, FLECK, GEIST,

GEORGE, GOODMAN, GRELL, HARRIS, HENNESSEY, HERSHEY, HORNAMAN, HUTCHINSON, M. KELLER, KOTIK, LEACH, MANN, MANTZ, MARSHALL, McGEEHAN, R. MILLER, MILNE, MOUL, MUNDY, MURT, NAILOR, PEIFER, PETRONE, PHILLIPS, READSHAW, ROAE, RUBLEY, SCHRODER, STERN, SWANGER, TRUE, WANSACZ, J. WHITE, YOUNGBLOOD and D. O'BRIEN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, defining "prerecorded political message"; and further providing for advertising.

Referred to Committee on STATE GOVERNMENT, January 3, 2008.

No. 2146 By Representatives PAYTON, McCALL, McGEEHAN, BELFANTI, BLACKWELL, COHEN, DONATUCCI, GERGELY, HARPER, JOSEPHS, KORTZ, MOYER, MYERS, M. O'BRIEN, PARKER, PETRONE, SABATINA, SIPTROTH, K. SMITH, STURLA, THOMAS, WATERS, WILLIAMS, YOUNGBLOOD and JAMES

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 courses of study in high school.

Referred to Committee on EDUCATION, January 3, 2008.

No. 2147 By Representatives SOLOBAY, BELFANTI, CAPPELLI, CARROLL, DALEY, J. EVANS, GRUCELA, GEIST, GEORGE, GOODMAN, HELM, HUTCHINSON, MANN, McCALL, McGEEHAN, NAILOR, M. O'BRIEN, READSHAW, REICHLEY, SHIMKUS, STABACK, R. STEVENSON, WANSACZ, WOJNAROSKI, BRENNAN, GIBBONS, R. MILLER, PAYNE, MAHONEY, MURT, JAMES, J. WHITE, HARHAI, MOYER, LEACH, PETRONE, YOUNGBLOOD, PETRARCA, RAMALEY, HORNAMAN, McILVAINE SMITH, SIPTROTH and KULA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, defining "Commonwealth firefighter or firefighter instructor"; and further defining "superannuation age."

Referred to Committee on FINANCE, January 3, 2008.

No. 2148 By Representatives McILVAINE SMITH, MILNE, ADOLPH, BELFANTI, BENNINGTON, BIANCUCCI, BISHOP, BRENNAN, CALTAGIRONE, CAPPELLI, CARROLL, CAUSER, COHEN, DePASQUALE, J. EVANS, FABRIZIO, FRANKEL, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HARHAI, HARKINS, HELM, HERSHEY, HESS, HUTCHINSON, JOSEPHS, KOTIK, KULA, LEACH, LENTZ, LONGIETTI, MAHONEY, MAJOR, MANDERINO, MANN, MARKOSEK, McCALL, McILHATTAN, MURT, PETRARCA, PETRONE, READSHAW, REED, ROCK, ROEBUCK, RUBLEY, SCAVELLO, SHIMKUS, SIPTROTH, K. SMITH, SOLOBAY, J. TAYLOR, THOMAS, WAGNER, WALKO, WATERS, J. WHITE, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, M. SMITH, M. O'BRIEN, DALEY, CONKLIN, SABATINA and SWANGER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for permanent biannual cost-of-living increases for retirees.

Referred to Committee on FINANCE, January 3, 2008.

No. 2149 By Representatives DALLY, BARRAR, BELFANTI, BENNINGHOFF, BEYER, BRENNAN, CARROLL, CAUSER, CONKLIN, FREEMAN, GEIST, GERGELY, GINGRICH, GRUCELA, HERSHEY, JAMES, M. KELLER, MURT, PERZEL, PETRONE, PYLE, READSHAW, SURRA, SWANGER, VEREB and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for operation of snowmobiles and ATVs on streets and highways.

Referred to Committee on TRANSPORTATION, January 14, 2008.

No. 2151 By Representatives MELIO, CURRY, GEIST, HENNESSEY, HORNAMAN, MAHONEY, PASHINSKI, PETRONE, SHIMKUS and K. SMITH

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for net slot machine revenue distribution.

Referred to Committee on GAMING OVERSIGHT, January 14, 2008.

No. 2152 By Representatives J. WHITE, LONGIETTI, HANNA, BLACKWELL, DePASQUALE, TANGRETTI, KORTZ, RAPP, VULAKOVICH, ARGALL, BENNINGTON, DALEY, GOODMAN, FREEMAN, GIBBONS, CONKLIN, LENTZ, HORNAMAN, SURRA, MURT and MAJOR

An Act amending the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act, providing for allocations to scholarship program.

Referred to Committee on EDUCATION, January 14, 2008.

No. 2153 By Representatives HARHART, REICHLEY, BELFANTI, CALTAGIRONE, DALLY, GEIST, GEORGE, GINGRICH, HARKINS, R. MILLER, MOYER, SCAVELLO, SIPTROTH, R. STEVENSON, VULAKOVICH and MURT

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in safe schools, further providing for definitions; and providing for safe school crisis plans.

Referred to Committee on EDUCATION, January 14, 2008.

No. 2154 By Representatives GEORGE, BELFANTI, BENNINGHOFF, BOYD, BRENNAN, CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, COHEN, CONKLIN, CUTLER, DALLY, DONATUCCI, J. EVANS, EVERETT, FABRIZIO, FAIRCHILD, FLECK, FRANKEL, GALLOWAY, GEIST, GIBBONS, GILLESPIE, GOODMAN, GRUCELA, HARHART, HARRIS, HELM, HERSHEY, HESS, HUTCHINSON, JOSEPHS, M. KELLER, LENTZ, MAHONEY, MANN, MANTZ, MARSHALL, McCALL, McGEEHAN, McILHATTAN, MELIO, MENSCH, METCALFE, MILLARD, MOUL, MURT, MUSTIO,

NAILOR, M. O'BRIEN, PALLONE, PAYNE, PETRONE, PHILLIPS, PYLE, RAPP, READSHAW, REED, ROSS, SAINATO, SAYLOR, SCAVELLO, SIPTROTH, K. SMITH, SONNEY, STABACK, STERN, R. STEVENSON, SURRA, SWANGER, THOMAS, TRUE, VULAKOVICH, WALKO, WATSON, J. WHITE, WOJNAROSKI and YOUNGBLOOD

An Act redesignating the bridge on State Route 36 in the Borough of Mahaffey, Clearfield County, as the PFC Melvin L. Brown Memorial Bridge.

Referred to Committee on TRANSPORTATION, January 14, 2008.

No. 2155 By Representatives CUTLER, ARGALL, BEAR, BENNINGHOFF, BOYD, CIVERA, CLYMER, CREIGHTON, DENLINGER, HICKERNELL, HORNAMAN, METCALFE, MURT, ROAE, SAYLOR, STERN, SWANGER and TRUE

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for penalties.

Referred to Committee on STATE GOVERNMENT, January 14, 2008.

No. 2156 By Representatives CUTLER, ARGALL, BEAR, BOYD, COX, CREIGHTON, FREEMAN, GEIST, GIBBONS, GINGRICH, GOODMAN, HERSHEY, HICKERNELL, HORNAMAN, METCALFE, R. MILLER, MURT, PERRY, PYLE, REICHLEY, ROAE, RUBLEY, SAYLOR, STERN, SWANGER, TRUE and WATSON

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for prohibited activities and for penalties.

Referred to Committee on STATE GOVERNMENT, January 14, 2008.

No. 2157 By Representatives QUINN, McILVAINE SMITH, BOBACK, BRENNAN, CLYMER, FREEMAN, GEORGE, GINGRICH, GOODMAN, HARPER, HELM, MAHONEY, MANTZ, MELIO, MENSCH, MILNE, MOUL, MOYER, MUNDY, MURT, NICKOL, PETRONE, REICHLEY, ROSS, SCHRODER, SIPTROTH, K. SMITH, STEIL, WATSON and YOUNGBLOOD

An Act amending the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act, further providing for safe drinking water, for definitions, for powers and duties of the Department of Environmental Protection and for civil and criminal penalties; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 14, 2008.

No. 2158 By Representatives SIPTROTH, PEIFER, BEYER, BRENNAN, CALTAGIRONE, CARROLL, CREIGHTON, DENLINGER, FLECK, GRUCELA, HARRIS, HELM, HERSHEY, HESS, KENNEY, MAHONEY, MAJOR, MENSCH, MILLARD, PRESTON, SANTONI, SAYLOR, SCAVELLO, SURRA and VULAKOVICH

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to Pike County or its assigns, certain lands, situate in

the Borough of Milford, Pike County, in exchange for a certain tract of land.

Referred to Committee on STATE GOVERNMENT, January 14, 2008.

No. 2159 By Representatives SAYLOR, HICKERNELL, R. MILLER, GINGRICH, MENSCH, HELM, HORNAMAN, BRENNAN, FLECK, HENNESSEY, HERSHEY and SWANGER

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for power to adopt airport zoning regulations; providing for assessment of benefited airport; and further providing for airport zoning requirements.

Referred to Committee on LOCAL GOVERNMENT, January 14, 2008.

No. 2160 By Representatives KENNEY, SCAVELLO, KAUFFMAN, MACKERETH, J. TAYLOR, WATSON, BENNINGHOFF, SONNEY, GINGRICH, REICHLEY, ROSS, SAYLOR, NAILOR, LONGIETTI, GEORGE, CAPPELLI, HALUSKA, PHILLIPS, YOUNGBLOOD, MICOZZIE, GODSHALL, MURT, YUDICHAK, MARSHALL, HARHAI, RUBLEY, SIPTROTH, MOYER, BRENNAN, SURRA, O'NEILL, HENNESSEY, PALLONE, SOLOBAY, MELIO, K. SMITH, HARPER, VULAKOVICH, MENSCH, BENNINGTON, GERGELY, MUSTIO, HORNAMAN, MANN, DALLY, EVERETT, HELM, D. O'BRIEN, ARGALL, FAIRCHILD, CLYMER, HARHART, McCALL and RAMALEY

An Act providing for an annual allocation of funds to county mental health and mental retardation programs.

Referred to Committee on HEALTH AND HUMAN SERVICES, January 14, 2008.

No. 2161 By Representatives BOBACK, MUNDY, HENNESSEY, CAUSER, GINGRICH, WATSON, QUINN, SWANGER, VULAKOVICH, PASHINSKI, SHIMKUS, CARROLL, FREEMAN, GABIG, GOODMAN, HALUSKA, HELM, KORTZ, KULA, LEACH, MAJOR, MILLARD, MOYER, MURT, M. O'BRIEN, O'NEILL, PEIFER, PICKETT, RUBLEY, SAYLOR, SCHRODER, SIPTROTH, STERN, WANSACZ, YOUNGBLOOD and YUDICHAK

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

Referred to Committee on AGING AND OLDER ADULT SERVICES, January 14, 2008.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 549 By Representatives ROHRER, STABACK, BELFANTI, BENNINGHOFF, BOBACK, BOYD, CAPPELLI, CAUSER, CLYMER, CONKLIN, CREIGHTON, CUTLER, EVERETT, FLECK, GEIST, GEORGE, GIBBONS,

GODSHALL, GOODMAN, HELM, HENNESSEY, HERSHEY, HESS, HORNAMAN, KOTIK, LEVDANSKY, MANTZ, MARKOSEK, McILHATTAN, MENSCH, MILLARD, MILNE, MOUL, MOYER, MURT, RAPP, RUBLEY, SIPTROTH, SONNEY, SURRA, VULAKOVICH, WATSON, WOJNAROSKI and DENLINGER

A Resolution urging governmental agencies of Pennsylvania and its political subdivisions to create more space where persons can hunt, fish and boat.

Referred to Committee on GAME AND FISHERIES, January 14, 2008.

No. 554 By Representatives GINGRICH, BENNINGHOFF, CLYMER, CREIGHTON, EVERETT, FAIRCHILD, GEIST, GOODMAN, HELM, HORNAMAN, MANTZ, McILHATTAN, MENSCH, MILLARD, R. MILLER, MOUL, MOYER, MYERS, NAILOR, PETRONE, PICKETT, RAPP, RUBLEY, SAYLOR, SIPTROTH, SONNEY, STERN, SWANGER, WATERS, WATSON and YOUNGBLOOD

A Resolution urging the Pennsylvania Supreme Court to adopt a Rule of Criminal Procedure allowing written jury instructions pertaining to the elements of each crime charged to be provided to jurors for use as part of the jury's deliberative process.

Referred to Committee on JUDICIARY, January 14, 2008.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 489, PN 2983**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. The House will be at ease for a moment.

The House will come to order.

GUESTS INTRODUCED

The SPEAKER pro tempore. Located in the balcony, in the gallery, as the guests of Representative Kathy Manderino are Chip Roller and Tim Finan, again, guests of Representative Kathy Manderino. Please rise and be recognized.

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise the members that he has given permission for approximately 10 minutes to Mr. D.R. Jarrell of WFMZ-TV to videotape with audio.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. KESSLER called up **HR 553, PN 3064**, entitled:

A Resolution recognizing the 100th anniversary of the Rhodes Opera House fire of January 13, 1908, in Boyertown, Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. Members, please take your seats. Members, kindly take your seats. The gentleman, Mr. Kessler, has requested special attention to passage of this resolution. And just to remind the members, we have given permission for audio/video for approximately 10 minutes.

Mr. Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

Yesterday at 8 p.m., 100 years ago, one of the most fatal fires in the history of our country happened at the Rhodes Opera House in Boyertown, Pennsylvania. This fire led to legislation that was passed right in this House in 1909 that had a major effect on fire exits, and other States followed suit throughout the country. I would like to take a minute and read this story to you.

On January 13, 1908, the people of Boyertown gathered on a cold night to be entertained by a church play at the second-floor auditorium of the Rhodes Opera House. The performance began at 8 p.m. with a packed house of 310 people. "The Scottish Reformation," a play, was presented by members of St. John's Lutheran Church.

During the interlude, before the fourth act, a tube from the projection slide show came loose, emitting a hissing noise, which alarmed the crowd as well as the cast. The cast members parted the curtains and accidentally knocked over a kerosene lantern on the stage, setting off a small fire.

The crowd quickly panicked and pushed toward the unmarked exits and fire escapes. The auditorium doors allowed for a very narrow passage and opened inward, causing the weight of the crowd to press against them, preventing them from opening the doors. Many people were crushed to death before the fire came close. Fire raged for more than 7 hours, until the building was reduced to rubble.

The fire killed 170 of the 310 people in the building that tragic evening, with entire families perishing, and despite best efforts, 25 victims remained unidentified. Boyertown lost nearly 10 percent of its population that night, and nearly every family in the borough lost a member. The Rhodes Opera House fire is among the 10 most fatal fires in United States history.

In the aftermath of this devastation, in 1909 Pennsylvania legislators enacted legislation to set standards for doors, landings, fire extinguishers, and most importantly, marked exits and doors, which must open outward and remain unlocked. After Pennsylvania passed this legislation, New York followed suit and several other States throughout the country. The opera house in Boyertown will always be remembered for the lives lost and the protective legislation and regulations which were the foundation for the current safety regulations.

"...Therefore be it RESOLVED, That the House of Representatives recognize the 100th anniversary of the

Rhodes Opera House fire of January 13, 1908, in Boyertown, Pennsylvania; and be it further

"RESOLVED, That copies of this resolution be transmitted to the Boyertown Historical Society and Boyertown Borough Council."

Channel 69 out of Reading, Pennsylvania, took 2 years for an hour documentary that was aired last night at 8 p.m., 100 years exactly when the fire occurred.

GUESTS INTRODUCED

Mr. KESSLER. To my left are three people from Boyertown – Lindsay Dierolf, Hank Bishe, and Mary Jane Lentz. Could you please stand. These people were very, very instrumental in getting this documentation done so channel 69 could do their documentary. Thank you for what you have done.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker
Frankel	Mantz	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—6

Bennington	Hennessey	Siptroth	Tangretti
Gerber	Rubley		

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

GUESTS INTRODUCED

The SPEAKER pro tempore. We would like to welcome to the hall of the House guests of the Chester County delegation – Aaron Marcovitz, Chester County Treasurer's Office; Hal Hallman of Hallman's General Store in West Pikeland Township. Please rise and be recognized.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. DeWEESE called up **HR 488, PN 2765**, entitled:

A Resolution congratulating graduates of the Pennsylvania Empowered Expert Residents (PEER) Project and recognizing Wednesday, May 7, 2008, as "Pennsylvania Empowered Expert Residents (PEER) Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 488 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.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1044 be removed from the tabled calendar and placed on the supplemental calendar.

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

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise the members that he has given permission to Justin Thompson and Andy Briggs of ABC-27 News to videotape with natural background sound.

HOUSE SCHEDULE

DEMOCRATIC CAUCUS

APPROPRIATIONS COMMITTEE MEETING

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

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

This is about scheduling. The Democratic Caucus will schedule a meeting, almost immediately, at 1:45, in the caucus room; at 2:30, the Appropriations Committee, on both sides, of course, will meet at 2:30; and we will return to the floor in about an hour and 8 minutes, at 2:45. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will meet at 2:30 in the caucus room.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentelady, Miss Major, for an announcement.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus immediately at the call of the recess. I would like all Republicans to please report to the caucus room.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Mr. DeWeese, just for purposes of clarification, the Appropriations Committee will meet in the majority caucus room. Thank you, Mr. DeWeese.

RECESS

The SPEAKER pro tempore. Are there any further announcements?

Seeing none, the House will now stand in recess until 2:45.

RECESS EXTENDED

The time of recess was extended until 3:15 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 1323, PN 1772** By Rep. D. EVANS

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities.

APPROPRIATIONS.

HB 1705, PN 2255 By Rep. D. EVANS

An Act authorizing the Commonwealth of Pennsylvania to join the Great Lakes-St. Lawrence River Basin Water Resources Compact; providing for the form of the compact; and imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the Compact.

APPROPRIATIONS.

HB 1742, PN 3008 By Rep. D. EVANS

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.

APPROPRIATIONS.

The SPEAKER pro tempore. The aforementioned bills will be placed on the calendar.

BILLS REREPORTED FROM COMMITTEE**HB 775, PN 895** By Rep. D. EVANS

An Act amending the act of June 11, 1935 (P.L.326, No.149), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," further providing for flags, markers and headstones.

APPROPRIATIONS.

HB 776, PN 896 By Rep. D. EVANS

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for flags and grave markers of certain deceased service persons.

APPROPRIATIONS.

HB 777, PN 897 By Rep. D. EVANS

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for markers on graves and for flags to decorate graves.

APPROPRIATIONS.

HB 1474, PN 2930 By Rep. D. EVANS

An Act providing for the location and operation of registered family child day care and certified group child day care in private residential homes and for the issuance of certificates of occupancy for certification and registration purposes.

APPROPRIATIONS.

The SPEAKER pro tempore. The aforementioned bills will be placed on the supplemental calendar.

BILL REPORTED FROM COMMITTEE**HB 1144, PN 1393** By Rep. D. EVANS

An Act establishing a tax credit for qualifying costs of automatic fire sprinkler systems.

APPROPRIATIONS.

BILL REREFERRED

The SPEAKER pro tempore. The Chair moves, at the majority leader's request, that HB 1144, PN 1393, be rereferred to the Committee on Finance.

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

The SPEAKER pro tempore. Without objection, the bill will be so rereferred.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority leader, who requests a leave of absence for the gentleman, Mr. Dennis O'BRIEN. Without objection, the leave will be for the remainder of the day.

STATEMENT BY MR. HANNA

The SPEAKER pro tempore. The Chair at this point recognizes the gentleman, Mr. Hanna, for a brief remark for, I believe, a congratulatory statement.

Mr. HANNA. Thank you, Mr. Speaker.

I wanted to announce the results of the cow-milking contest from last Friday at the Farm Show. I wanted to let everyone know that the team known as the Hershey's Milk Kisses was the gold medal winner in the cow-milking contest, and I certainly want to congratulate my cochairman, Art Hershey, who was certainly, by far and away, the best milker in the crowd. He certainly was the reason that his team came out number one.

My team, Capitol Cow Power, captained by Kristin Crawford, the executive director of the Senate Ag Committee, we got the bronze medal, which is a nice way of saying we finished next to last.

But I want to again congratulate Art on his gold medal win there. He certainly did an excellent job.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and congratulates Mr. Hershey – Mr. Hershey and Mr. Hanna.

Members, please report to the floor. Members, please report to the floor. We are about to take up this afternoon's legislative action.

COMMUNICATIONS

The SPEAKER pro tempore. The Speaker has received the following reports, which the clerk will read.

The following communications were read:

A communication dated December 26, 2007, from the Acting Commissioner of the Insurance Department, providing a copy of the department's annual report regarding the Motor Vehicle Financial Responsibility Law Commission.

A communication dated December 28, 2007, from the Secretary of the Agriculture Department, providing a copy of the department's report regarding the State Food Purchase Program for the year ending June 30, 2007.

A communication dated November 9, 2007, from the Public Employee Retirement Commission, regarding amendment No. 04066 to HB 1085, PN 1257, providing an actuarial impact statement on the amendment.

Pursuant to Article VI, section 4, of the Constitution, the Speaker is hereby referring the attached petition for impeachment to the Judiciary Committee.

A communication dated December 7, 2007, from the Acting Commissioner of the Insurance Department, providing a copy of the department's Annual Statistical Report for fiscal year ending June 30, 2007.

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. GALLOWAY. Without objection, the leave will be so granted.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

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?

Mr. **MILLER** offered the following amendment No. **A04833**:

Amend Bill, page 2, lines 6 and 7, by striking out all of said lines and inserting

Section 3. Applicability.

This act shall apply as follows:

(1) Section 2(1) of the act shall apply to income received in calendar year 2007 and each calendar year thereafter.

(2) Section 2(2) of the act shall apply to income received in calendar year 2008 and each calendar year thereafter.

(3) Section 2(3) of the act shall apply to registration fees issued or renewed on or after July 1, 2008.

Section 4. Effective date.

This act shall take effect immediately.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Miller.

Mr. **MILLER**. Thank you, Mr. Speaker.

Amendment 4833 adds a new section to HB 652 that specifies the period to which the exclusion of veterans disability benefits would apply when determining income eligibility for three separate programs. The three programs are the property tax and rent rebate program, the pharmaceutical assistance program, and the \$10 processing fee in lieu of the vehicle registration fee.

I would appreciate an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority caucus secretary, who requests a leave of absence for the gentleman, Mr. MAHER, for the remainder of the day. Without objection, the leave is so granted.

The Chair is in receipt for a request of leave from the majority whip, who requests a leave of absence for the remainder of the day for the gentleman, Mr. DONATUCCI. Without objection, the leave is also granted.

CONSIDERATION OF HB 652 CONTINUED

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

The following roll call was recorded:

YEAS—193

Adolph	Freeman	Markosek	Roae
Argall	Gabig	Marshall	Rock
Baker	Geist	Marsico	Roebuck
Barrar	George	McCall	Rohrer
Bastian	Gergely	McGeehan	Ross
Bear	Gibbons	McI. Smith	Sabatina
Belfanti	Gillespie	McIlhattan	Sainato
Benninghoff	Gingrich	Melio	Samuelson
Beyer	Godshall	Mensch	Santoni
Bianucci	Goodman	Metcalfe	Saylor
Bishop	Grell	Micozzie	Scavello
Blackwell	Grucela	Millard	Schroder
Boback	Haluska	Miller	Seip
Boyd	Hanna	Milne	Shapiro
Brennan	Harhai	Moul	Shimkus
Brooks	Harhart	Moyer	Smith, K.
Buxton	Harkins	Mundy	Smith, M.
Caltagirone	Harper	Murt	Smith, S.
Cappelli	Harris	Mustio	Solobay
Carroll	Helm	Myers	Sonney
Casorio	Hershey	Nailor	Staback

Causer	Hess	Nickol	Stairs
Civera	Hickernell	O'Brien, M.	Steil
Clymer	Hornaman	O'Neill	Stern
Cohen	Hutchinson	Oliver	Stevenson
Conklin	James	Pallone	Sturla
Costa	Josephs	Parker	Surra
Cox	Kauffman	Pashinski	Swanger
Creighton	Keller, M.	Payne	Taylor, J.
Cruz	Keller, W.	Payton	Taylor, R.
Curry	Kenney	Peifer	Thomas
Cutler	Kessler	Perry	True
Daley	Killion	Perzel	Turzai
Dally	King	Petrarca	Vereb
DeLuca	Kirkland	Petri	Vitali
Denlinger	Kortz	Petrone	Vulakovich
DePasquale	Kotik	Phillips	Wagner
Dermody	Kula	Pickett	Walko
DeWeese	Leach	Preston	Wansacz
DiGirolamo	Lentz	Pyle	Waters
Eachus	Levdansky	Quigley	Watson
Ellis	Longietti	Quinn	Wheatley
Evans, D.	Mackereth	Ramaley	White
Evans, J.	Mahoney	Rapp	Williams
Everett	Major	Raymond	Wojnaroski
Fabrizio	Manderino	Readshaw	Yewcic
Fairchild	Mann	Reed	Youngblood
Fleck	Mantz	Reichley	Yudichak
Frankel			

NAYS—0

NOT VOTING—0

EXCUSED—10

Bennington	Gerber	Rubley	
Donatucci	Hennessey	Siptroth	O'Brien, D.,
Galloway	Maher	Tangretti	Speaker

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

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

The SPEAKER pro tempore. 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.)

SUPPLEMENTAL CALENDAR B

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1474, PN 2930**, entitled:

An Act providing for the location and operation of registered family child day care and certified group child day care in private residential homes and for the issuance of certificates of occupancy for certification and registration purposes.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1563, PN 2668**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further defining "police department" and "police officer" for purposes of municipal police training and education.

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

Mr. **PALLONE** offered the following amendment No. **A03967**:

Amend Title, page 1, lines 2 through 4, by striking out "further defining "police department"" in line 2 and all of lines 3 and 4 and inserting

in municipal police education and training, further providing for definitions, for automatic certification and for reimbursement of expenses.

Amend Bill, page 3, by inserting between lines 10 and 11

Section 2. Sections 2168 and 2170 of Title 53 are amended by adding subsections to read:

§ 2168. Automatic certification.

(e) County park police.—Any county park police officer who has successfully completed the basic training course under this subchapter prior to the effective date of this subsection shall be assigned a certification number under this subchapter but shall be required to complete the in-service training as set forth in section 2164(6).

§ 2170. Reimbursement of expenses.

(a.1) County park police.—A municipality shall be ineligible for reimbursement for tuition and expenses for the certified basic training of county park police.

Amend Sec. 2, page 3, line 11, by striking out "2" and inserting

3

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Pallone.

Mr. PALLONE. Mr. Speaker, I believe this amendment is being withdrawn, and we are only going to act on the second amendment. Let me get the number – amendment 5091.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. PALLONE. Thank you, Mr. Speaker.

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

Mr. PALLONE offered the following amendment No. A05091:

Amend Bill, page 3, by inserting between lines 10 and 11 Section 2. Sections 2168 and 2170 of Title 53 are amended by adding subsections to read: § 2168. Automatic certification.

(e) County park police.—

(1) A county park police officer who has successfully completed the basic training course under this subchapter prior to the effective date of this subsection shall be assigned a certification number under this subchapter but shall be required to complete the in-service training as set forth in section 2164(7) (relating to powers and duties of commission).

(2) County park police officers who successfully completed training prior to the effective date of this subchapter or have successfully completed training determined by the commission to be the equivalent of that training, and who met all the criteria in place at the time of their hiring, and successfully completed all training required thereafter, shall also be assigned a certification number under this subchapter.

(3) A certification number may be transferred along with an individual if that individual has successfully completed all training required by the commission and is hired for another position under this subchapter.

§ 2170. Reimbursement of expenses.

(a.1) County park police.—A municipality shall be ineligible for reimbursement for tuition and expenses for the certified basic training of county park police.

Section 3. Section 2171 of Title 53 is amended to read:

§ 2171. Payment of certain county costs.

(a) Second class counties.—Counties of the second class shall be liable for costs incurred for the certification of deputy sheriffs. The costs shall not exceed the sum per police officer assessed against municipalities.

(b) Counties generally.—Counties shall be liable for the costs incurred for any training required for the certification of county park police officers.

Amend Sec. 2, page 3, line 11, by striking out "2" and inserting

4

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

This is nothing more than a corrective amendment that piggybacks on two pieces of legislation that this body and the Senate approved back in 2004, which became Acts 152 and 155. This is just the enabling piece to allow a very narrowly defined county park police department to be able to secure MPOETC numbers, which is the Municipal Police Officers' Education and Training Commission certification, which will enable them to be able to take regular police action on and issue citations on the very narrowly defined jurisdictional limits that come out of both Acts 152 and 155, which are amendments to the County Code and Title 42, under those prior pieces of legislation. This is just a third component that we learned, as we began to certify the county park police, that this piece of legislation needed to be put in place so that they could get their MPOETC numbers.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—99

Table listing names of members who voted YEAS, including Belfanti, Biancucci, Bishop, Blackwell, Brennan, Buxton, Caltagirone, Carroll, Casorio, Cohen, Conklin, Costa, Cruz, Curry, Daley, DeLuca, DePasquale, Dermody, DeWeese, Eachus, Evans, D., Fabrizio, Frankel, Freeman, George, Gergely, Gibbons, Goodman, Grucela, Haluska, Hanna, Harhai, Harkins, Hornaman, James, Josephs, Keller, W., Kessler, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longiotti, Mahoney, Manderino, Mann, Markosek, McCall, McGeehan, McI. Smith, Melio, Mundy, Myers, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payton, Petrarca, Petrone, Preston, Quinn, Ramaley, Readshaw, Roebuck, Sabatina, Sainato, Samuelson, Santoni, Seip, Shapiro, Shimkus, Smith, K., Smith, M., Solobay, Staback, Steil, Sturla, Surra, Taylor, R., Thomas, Vitali, Wagner, Walko, Wansacz, Waters, Wheatley, White, Williams, Wojnarowski, Yewcic, Youngblood, and Yudichak.

NAYS—94

Table listing names of members who voted NAYS, including Adolph, Argall, Baker, Barrar, Bastian, Bear, Benninghoff, Beyer, Boback, Boyd, Brooks, Cappelli, Causer, Civera, Clymer, Cox, Creighton, Cutler, Dally, Denlinger, DiGirolamo, Ellis, Evans, J., Everett, Fairchild, Fleck, Gabig, Geist, Gillespie, Gingrich, Godshall, Grell, Harhart, Harper, Harris, Helm, Hershey, Hess, Hickernell, Hutchinson, Kauffman, Keller, M., Kenney, Killion, Mackereth, Major, Mantz, Marshall, Marsico, McIlhatten, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Murt, Mustio, Nailor, Nickol, Payne, Peifer, Perry, Perzel, Petri, Phillips, Pickett, Pyle, Quigley, Rapp, Raymond, Reed, Reichley, Roae, Rock, Rohrer, Ross, Saylor, Scavello, Schroder, Smith, S., Sonney, Stairs, Stern, Stevenson, Swanger, Taylor, J., True, Turzai, Vereb, Vulakovich, and Watson.

NOT VOTING—0

EXCUSED—10

Table listing names of members who were EXCUSED, including Bennington, Donatucci, Galloway, Gerber, Hennessey, Maher, Rubley, Siproth, Tangretti, and O'Brien, D., Speaker.

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

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

The SPEAKER pro tempore. 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.)

SUPPLEMENTAL CALENDAR D

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 775, PN 895**, entitled:

An Act amending the act of June 11, 1935 (P.L.326, No.149), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," further providing for flags, markers and headstones.

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

Mr. **FAIRCHILD** offered the following amendment No. **A03541**:

Amend Sec. 1 (Sec. 5), page 2, line 17, by inserting a bracket before the colon after "centum"

Amend Sec. 1 (Sec. 5), page 2, line 25, by inserting a bracket after "used." and inserting immediately thereafter
; or aluminum or a suitable substitute material.

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

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Amendment 03541 is an agreed-to amendment, and what it entails is the opportunity to allow different types of materials on veterans' grave markers.

This was done because the bronze markers are very expensive, and at the request of the County Commissioners Association and in discussion with different veterans groups, it was agreed that this would be a good way to proceed with the manner in which we honor all veterans who served and volunteered and served our country.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bennington	Gerber	Rubley	
Donatucci	Hennessey	Siproth	O'Brien, D.,
Galloway	Maher	Tangretti	Speaker

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 776, PN 896**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for flags and grave markers of certain deceased service persons.

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

Mr. **FAIRCHILD** offered the following amendment No. **A03540**:

Amend Sec. 1, page 1, line 13, by inserting after "1913(a)," (b),

Amend Sec. 1 (Sec. 1913), page 2, line 9, by inserting a bracket before "but"

Amend Sec. 1 (Sec. 1913), page 2, line 16, by inserting a bracket after "materials." and inserting immediately thereafter

aluminum or a suitable substitute material.

Amend Sec. 1 (Sec. 1913), page 2, by inserting between lines 16 and 17

(b) The county commissioners shall procure bronze, aluminum or suitable substitute material markers from some manufacturer or manufacturers, engaged in the manufacturing of the same, and in the contract for the furnishing thereof, the manufacturer furnishing the bronze markers shall warrant that the same are made of the following metals, and in the following proportions: copper, eighty-five per centum; tin, five per centum; zinc, five per centum; and lead, five per centum.

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

The **SPEAKER** pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Fairchild.

Mr. **FAIRCHILD**. Thank you, Mr. Speaker.

This is the same amendment that was offered to the previous bill.

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

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

The following roll call was recorded:

YEAS-193

Adolph	Freeman	Markosek	Roae
Argall	Gabig	Marshall	Rock
Baker	Geist	Marsico	Roebuck
Barrar	George	McCall	Rohrer
Bastian	Gergely	McGeehan	Ross
Bear	Gibbons	McI. Smith	Sabatina
Belfanti	Gillespie	McIlhattan	Sainato
Benninghoff	Gingrich	Melio	Samuelson

Beyer	Godshall	Mensch	Santoni
Bianucci	Goodman	Metcalfe	Saylor
Bishop	Grell	Micozzie	Scavello
Blackwell	Grucela	Millard	Schroder
Boback	Haluska	Miller	Seip
Boyd	Hanna	Milne	Shapiro
Brennan	Harhai	Moul	Shimkus
Brooks	Harhart	Moyer	Smith, K.
Buxton	Harkins	Mundy	Smith, M.
Caltagirone	Harper	Murt	Smith, S.
Cappelli	Harris	Mustio	Solobay
Carroll	Helm	Myers	Sonney
Casorio	Hershey	Nailor	Staback
Causer	Hess	Nickol	Stairs
Civera	Hickernell	O'Brien, M.	Steil
Clymer	Hornaman	O'Neill	Stern
Cohen	Hutchinson	Oliver	Stevenson
Conklin	James	Pallone	Sturla
Costa	Josephs	Parker	Surra
Cox	Kauffman	Pashinski	Swanger
Creighton	Keller, M.	Payne	Taylor, J.
Cruz	Keller, W.	Payton	Taylor, R.
Curry	Kenney	Peifer	Thomas
Cutler	Kessler	Perry	True
Daley	Killion	Perzel	Turzai
Dally	King	Petrarca	Vereb
DeLuca	Kirkland	Petri	Vitali
Denlinger	Kortz	Petrone	Vulakovich
DePasquale	Kotik	Phillips	Wagner
Dermody	Kula	Pickett	Walko
DeWeese	Leach	Preston	Wansacz
DiGirolo	Lentz	Pyle	Waters
Eachus	Levdansky	Quigley	Watson
Ellis	Longiotti	Quinn	Wheatley
Evans, D.	Mackereth	Ramaley	White
Evans, J.	Mahoney	Rapp	Williams
Everett	Major	Raymond	Wojnaroski
Fabrizio	Manderino	Readshaw	Yewcic
Fairchild	Mann	Reed	Youngblood
Fleck	Mantz	Reichley	Yudichak
Frankel			

NAYS-0

NOT VOTING-0

EXCUSED-10

Bennington	Gerber	Rubley	
Donatucci	Hennessey	Siproth	O'Brien, D.,
Galloway	Maher	Tangretti	Speaker

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

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

Mr. **GEORGE** offered the following amendment No. **A04923**:

Amend Title, page 1, line 10, by removing the period after "persons" and inserting ; authorizing counties and the Department of Environmental Protection to conduct sewage sludge testing on certain lands; and providing for reports to the General Assembly.

Amend Bill, page 4, by inserting between lines 10 and 11 Section 3. The act is amended by adding a section to read:

Section 1940. Sewage Sludge Testing.—(a) A county may adopt an ordinance or resolution authorizing the county to conduct tests of land for the application of sewage sludge and providing that the expense of such tests shall be paid by:

- (1) the entity that applied the sewage sludge;
(2) the owner of the land; or
(3) the transporter of the sewage sludge.

(b) Upon written complaint of any person, the department may enter upon any land in this Commonwealth and conduct tests of such land for the application of sewage sludge without prior notice to the owner of the land.

(c) The department shall submit an annual report to the General Assembly on the complaints received and the testing conducted by the department under this act.

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

"Department." The Department of Environmental Protection of the Commonwealth.

Amend Sec. 3, page 4, line 11, by striking out "3" and inserting 4

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. George, for a brief description.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Mr. George, it is the understanding of the Chair that you have withdrawn that amendment? Do you want to go over it temporarily? Thank you, Mr. George.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. We will go over the bill temporarily for the time being.

SUPPLEMENTAL CALENDAR C

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 was agreed to.

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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—193

Table listing names of members who voted 'YEAS' in a 4x4 grid format.

NAYS—0

NOT VOTING—0

EXCUSED—10

Table listing names of members who were 'EXCUSED' in a 4x4 grid format.

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

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

The SPEAKER pro tempore. The Chair is now going to recess regular session and go into special session at 3:47 p.m.

RECESS

The SPEAKER pro tempore. Regular session stands in recess until the call of the Chair.

AFTER RECESS

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

SUPPLEMENTAL CALENDAR D CONTINUED

CONSIDERATION OF HB 776 CONTINUED

AMENDMENT A04923 WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. George, has withdrawn all his amendments. Thank you, Mr. George.

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

The SPEAKER pro tempore. We are back on HB 776. Just to remind the members, we are back in regular session, HB 776, second consideration. Mr. George has withdrawn all his 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.)

* * *

The House proceeded to second consideration of **HB 777, PN 897**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for markers on graves and for flags to decorate graves.

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

Mr. **FAIRCHILD** offered the following amendment No. **A03539**:

Amend Sec. 1, page 1, line 8, by inserting after "2113(a)," (b),
Amend Sec. 1 (Sec. 2113), page 2, line 9, by inserting a bracket before "but"

Amend Sec. 1 (Sec. 2113), page 2, line 16, by inserting a bracket after "materials." and inserting immediately thereafter aluminum or a suitable substitute material.

Amend Sec. 1 (Sec. 2113), page 2, by inserting between lines 16 and 17

(b) The county commissioners shall procure bronze, aluminum or suitable substitute material markers from some manufacturer or manufacturers engaged in the manufacturing of the same, and in the contract for the furnishing thereof the manufacturer furnishing the bronze markers shall warrant that the same are made of the following metals and in the following proportions: copper, eighty-five per centum; tin, five per centum; zinc, five per centum; and lead, five per centum.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This is the same amendment that was offered on the prior two bills regarding this subject. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bennington	Gerber	Rubley	
Donatucci	Hennessey	Siptroth	O'Brien, D.,
Galloway	Maher	Tangretti	Speaker

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

On the question,

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

The SPEAKER pro tempore. The gentleman, Mr. George, has withdrawn both of his 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.)

The SPEAKER pro tempore. The Chair has no further business.

ANNOUNCEMENT BY MR. GABIG

The SPEAKER pro tempore. Any announcements?

For what purpose does the gentleman, Mr. Gabig, rise?

Mr. GABIG. Thank you, Mr. Speaker. Thank you; thank you. Is it broken? Is the mike broken? Is the Maher mike broken? I guess the Maher mike was turned off.

Mr. Speaker, I just wanted to congratulate my neighbor from Perry County on his birthday, Mark Keller. Representative Keller, I think he is 40 years old today, so if we could all wish him a happy birthday today.

The SPEAKER pro tempore. Happy birthday, Mark Keller.

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.

ADJOURNMENT

The SPEAKER pro tempore. Seeing no further announcements, the gentleman, Mr. Marshall from Beaver County, moves that this House do now adjourn until Tuesday, January 15, 2008, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:55 p.m., e.s.t., the House adjourned.