

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 18, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 43

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

HON. FRANK SHIMKUS, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.
Good morning, everyone.

Let us bow our heads and our hearts in prayer:

Heavenly Father, what we know not, we ask that You would teach us; what we have not and truly need, we ask that You would provide; and what we are not, we ask that You would make us and help us to become conformed to Your image.

We have so many important issues facing our country and our Commonwealth, we ask for Your guidance. We know that Your Word teaches us that you resist the proud but give grace to the humble, and so we humbly ask for that guidance, and we pray that we might respect the spirit of God in each of us as we continue our conversation and the work of the people.

In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNALS APPROVED

The SPEAKER. The Journals of Monday, December 10; Tuesday, December 11; Wednesday, December 12; and Thursday, December 13, of 2007, as well as the Journals of Tuesday, January 1; and Monday, January 14, 2008, are now in print. Will the House approve those Journals?

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

The SPEAKER. Those Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, June 17, 2008, will be postponed until printed. The Chair hears no objection.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Speaker gives permission for the Education Committee to continue to meet.

GUESTS INTRODUCED

The SPEAKER. We have three guests from Representative Bill Adolph's district today with us on the House floor. They are Leigh, Jim, and Ashleigh Devine from Springfield, Delaware County. Would you please join the Speaker in welcoming them. Would you please stand and be recognized. They are to the left of the Speaker.

Please welcome, as the guest page of Representative Mario Scavello, Niki DiGaetano of Tannersville, Pennsylvania. Niki is homeschooled and will be entering the ninth grade. Also please welcome Niki's mother and brothers – Kim, Jason, and Henry DiGaetano. These guests are seated in the gallery. Would you please stand and be recognized.

Please welcome, as the guest of Representatives Bob Freeman and Carl Mantz, Tony Branco, borough manager of Topton in Berks County. He is in the balcony. Would you please stand and be recognized.

The Chair would like to recognize, as the guest of Representative Karen Boback, Brandon Harding, who is serving as a guest page today. Brandon is a sophomore at the Dallas High School and is accompanied today by his mother, Dawn Harding, and brother, Drew Harding. Mrs. Harding and Drew are located in the gallery. Would you please stand and be recognized.

And we have a very special guest. I know, as a proud dad, Representative Glen Grell is very proud that Alyssa Grell, the daughter of Representative Glen Grell, is serving today as a guest page. Alyssa, where are you? Would you please stand and be recognized. Dad, why do you not come down.

NIGERIAN DELEGATION PRESENTED

The SPEAKER. Today we are honored by the presence of some very special guests, a delegation of diplomats and members of the Assembly from the Ogun State of Nigeria.

Among them are the Right Honorable Samson Egbetokun, Speaker of the House; the Honorable Michael Fasinu, the

majority leader; the Honorable Adijat Oladapo, the only woman Assembly member traveling with the delegation. Also seated to the left is Remi Hassan, chief aide to the Speaker.

To learn more about America, they have brought a delegation of 26 additional elected officials with them. They are seated in the rear of the House. Please join me in giving them a warm welcome to Harrisburg, Pennsylvania, and to this House chamber.

The Ogun State serves as a gateway to Nigeria, one with which pioneering breakthroughs in education, medicine, and law flow through to serve the rest of Nigeria and Africa.

From its creation in 1960, Nigeria has made the liberation and restoration of the dignity of the African people its main goal. Ever since, that country has been a crucial regional power broker, and it has played a major role in advocating peace and democracy across Africa.

Nigeria was one of the first to speak against apartheid in South Africa and has helped to resolve political disputes in Togo and Liberia, as well as brokering a cease-fire and initiating negotiations among warring forces in the Ivory Coast.

The Nigerian people also field the majority of the United Nations and African peacekeeping troops in Liberia and Sudan. They have been a strategic partner with the United States and are a major partner in the war on terror.

Nigeria has the second largest gross domestic product in Africa and is America's largest trading partner in that continent. The citizens of Nigeria, particularly those in the Ogun State, have embraced democracy as well as good government.

Finally, a prosperous Ogun State is vital to Nigeria; a prosperous Nigeria is vital to African growth and stability.

And now I proudly introduce an outstanding global diplomat and a new friend, the Right Honorable Samson Egbetokun, Speaker of the House, who will address the Pennsylvania House of Representatives.

Mr. Speaker, please, welcome to the podium.

SPEAKER EGBETOKUN. Mr. Speaker of the Pennsylvania House of Representatives, United States of America, principal officers of the Pennsylvania House of Representatives, distinguished honorable members in the House, good morning.

I do not have much time to waste, and I do not want to burden you with unnecessary victories. Nigeria, as you have heard, is in West Africa, an Africa of over 150 million people. Nigeria has a presidential system of government in which we bask after the United States of America.

I have to first of all acknowledge and sincerely thank the Speaker of the Pennsylvania House of Representatives for the invitation of our honorable members from the Ogun State of Nigeria to this honorable House. We are very happy, we are very happy and acknowledge this.

Nigeria, as you know, this is the sixth legislature in the Federal government of Nigeria as a result of the persistence and caution of the military into the Nigerian Parliament. And out of the three branches of government, which is the legislature, the executive, and the judiciary, it is the legislature that has really survived this setback as a result of the suspension of constitutional results of the encroachment of military.

I want to sincerely and passionately ask and plead with the House of Representatives of Pennsylvania to continually adjust with the system of our country so that we can move forward and bask after you. We want you to give us the invitation so that we can have capacity building on the democracy and the democratic system of government in Nigeria, as it is the best

form of government. We do not want terror in our country again. The military, really it is too much into our life. The economy, it has affected our nation.

We all know that Nigeria is a rich country with oil flowing out of our country. We need good management, and we need the United States of America by extension and the State of Pennsylvania to build up our capacity and democracy so that we can enhance our economy.

I thank you very sincerely, and I also want to passionately ask this honorable House to please send a delegation to our country to see for themselves what I have said.

Thank you, and God bless.

The **SPEAKER.** The Chair requests that the women members of the Pennsylvania House come to the podium.

LEAVES OF ABSENCE

The **SPEAKER.** The Chair turns to requests for leaves of absence and recognizes the majority whip, who requests that Representative **CRUZ** from Philadelphia and Representative **EVANS** from Philadelphia be placed on leave. The Chair sees no objection. The leaves will be granted.

The Chair recognizes the minority whip, Representative **Argall**, who requests that Representative **DALLY** of Northampton County and Representative **SWANGER** of Lebanon County be placed on leave. The Chair hears no objections. Those leaves will also 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—198

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

Cox	Kauffman	Payne	Taylor, R.
Creighton	Keller, M.K.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Veréb
DeLuca	Killion	Petrarca	Vitali
Denlinger	King	Petri	Vulakovich
DePasquale	Kirkland	Petrone	Wagner
Dermody	Kortz	Phillips	Walko
DeWeese	Kotik	Pickett	Wansacz
DiGirolamo	Kula	Preston	Waters
Donatucci	Leach	Pyle	Watson
Eachus	Lentz	Quigley	Wheatley
Ellis	Levdansky	Quinn	White
Evans, J.	Longietti	Ramaley	Williams
Everett	Mackereth	Rapp	Wojnaroski
Fabrizio	Maher	Raymond	Yewcic
Fairchild	Mahoney	Readshaw	Youngblood
Fleck	Major	Reichley	Yudichak
Frankel	Manderino	Roae	
Freeman	Mann	Rock	O'Brien, D.,
Gabig	Mantz	Roebuck	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Dally			

LEAVES ADDED—2

Donatucci	Micozzie
-----------	----------

LEAVES CANCELED—1

Dally

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

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 797 By Representatives PICKETT, BENNINGHOFF, BENNINGTON, BEYER, BLACKWELL, CALTAGIRONE, CAPPELLI, COHEN, DALEY, DePASQUALE, FLECK, FRANKEL, GEIST, GILLESPIE, GINGRICH, HERSHEY, HORNAMAN, KOTIK, KULA, MAHONEY, MAJOR, MARSICO, McGEEHAN, MELIO, MILLARD, MOUL, MUSTIO, MYERS, O'NEILL, PALLONE, PHILLIPS, RAPP, READSHAW, ROCK, RUBLEY, SAYLOR, SCAVELLO, SIPTROTH, SONNEY, STERN, R. STEVENSON, VEREB, VULAKOVICH, WOJNAROSKI and SWANGER

A Resolution memorializing the Congress of the United States and the Food and Drug Administration to encourage the use of reduced bisphenol-A in the manufacture of plastic food containers and bottles and to eliminate the importation, sale and advertising of polycarbonate baby bottles.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 18, 2008.

No. 798 By Representatives LENTZ, BELFANTI, BROOKS, CALTAGIRONE, CIVERA, DePASQUALE,

FRANKEL, GEORGE, GOODMAN, HARKINS, HERSHEY, W. KELLER, KENNEY, KULA, MELIO, R. MILLER, MURT, O'NEILL, PAYNE, PETRARCA, REICHLEY, RUBLEY, SAYLOR, K. SMITH, SOLOBAY, SWANGER, THOMAS, VULAKOVICH, WATSON, J. WHITE, HENNESSEY, MOYER, MYERS, YUDICHAK and SIPTROTH

A Resolution memorializing the President and Congress of the United States to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 18, 2008.

No. 799 By Representatives COHEN, THOMAS, SURRA, JOSEPHS, BELFANTI, FREEMAN, CALTAGIRONE, STERN, FAIRCHILD, FRANKEL, GOODMAN, HORNAMAN, LONGIETTI, McGEEHAN, MYERS, M. O'BRIEN, PASHINSKI and YOUNGBLOOD

A Resolution directing the Legislative Budget and Finance Committee to conduct a study on how the legislature may provide input into proposed international trade agreements.

Referred to Committee on COMMERCE, June 18, 2008.

No. 802 By Representatives WATERS, BISHOP, MYERS, COHEN, DONATUCCI, BIANCUCCI, BRENNAN, CALTAGIRONE, CASORIO, DePASQUALE, FRANKEL, FREEMAN, GRUCELA, HARKINS, KOTIK, LEACH, MAHONEY, MELIO, MILLARD, PALLONE, READSHAW, SIPTROTH, K. SMITH, STURLA, THOMAS, J. WHITE, MARSICO and CONKLIN

A Resolution urging the House of Representatives to hold public hearings on the Help America Vote Act to further prevent voting difficulties in the 2008 general election due to the high turnout of new voters.

Referred to Committee on STATE GOVERNMENT, June 18, 2008.

No. 803 By Representatives LENTZ, BARRAR, CREIGHTON, EVERETT, GEIST, GIBBONS, GOODMAN, GRUCELA, HENNESSEY, HORNAMAN, JAMES, W. KELLER, KULA, MAHONEY, MICOZZIE, MURT, PALLONE, PETRONE, PYLE, RAMALEY, READSHAW, K. SMITH, THOMAS, VEREB, VULAKOVICH, J. WHITE, WOJNAROSKI and YOUNGBLOOD

A Resolution urging the Secretary of Education to direct the Commonwealth's school districts to provide training in the playing of Taps.

Referred to Committee on EDUCATION, June 18, 2008.

No. 805 By Representatives KIRKLAND, KENNEY, PAYTON, STABACK, REICHLEY, GODSHALL, READSHAW, SIPTROTH, PRESTON, BLACKWELL, DALEY, BELFANTI, FRANKEL, DERMODY, HENNESSEY, SEIP, McCALL, THOMAS, MANN, GINGRICH, WALKO, ROSS, GERGELY, HARHAI, HORNAMAN, PETRI, VEREB, GIBBONS, GRELL, PAYNE, R. STEVENSON, HARPER, DENLINGER, WAGNER,

JAMES, RAYMOND, S. H. SMITH, WATERS, J. TAYLOR, KILLION, PASHINSKI, TURZAI, OLIVER, SHIMKUS, J. WHITE, MUSTIO, RUBLEY, HARRIS, SCAVELLO, MARKOSEK, BARRAR, SAYLOR, QUINN, METCALFE, CLYMER, K. SMITH, McILHATTAN, DIGIROLAMO, SWANGER, MANTZ, CIVERA, DALLY, QUIGLEY, SOLOBAY, J. EVANS, BOYD, ARGALL, VULAKOVICH, PYLE, ROHRER, WANSACZ, ELLIS, BIANCUCCI, CARROLL, LEVDANSKY, COSTA, HARKINS, STAIRS, BISHOP, SONNEY, DePASQUALE, MAJOR, PICKETT, PETRARCA, MAHONEY, YOUNGBLOOD, SURRA, HESS, MURT, ADOLPH, PETRONE, R. TAYLOR, MICOZZIE, REED, MYERS, WILLIAMS, KORTZ, BASTIAN, FAIRCHILD, HERSHEY, CAPPELLI, SANTONI, ROEBUCK, DeLUCA, MARSICO, BRENNAN, YUDICHAK, PERZEL, M. O'BRIEN, MENSCH, RAMALEY, BROOKS, CRUZ, SABATINA, KULA, BENNINGTON, GERBER, GALLOWAY, LONGIETTI, MAHER and SAINATO

A Resolution urging the Department of Public Welfare to cease and desist from circumventing the policy-making role of the General Assembly.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 18, 2008.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2605 By Representatives PERZEL, ARGALL, BAKER, BARRAR, BEAR, BEYER, BOBACK, BOYD, CAPPELLI, CIVERA, CLYMER, COSTA, CRUZ, CUTLER, DALLY, DIGIROLAMO, J. EVANS, EVERETT, FAIRCHILD, FLECK, GEIST, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, HARHART, HARPER, HARRIS, HERSHEY, HESS, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION, KORTZ, KOTIK, LEVDANSKY, MAHER, MAJOR, MARSHALL, MARSICO, McILHATTAN, MENSCH, MICOZZIE, MOYER, MURT, MUSTIO, NAILOR, PAYNE, PETRI, PHILLIPS, PICKETT, PYLE, QUIGLEY, RAMALEY, RAPP, RAYMOND, READSHAW, REICHLEY, ROCK, ROSS, RUBLEY, SABATINA, SAYLOR, SCAVELLO, K. SMITH, STERN, SWANGER, J. TAYLOR, THOMAS, TRUE, VEREB, VULAKOVICH, WATSON, MILNE, QUINN and SIPTROTH

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 business of the Pennsylvania Board of Probation and Parole and for power to parole.

Referred to Committee on JUDICIARY, June 18, 2008.

No. 2606 By Representatives KENNEY, ARGALL, BAKER, BARRAR, BEAR, BEYER, BOBACK, BOYD, CAPPELLI, CIVERA, CLYMER, COSTA, CRUZ, CUTLER, DALLY, DIGIROLAMO, J. EVANS, EVERETT, FAIRCHILD, FLECK, GEIST, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, HARHART, HARPER, HARRIS, HERSHEY, HESS, KAUFFMAN, M. KELLER, W. KELLER, KILLION, KORTZ, KOTIK, LEVDANSKY, MAHER, MAJOR, MARSHALL, MARSICO, McILHATTAN, MENSCH, MICOZZIE, MOYER, MURT, MUSTIO, NAILOR, PAYNE, PERZEL, PETRI,

PHILLIPS, PICKETT, PYLE, QUIGLEY, RAMALEY, RAPP, RAYMOND, READSHAW, REICHLEY, ROCK, ROSS, RUBLEY, SABATINA, SAYLOR, SCAVELLO, K. SMITH, STERN, SWANGER, J. TAYLOR, THOMAS, TRUE, VEREB, VULAKOVICH, WATSON, MILNE, QUINN and SIPTROTH

An Act amending the act of July 16, 1968 (P.L.351, No.173), referred to as the Prisoner Pre-release Plan Law, further providing for release plans.

Referred to Committee on JUDICIARY, June 18, 2008.

No. 2607 By Representatives J. TAYLOR, ARGALL, BAKER, BARRAR, BEAR, BEYER, BOBACK, BOYD, CAPPELLI, CIVERA, CLYMER, COSTA, CRUZ, CUTLER, DALLY, DIGIROLAMO, J. EVANS, EVERETT, FAIRCHILD, FLECK, GEIST, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, HARHART, HARPER, HARRIS, HERSHEY, HESS, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION, KORTZ, KOTIK, LEVDANSKY, MAHER, MAJOR, MARSHALL, MARSICO, McILHATTAN, MENSCH, MICOZZIE, MOYER, MURT, MUSTIO, NAILOR, PAYNE, PERZEL, PETRI, PHILLIPS, PICKETT, PYLE, QUIGLEY, RAPP, RAYMOND, READSHAW, REICHLEY, ROCK, ROSS, RUBLEY, SABATINA, SAYLOR, SCAVELLO, K. SMITH, STERN, SWANGER, VEREB, VULAKOVICH, WATSON, MILNE, QUINN and SIPTROTH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses against elderly persons and for sentencing generally.

Referred to Committee on JUDICIARY, June 18, 2008.

No. 2635 By Representatives READSHAW, CARROLL, COHEN, DALEY, KORTZ, KULA, MARKOSEK, PAYNE, PETRONE, WAGNER, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, extending all collective bargaining provisions to members of the Bureau of Emergency Medical Services in cities of the second class.

Referred to Committee on URBAN AFFAIRS, June 18, 2008.

No. 2637 By Representatives READSHAW, COHEN, DALEY, KORTZ, KULA, MARKOSEK, PAYNE, PETRONE, WAGNER, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending the payment of the salary, medical and hospital expenses to members of the Bureau of Emergency Medical Services in cities of the second class under certain circumstances.

Referred to Committee on URBAN AFFAIRS, June 18, 2008.

No. 2644 By Representatives PRESTON, GODSHALL, BARRAR, BRENNAN, CALTAGIRONE, DENLINGER, FRANKEL, GEORGE, HARHAI, HERSHEY, KIRKLAND, KOTIK, KULA, McGEEHAN, MELIO, MENSCH, R. MILLER, MUSTIO, PAYTON, READSHAW, REICHLEY,

SIPTROTH, STABACK, WALKO, J. WHITE, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for duties of facility owners.

Referred to Committee on CONSUMER AFFAIRS, June 18, 2008.

No. 2645 By Representatives KENNEY, GINGRICH, ROSS, K. SMITH, REICHLEY, J. TAYLOR, McILHATTAN, WATSON, J. WHITE, GEORGE, BAKER, CALTAGIRONE, MANN, HALUSKA, W. KELLER, READSHAW, MAHONEY, CARROLL, SAYLOR, FRANKEL, NAILOR, KULA, PICKETT, COHEN, KILLION, ROCK, MOYER, KOTIK, HARPER, JAMES, ADOLPH, RUBLEY, VULAKOVICH, BELFANTI, HARHAI, MURT, BRENNAN, YOUNGBLOOD, HARHART, BOYD, R. MILLER, GOODMAN, MELIO, DePASQUALE, BOBACK, DALLY, MILNE, SIPTROTH, GIBBONS, THOMAS, GEIST, MARSHALL, HUTCHINSON, MYERS, MICOZZIE and KORTZ

An Act establishing the Catastrophic Illness in Children Relief Fund and the Catastrophic Illness in Children Relief Fund Commission; providing for the powers and duties of the commission; establishing a program for the payment of medical expenses of children in cases of catastrophic illness; and providing for funding.

Referred to Committee on INSURANCE, June 18, 2008.

No. 2646 By Representatives CURRY, CALTAGIRONE, DeLUCA, DENLINGER, HERSHEY, JAMES, KULA, McCALL, R. MILLER, MURT, MYERS, NAILOR, O'NEILL, READSHAW, SIPTROTH, SWANGER, THOMAS and VULAKOVICH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for completion of preelection reports.

Referred to Committee on STATE GOVERNMENT, June 18, 2008.

No. 2647 By Representatives GEORGE, BENNINGTON, CALTAGIRONE, FRANKEL, FREEMAN, GOODMAN, GRUCELA, HORNAMAN, JOSEPHS, KULA, MUNDY, MYERS, M. O'BRIEN, PARKER, SIPTROTH, K. SMITH, SWANGER, WALKO and J. WHITE

An Act providing for disclosure of terms and charges of wireless service plans, for disclosure to consumers, for billing policies, for service quality monitoring, for wireless service plan modification and termination and for enforcement.

Referred to Committee on CONSUMER AFFAIRS, June 18, 2008.

No. 2648 By Representatives EACHUS, DeWEESE, McCALL, DERMODY, D. EVANS, SURRA, YOUNGBLOOD, BISHOP, MUNDY, BLACKWELL, OLIVER, BUXTON, CALTAGIRONE, CAPPELLI, CARROLL, CASORIO, CLYMER, CONKLIN, CUTLER, FABRIZIO, FRANKEL, GALLOWAY, GEORGE, GIBBONS,

GINGRICH, HALUSKA, HARKINS, HORNAMAN, JAMES, JOSEPHS, KESSLER, KING, KORTZ, KULA, LENTZ, LONGIETTI, McILVAINE SMITH, MELIO, R. MILLER, M. O'BRIEN, PRESTON, RAMALEY, SAINATO, SAYLOR, SHIMKUS, SIPTROTH, K. SMITH, M. SMITH, STABACK, STURLA, TANGRETTI, R. TAYLOR, VITALI, WALKO, J. WHITE, YUDICHAK, SANTONI, BRENNAN, PARKER and DONATUCCI

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for sunset.

Referred to Committee on INSURANCE, June 18, 2008.

No. 2649 By Representatives THOMAS, GEORGE, MANDERINO, BLACKWELL, DALEY, DePASQUALE, JAMES, YOUNGBLOOD, YEWIC, DERMODY, CURRY, W. KELLER, SURRA, JOSEPHS and McCALL

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in responsible utility customer protection, further providing for payment agreements, for termination of utility service, for reconnection of service and for liens by city natural gas distribution operations.

Referred to Committee on CONSUMER AFFAIRS, June 18, 2008.

No. 2651 By Representatives MURT, BELFANTI, BEYER, BOBACK, CARROLL, CREIGHTON, GINGRICH, GODSHALL, GOODMAN, HARPER, HENNESSEY, HERSHEY, HORNAMAN, KORTZ, KOTIK, KULA, LONGIETTI, MELIO, R. MILLER, MOUL, MOYER, PAYNE, PICKETT, REICHLEY, ROCK, ROSS, SAYLOR, SIPTROTH, SONNEY, STERN, SWANGER, THOMAS, VEREB, VULAKOVICH, WATSON, YOUNGBLOOD and BENNINGHOFF

An Act prohibiting employees of long-term care providers from serving as guardian, agent under a power of attorney, insurance or annuity beneficiary or estate executor of individuals who receive services from a long-term care provider.

Referred to Committee on JUDICIARY, June 18, 2008.

No. 2653 By Representatives HALUSKA, BASTIAN, BIANCUCCI, BRENNAN, CALTAGIRONE, CONKLIN, COSTA, CREIGHTON, DALEY, DeWEESE, EACHUS, FABRIZIO, FLECK, FREEMAN, GEIST, GERGELY, GILLESPIE, GODSHALL, GOODMAN, GRUCELA, HANNA, HARHAI, HARKINS, HERSHEY, HESS, HORNAMAN, M. KELLER, KORTZ, KOTIK, KULA, MAHONEY, MOYER, PALLONE, PASHINSKI, PAYNE, PHILLIPS, READSHAW, REICHLEY, SAINATO, SANTONI, SAYLOR, SIPTROTH, K. SMITH, SOLOBAY, STABACK, STERN, SURRA, WANSACZ, WHEATLEY, J. WHITE, WOJNAROSKI, YEWIC, YUDICHAK, HARHART and SONNEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the definition of "bow" and for disabled person permits.

Referred to Committee on GAME AND FISHERIES, June 18, 2008.

No. 2654 By Representatives HANNA, HERSHEY, STURLA, BARRAR, BELFANTI, BUXTON, CAPPELLI, CLYMER, CONKLIN, DALEY, DePASQUALE, GEORGE, GOODMAN, HALUSKA, HARHAI, HESS, JOSEPHS, KORTZ, KULA, LONGIETTI, MAHONEY, McILHATTAN, R. MILLER, M. O'BRIEN, READSHAW, ROCK, SIPTROTH, STERN, SWANGER and THOMAS

An Act establishing the Fair Share Nutrient Reduction Program; providing funding for wastewater treatment plants and agricultural operations to meet nutrient reduction mandates; creating a Nutrient Reduction Trading Board and Program and providing for its power and duties; providing for an increase in the Resource Enhancement and Protection Program; and providing supplemental funding for the Department of Agriculture and the State Conservation Commission.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 18, 2008.

No. 2655 By Representatives CALTAGIRONE, SIPTROTH, GODSHALL, PAYNE, BLACKWELL, BRENNAN, CAPPELLI, GEORGE, KULA, LEACH, MYERS, PRESTON, PYLE and J. WHITE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for copayments for prescription drugs.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 18, 2008.

No. 2657 By Representatives ADOLPH, BAKER, BRENNAN, CASORIO, CIVERA, COHEN, DALEY, DeLUCA, DePASQUALE, FLECK, FREEMAN, GILLESPIE, HARHAI, HENNESSEY, HORNAMAN, W. KELLER, KENNEY, KULA, LEACH, LONGIETTI, MELIO, MOYER, MUSTIO, MYERS, O'NEILL, READSHAW, REICHLEY, ROCK, RUBLEY, SCAVELLO, SIPTROTH, STURLA, SWANGER, THOMAS, VULAKOVICH, WATSON, McGEEHAN, BOBACK, MARSICO and MENSCH

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 Office for Safe Schools.

Referred to Committee on EDUCATION, June 18, 2008.

No. 2658 By Representatives STABACK, BENNINGTON, BOYD, CALTAGIRONE, CAPPELLI, CUTLER, DeLUCA, EVERETT, FLECK, HALUSKA, HARHAI, KOTIK, KULA, PHILLIPS, PYLE, READSHAW, ROHRER, SIPTROTH, S. H. SMITH, SOLOBAY, SONNEY, SURRA, WOJNAROSKI, VULAKOVICH and MENSCH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for additional limitations on operation.

Referred to Committee on TRANSPORTATION, June 18, 2008.

SENATE BILL FOR CONCURRENCE

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

SB 2, PN 2137

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 18, 2008.

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

HB 2656, PN 3963

By Rep. HANNA

An Act establishing the Fair Share Nutrient Reduction Program; providing funding for wastewater treatment plants and farmers to meet nutrient reduction mandates; providing for a resource enhancement and protection tax credit and for supplemental funding for the Department of Agriculture and the State Conservation Commission.

AGRICULTURE AND RURAL AFFAIRS.

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes, as the guests of Representative Geist, Marie and Christine Fesen. They are located on the front bench. Would you please stand and be recognized.

The Chair would like to recognize, as the guests of Representative Josh Shapiro, Jerry Diebold, Marge Diebold, Wayne Morrell, and their guests. They are in the balcony. Would you please stand and be recognized.

For what purpose does the gentleman, Representative Geist, rise?

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

I would like to take this opportunity to welcome Representative Caltagirone to the back row here. He makes a fine addition. Thank you.

KASSANDRA HERNANDEZ INTRODUCED

The SPEAKER. The Chair recognizes Representative Kirkland for an introduction.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, it gives me great pleasure to introduce a very fine and talented young lady to the floor of the House. Her name is Cassandra Hernandez, and she is the winner of two statewide awards from the Pennsylvania Advisory Committee for the Blind.

Kassandra is visually impaired, but you would not know it, Mr. Speaker. She is a 15-year-old beautiful young lady. She delivers the newspaper in her school, runs track, she is a cheerleader, she loves to write, and she is a member of the choir.

Today, she is seated in the back of the House, and she is joined by her mother, Carman; her father, Justo; and her brother, Zamir. And I am just asking that this House would welcome this fine young lady with extraordinary talents seated here in the back of the House.

Thank you, Mr. Speaker, and she is from the wonderful city of Chester.

The SPEAKER. The Chair thanks the gentleman.

CUMBERLAND VALLEY HIGH SCHOOL BOYS VOLLEYBALL TEAM PRESENTED

The SPEAKER. The Chair requests that Representative Grell come to the podium for a presentation.

Mr. GRELL. Thank you, Mr. Speaker.

Today I am joined by Representatives Nailor and Gabig, and we have the great pleasure of introducing and presenting to you the Cumberland Valley Boys Volleyball Team.

This team defeated Central York on May 31 to capture Cumberland Valley's first-ever State Boys Volleyball Championship. Earlier that day they had defeated North Allegheny High School in a five-game match to advance to the finals.

The team is under the leadership of coach Scott Reynolds and assistant coach Matthew Farabaugh. Also joining the team today is the athletic director of Cumberland Valley High School, Mike Craig.

The members of the team are seated in the back, with the exception of two captains up front, but the team is comprised of Michael Curl; Andrew Dentler, captain; Brenton Evens; Jeffrey Gring; Drew Kalbach, also captain; Fredrick Pfisterer; Justin Stoner; Connor Jackson; Adam Frank; Edward Klepper; and Colby Zeger. They are also joined by some proud parents in the gallery.

Please join me at this time in congratulating this fine group of young men and wishing them the best of luck in the future. Congratulations.

EMMAUS HIGH SCHOOL GIRLS SWIMMING AND DIVING TEAM PRESENTED

The SPEAKER. The Chair invites Representative Reichley and Representative Beyer to the podium for a presentation.

Mr. REICHLEY. Thank you, Mr. Speaker.

Members of the House, Representative Beyer and I are very proud to welcome the lovely ladies of the Emmaus High School Girls Swimming and Diving Team. This wonderful group of athletes from the East Penn School District has won the PIAA Class AAA Swimming and Diving Championship for the second year in a row and for the fourth time in the last 5 years.

Representative Beyer and I are very privileged to be able to represent the school district and the wonderful record of accomplishment and athletic endeavors, not only by the female but also by the male athletic teams, but this team is represented here today. Behind me are Kristen McCandless, a senior, and Deidre Geroni, a junior. With the swim team in the back, we have Catherine Carr, Alena Kluge, Lauren McCandless, Allie Roberts, and the diving coach, Steve Braglio. If they would not mind standing, please, to be recognized. Would you please join me in recognizing these wonderful athletes.

Now, Representative Beyer and I would like to warn our fellow members that the young ladies in the back are only sophomores and a wonderful freshman, so we have many more expectations of welcoming these young ladies for future championship citations.

So thank you very much to the members of the House, Mr. Speaker.

The SPEAKER. Members will take their seats. We are about to take up a condolence resolution. The Sergeants at Arms will close the doors of the House.

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. KESSLER called up **HR 795, PN 3998**, entitled:

A Resolution expressing condolences and appreciation for the life of U.S. Army Captain Nathan R. Raudenbush, 25, who died in Iraq on February 21, 2008, while in courageous service to his country.

On the question,

Will the House adopt the resolution?

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

Mr. KESSLER. Mr. Speaker, I rise today to honor an American hero, Army Cpt. Nathan Raudenbush. He is survived by his wife, Casey, and his 2-year-old son, Jackson; his parents, Mary and Brian, of Earl Township, Berks County; his sister, Jennifer; and a large extended family.

Captain Raudenbush was killed in Iraq on February 21, 2008. He was 25 years old and in his fourth month of a 15-month deployment. He died in south Baghdad while on patrol in a Humvee that was struck by an explosive device.

At the time of his death, he was a first lieutenant who had been approved for promotion. He was promoted to captain before he was laid to rest.

His Uncle Dan told a newspaper that Nathan was so devoted to his wife and his son that the separation from them was the hardest part of his deployment. However, to quote his uncle, "He loved his country, he knew his duty and he had no doubt or hesitation or questions about honoring his commitment to serve."

Nathan graduated from Spring-Ford High School in Royersford in 2001. That year, he joined the ROTC (Reserve Officers' Training Corps) as a freshman at Widener University in West Chester. He graduated from Widener with a bachelor's degree in computer science in 2005.

He joined the Army after graduation and was assigned to the 3d Battalion, 7th Infantry Regiment, 4th Brigade Combat Team, 3d Infantry Division, out of Fort Stewart, Georgia, as a tank commander.

He was strongly devoted to his family, both his wife and his son and his extended family. To quote what his father said to a local newspaper, "He was the one always calling everyone to get together. He was the one who held us together. It was amazing to see this in a young man."

Mr. Speaker, as in so many Pennsylvania communities, the outpouring of honors for this fallen soldier and sympathy for his family was immense. In his memory, a college fund has been set up for his son.

At Schuylkill Valley Elementary School, the classmates of his 10-year-old cousin, Jake, wrote messages of sympathy, and those touching messages were displayed at Nathan's funeral service.

As stated in the resolution that we will vote on today, it is fitting that this courageous and brave son of Pennsylvania, who paid the supreme sacrifice in the service of his nation, be

honored by his fellow Pennsylvanians. I ask you to join me in expressing condolences and appreciation for the life of Cpt. Nathan Raudenbush, who died while courageously serving his country.

I did not know Nathan and I did not know his mother and father and his wife and his child prior to this. They were kind enough to invite me to dinner last Friday, and I had an opportunity to meet them.

Jackson, his son, is here today, and when Jackson understands what happened, he will realize that Nathan was a great son, was a great husband, and was a great father.

FAMILY INTRODUCED

Mr. KESSLER. I would like to introduce Casey, Brian, Mary, and Jackson. Would you please stand.

The SPEAKER. Members and guests will rise as a sign of respect for our fallen hero, U.S. Army Cpt. Nathan R. Raudenbush.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of U.S. Army Cpt. Nathan R. Raudenbush.)

The SPEAKER. Members and guests may be seated.

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Dally			

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

The SPEAKER. The Sergeants at Arms will open the doors of the House.

RULES COMMITTEE MEETING

DEMOCRATIC CAUCUS

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Cohen for an announcement.

Mr. COHEN. Mr. Speaker, I have three announcements to make.

First, there will be an immediate meeting of the Rules Committee. At 12:15, there will be a Democratic caucus. At 1:15, there will be a meeting of the Appropriations Committee. We will be back on the floor at 1:30 p.m.

The SPEAKER. Rules will meet immediately, and Appropriations will meet at 1:15.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately at the call of the recess. That is, Republicans will caucus immediately at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. Are there any other announcements?
Representative Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

I would like to call an immediate meeting of the House Urban Affairs Committee on recess in room G-50. That is room G-50, Urban Affairs Committee. Thank you.

The SPEAKER. Urban Affairs will meet in room G-50 at the recess.

Are there any other announcements?

BILL REREPORTED FROM COMMITTEE**HB 2167, PN 3950**

By Rep. DeWEESE

An Act amending the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, authorizing the Philadelphia hospitality promotion tax; providing for apportionment of revenue; and making editorial changes.

RULES.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 2167 be recommitted to the Committee on Appropriations.

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

RECESS

The SPEAKER. This House will stand in recess until 1:30 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

SENATE BILLS FOR CONCURRENCE

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

SB 250, PN 2104

Referred to Committee on INSURANCE, June 18, 2008.

SB 546, PN 2193

Referred to Committee on APPROPRIATIONS, June 18, 2008.

SB 1146, PN 2161

Referred to Committee on STATE GOVERNMENT, June 18, 2008.

SB 1169, PN 1587

Referred to Committee on FINANCE, June 18, 2008.

SB 1227, PN 2101

Referred to Committee on STATE GOVERNMENT, June 18, 2008.

SB 1363, PN 2188

Referred to Committee on LOCAL GOVERNMENT, June 18, 2008.

SB 1364, PN 2189

Referred to Committee on LOCAL GOVERNMENT, June 18, 2008.

SB 1365, PN 2190

Referred to Committee on LOCAL GOVERNMENT, June 18, 2008.

SB 1366, PN 2191

Referred to Committee on LOCAL GOVERNMENT, June 18, 2008.

SB 1367, PN 1952

Referred to Committee on LOCAL GOVERNMENT, June 18, 2008.

SB 1368, PN 2192

Referred to Committee on LOCAL GOVERNMENT, June 18, 2008.

SB 1376, PN 1962

Referred to Committee on EDUCATION, June 18, 2008.

SB 1385, PN 2139

Referred to Committee on FINANCE, June 18, 2008.

SB 1386, PN 2078

Referred to Committee on FINANCE, June 18, 2008.

SB 1387, PN 2079

Referred to Committee on FINANCE, June 18, 2008.

SB 1388, PN 2140

Referred to Committee on FINANCE, June 18, 2008.

SB 1392, PN 2024

Referred to Committee on STATE GOVERNMENT, June 18, 2008.

SB 1429, PN 2086

Referred to Committee on STATE GOVERNMENT, June 18, 2008.

SB 1442, PN 2106

Referred to Committee on EDUCATION, June 18, 2008.

RESOLUTION REPORTED FROM COMMITTEE

HR 704, PN 3581

By Rep. BELFANTI

A Resolution urging the President of the United States and the Congress of the United States to reject the recent Pentagon decision to award a \$40 billion defense contract to a foreign entity for the construction of United States Air Force mid-air refueling tankers and urging Congress to investigate this decision.

LABOR RELATIONS.

The SPEAKER. That resolution will be placed upon the active calendar.

BILLS REREPORTED FROM COMMITTEE

HB 2167, PN 3950

By Rep. D. EVANS

An Act amending the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, authorizing the Philadelphia hospitality promotion tax; providing for apportionment of revenue; and making editorial changes.

APPROPRIATIONS.**HB 2539, PN 3776**

By Rep. D. EVANS

An Act amending the act of June 5, 1947 (P.L.422, No.195), entitled, "An act authorizing the Department of Forests and Waters to provide for stream clearance and stream channel rectifications; to construct and maintain dams, reservoirs, lakes and other works and improvements for impounding flood waters, and conserving the water supply of the Commonwealth; and for creating additional recreational areas; to acquire by purchase, condemnation or otherwise, certain lands for such purposes; to construct and maintain flood forecasting and warning systems," further providing for the purposes of the act and for the authority of the Department of Environmental Protection; and making editorial changes.

APPROPRIATIONS.**HB 2546, PN 3795**

By Rep. D. EVANS

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for purpose of act; adding definitions; further providing for plans, for proceedings, for powers and duties of the Department of

Environmental Protection, for eminent domain, for flood control works and for financing; and making editorial changes.

APPROPRIATIONS.**HB 2549, PN 3798**

By Rep. D. EVANS

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for legislative intent, for definitions and for financial assistance.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on the supplemental calendar.

BILLS REREPORTED FROM COMMITTEE

HB 2306, PN 3345

By Rep. D. EVANS

An Act amending the act of May 16, 2007 (P.L.3, No.3), entitled, "An act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County," further providing for the date of execution.

APPROPRIATIONS.**HB 2575, PN 3827**

By Rep. D. EVANS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for deterrent fences for deer, bear and elk and the payment of claims for damages by certain elk; imposing duties on the Department of Agriculture; and providing for the establishment of the Elk Damage Fund.

APPROPRIATIONS.

The SPEAKER. Those bills will be placed on the active calendar.

LEAVE OF ABSENCE CANCELED

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1424, PN 2209 (Amended)

By Rep. STURLA

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, providing for licensing cost.

PROFESSIONAL LICENSURE.

GUEST INTRODUCED

The SPEAKER. The Chair takes great personal pleasure in reintroducing my son, Dennis, who was with me the day I was sworn in. Dennis, would you please stand and be recognized.

The Chair announces its intention to recess regular session at 1:51 and go into special session.

RECESS

The SPEAKER. The regular session of the House will now stand in recess.

AFTER RECESS

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

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative DONATUCCI of Philadelphia be placed on leave. The Chair sees no objection. The leave will be granted.

SUPPLEMENTAL CALENDAR B

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2546, PN 3795**, entitled:

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for purpose of act; adding definitions; further providing for plans, for proceedings, for powers and duties of the Department of Environmental Protection, for eminent domain, for flood control works and for financing; and making editorial changes.

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

* * *

The House proceeded to second consideration of **HB 2539, PN 3776**, entitled:

An Act amending the act of June 5, 1947 (P.L.422, No.195), entitled, "An act authorizing the Department of Forests and Waters to provide for stream clearance and stream channel rectifications; to construct and maintain dams, reservoirs, lakes and other works and improvements for impounding flood waters, and conserving the water supply of the Commonwealth; and for creating additional recreational areas; to acquire by purchase, condemnation or otherwise, certain lands for such purposes; to construct and maintain flood forecasting and warning systems," further providing for the purposes of the act and for the authority of the Department of Environmental Protection; and making editorial changes.

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

* * *

The House proceeded to second consideration of **HB 2549, PN 3798**, entitled:

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for legislative intent, for definitions and for financial assistance.

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

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. FLECK called up **HR 605, PN 3257**, entitled:

A Resolution honoring the Pennsylvania Lions Beacon Lodge Camp on celebrating its 60th year of summer camping.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Donatucci			

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

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. WATERS called up **HR 800, PN 3972**, entitled:

A Resolution saluting the Philadelphia Comprehensive Center for Fathers and Director Kofi Asante for their guidance and support of unemployed, homeless or incarcerated men who are making the transition to fatherhood, employment and citizenship.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Cox	Kauffman	Payne	Taylor, R.
Creighton	Keller, M.K.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Watson
Eachus	Lentz	Quigley	Wheatley
Ellis	Levdansky	Quinn	White
Evans, J.	Longietti	Ramaley	Williams
Everett	Mackereth	Rapp	Wojnaroski
Fabrizio	Maier	Raymond	Yewcic
Fairchild	Mahoney	Readshaw	Youngblood
Fleck	Major	Reichley	Yudichak
Frankel	Manderino	Roae	
Freeman	Mann	Rock	O'Brien, D.,
Gabig	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Donatucci			

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

* * *

Ms. McILVAINE SMITH called up **HR 806, PN 3978**, entitled:

A Resolution recognizing June 19, 2008, as "Dump the Pump Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Barb McIlvaine Smith on the resolution.

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

Tomorrow is "Dump the Pump Day." I come to Harrisburg on the train every week, and it is really important that—

The SPEAKER. Will the lady suspend.

Ms. McILVAINE SMITH. Yes.

The SPEAKER. The Chair will ask all members to please take their seats. The House will come to order.

Representative Smith.

Ms. McILVAINE SMITH. Thank you.

Tomorrow is "Dump the Pump Day." It was started by the American Public Transportation Association located in Washington, DC. This is the third year that everyone is encouraged to not drive their cars or trucks but to take public transportation, and better yet, take your feet.

Public transportation is a \$44 billion industry that employs more than 360,000 people. Public transportation saves more than 1.4 billion gallons of gasoline every year in the U.S. alone. This translates into almost 4 million gallons of gasoline a day.

Public transportation also saves the equivalent of 34 supertankers of oil or a supertanker leaving the Middle East every 11 days. According to the American Public Transportation Association, the typical public transit rider consumes, on average, one-half of the oil consumed by an automobile rider.

And the reasons that we want to encourage people to take public transportation, it eases traffic congestion, and I come from the southeast where traffic congestion is a daily problem. But also, we can have a lesser impact on our environment by reducing greenhouse gases. Individuals living within a quarter mile of a railroad station or within one-tenth of a mile of a bus stop drive approximately 4400 miles annually as opposed to 10,000 to 12,000.

The SPEAKER. Will the lady suspend.

POINT OF ORDER

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

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

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

Mr. METCALFE. Mr. Speaker, I believe that this is filed as a noncontroversial resolution, which would not have gone through the committee process, but I think this is an issue that would encourage much debate, especially with some of the remarks made by the speaker. I do not think this is a noncontroversial resolution, Mr. Speaker, and I object to it being put forward as one.

I would ask that this resolution be sent to a committee so that it could be reviewed properly and we could have the proper debate.

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. This resolution will be over temporarily.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

* * *

Mr. D. O'BRIEN called up **HR 809, PN 3980**, entitled:

A Resolution recognizing the celebration of the 60th Annual Convention of the Ahmadiyya Muslim Community.

On the question,

Will the House adopt the resolution?

(Members proceeded to vote.)

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

Mr. TURZAI. Mr. Speaker, we would like to have more information on this particular resolution, and we would like to have the opportunity to interrogate the maker of the resolution, please.

Please, if we could please have that opportunity and strike the vote until we have an opportunity to ask some questions.

The SPEAKER pro tempore. The Chair thanks the gentleman.

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the board.

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The resolution is over temporarily.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

* * *

Ms. JOSEPHS called up **HR 804, PN 3976**, entitled:

A Resolution honoring the life of Anne d'Harnoncourt.

On the question,

Will the House adopt the resolution?

The SPEAKER. The House will come to order. This is a condolence resolution. Members will take their seats. Members will please take their seats. Members will take their seats.

Members of the House, this is a condolence resolution. Members will take their seats.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Donatucci			

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1525, PN 2872**, 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 definitions, for comprehensive plans and for compliance by counties; providing for proposed ordinances; and further providing for impact fees and for transportation capital improvement plans.

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

Mr. **STEIL** offered the following amendment No. **A04572**:

Amend Title, page 1, line 23, by inserting after "fees"
, for ordinance provisions

Amend Sec. 2 (Sec. 301), page 7, line 8, by striking out all of said line and inserting

circumstances"; and

Amend Sec. 2 (Sec. 301), page 7, line 9, by inserting a bracket before "act"

Amend Sec. 2 (Sec. 301), page 7, line 10, by inserting after "Act,"

] 3 Pa.C.S. Ch. 5 (relating to nutrient management and odor management).

Amend Sec. 2 (Sec. 301), page 7, line 13, by striking out all of said line and inserting

[under the act.] in this chapter.

Amend Sec. 5, page 16, lines 6 through 8, by striking out all of said lines and inserting

Section 5. Sections 504-A(d)(1) and 603(b) of the act, amended June 22, 2000 (P.L.495, No.68), are amended to read:

Amend Bill, page 18, by inserting between lines 17 and 18

Section 603. Ordinance Provisions.—* * *

(b) Zoning ordinances, except to the extent that those regulations of mineral extraction by local ordinances and enactments have heretofore been superseded and preempted by the act of May 31, 1945 (P.L.1198, No.418), known as the "Surface Mining Conservation and Reclamation Act," the act of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal Surface Mining Conservation and Reclamation Act," and the act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act," and to the extent that the subsidence impacts of coal extraction are regulated by the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as "The Bituminous Mine Subsidence and Land Conservation Act," and that regulation of activities related to commercial agricultural production would exceed the requirements imposed under [the act of May 20, 1993 (P.L.12, No.6), known as the "Nutrient Management Act,"] 3 Pa.C.S. Ch. 5 (relating to nutrient management and odor management) regardless of whether any agricultural operation within the area to be affected by the ordinance would be a concentrated animal operation as defined [by the "Nutrient Management Act,"] in this chapter, the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law," or the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," or that regulation of other activities are preempted by other Federal or State laws, may permit, prohibit, regulate, restrict and determine:

(1) Uses of land, watercourses and other bodies of water.

(2) Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures.

(3) Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures.

(4) Density of population and intensity of use.

(5) Protection and preservation of natural and historic resources and prime agricultural land and activities.

* * *

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

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

Mr. STEIL. Thank you, Mr. Speaker.

This amendment simply corrects an incorrect citation in the bill. It is a technical amendment.

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

The following roll call was recorded:

YEAS—198

Adolph	Galloway	Markosek	Rohrer
Argall	Geist	Marshall	Ross
Baker	George	Marsico	Rubley
Barrar	Gerber	McCall	Sabatina
Bastian	Gergely	McGeehan	Sainato
Bear	Gibbons	McI. Smith	Samuelson
Belfanti	Gillespie	McIlhattan	Santoni
Benninghoff	Gingrich	Melio	Saylor
Bennington	Godshall	Mensch	Scavello

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Donatucci			

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. **STEIL** offered the following amendment No. **A07408**:

Amend Title, page 1, line 21, by striking out "and" and inserting a comma

Amend Title, page 1, lines 21 and 22, by striking out "; providing for proposed ordinances; and further providing" and inserting a comma

Amend Sec. 2, page 4, line 5, by striking out ", 302(a) and 303(c) and (d)" and inserting
and 302(a)

Amend Bill, page 11, lines 17 through 30; pages 12 and 13, lines 1 through 30; page 14, lines 1 through 21, by striking out all of said lines on said pages

Amend Sec. 4, page 14, line 22, by striking out "4" and inserting
3

Amend Sec. 5, page 16, line 6, by striking out "5" and inserting
4

Amend Sec. 6, page 18, line 18, by striking out "6" and inserting
5

Amend Sec. 7, page 20, line 14, by striking out "7" and inserting
6

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Steil on the amendment.

Mr. **STEIL**. Thank you, Mr. Speaker.

This amendment removes the controversial section of the bill having to deal with consistency of comprehensive plan and municipal ordinances. We attempted to change the language such that it would provide for general consistency after recognition of the municipal supervisors. There was a lot of controversy about that change, so we agreed to withdraw that entire section from the bill.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

DiGirolamo	Leach	Pyle	Watson
Eachus	Lentz	Quigley	Wheatley
Ellis	Levdansky	Quinn	White
Evans, J.	Longietti	Ramaley	Williams
Everett	Mackereth	Rapp	Wojnaroski
Fabrizio	Maher	Raymond	Yewcic
Fairchild	Mahoney	Readshaw	Youngblood
Fleck	Major	Reichley	Yudichak
Frankel	Manderino	Roae	
Freeman	Mann	Rock	O'Brien, D.,
Gabig	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Donatucci			

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

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

(Bill as amended will be reprinted.)

The SPEAKER. The House will be at ease.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

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

SUPPLEMENTAL CALENDAR A CONTINUED

CONSIDERATION OF HR 809 CONTINUED

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

The SPEAKER pro tempore. Mr. Turzai, are you seeking recognition? Mr. Turzai waives off.

Mr. Williams, are you seeking recognition?

Mr. WILLIAMS. Mr. Speaker, thank you.

I rise in support of Resolution 809. For the members, the Ahmadiyya movement of the Islamic community—Mr. Speaker, can we get a little bit of silence, please?

The SPEAKER pro tempore. The gentleman is correct. Members, kindly take your seats. The gentleman is entitled to be heard, and I know at least one member would like to hear a little bit more explanation about this resolution.

The gentleman, Mr. Williams, may proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Again, I rise in support of the Ahmadiyya Muslim community, which in Harrisburg and the surrounding counties, there is a peace movement conference which is going to be here in Harrisburg, as well as the movement of the Ahmadiyya, who

is a peaceful leader of the Islamic community. And for over 30 years on our local radio stations, even in the city of Philadelphia, he was giving out peace messages into the community about crime and violence way before the problems we would consider that we were having, like what we are having today.

So, Mr. Speaker, in the interest of all people and all Americans recognizing this dignitary who is coming to speak here, even in the Harrisburg community, on peace and humanity, I urge all the members to support this resolution, 809.

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

Mr. METCALFE. Mr. Speaker, I am going to be voting in the negative on this resolution.

I would like to explain why, for one simple reason, one very basic reason. As I start to read the resolution, it talks about the foundation of the State, about William Penn, about seeking, William Penn wanting to have a godly community. I do not have the exact words to paraphrase, but, Mr. Speaker, the men and women who founded this great nation recognized that godly meant that you recognized the one who is God, Jesus Christ. The Muslims do not recognize Jesus Christ as God, and I will be voting negative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Williams, for the second time.

Mr. WILLIAMS. Mr. Speaker, I am not going to debate on this floor the name of a religious leader or whatever name we may call him, them, or she, but I will guarantee you, in all nations across this world, we can agree that there is one God. So before we get into the name calling of Yahweh, Jesus, Allah, and any other names, I think the statement that the gentleman made should be a little careful, Mr. Speaker, because we had a delegation of Africans who came here to look at our government, to watch how our government is running. They met with the Governor. They met with the members of the House. They were visitors, Mr. Speaker. They were actually visitors of our own Speaker, today and yesterday. And out of the 30 members, 6 were Muslims from Africa, from Nigeria, who is not radical.

And, Mr. Speaker, the comments of trying to use a name on who is the true God, it is a debate, or the name of, if it is Jesus, if it is Yahweh, if it is bin Yahweh, if it is Jehovah. We just need to be careful, Mr. Speaker. We should be careful when we make those remarks. But one thing that we can be sure of, Mr. Speaker, is that in this House, this United States of America, those gentlemen who are behind the Speaker worshipped God.

And I will say to you, Mr. Speaker, unless there is a problem with some of our own interpretations of what God is about and who we may believe what God is about, that we should be careful in making these remarks, and we should support all people, all people in America. If they are a United States citizen, we should support them. And for humanity reasons, we should support every person in the world who is peaceful.

Thank you, Mr. Speaker.

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

Mr. DENLINGER. Thank you, Mr. Speaker.

Mr. Speaker, I think the, perhaps, one error that I read on my screen as I am looking at this is not controversial. Certainly,

this nation went through an attack some years ago that is well-burned into the subconscious of our society, and I appreciate the gentleman's comments about this group and their aims to promote peace in society, but what I sense on our floor here today is that for some people this evokes very strong passions and emotion, and for that reason, I think it would advise that we rerefer this, I believe, controversial resolution back to the State Government Committee, and I would move that we do that.

RESOLUTION PASSED OVER

The SPEAKER pro tempore. The motion is unnecessary, Mr. Denlinger. The resolution is over for the day.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. For what purpose does the lady, Representative Josephs, rise?

Ms. JOSEPHS. I guess at this point, it is a point of personal privilege.

The SPEAKER. I believe the lady would be rising under the provision of unanimous consent, and in order to rise under unanimous consent, the lady would have to get the permission of the majority and minority leaders.

If the lady would approach the rostrum.

SUPPLEMENTAL CALENDAR B

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2167**, **PN 3950**, entitled:

An Act amending the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, authorizing the Philadelphia hospitality promotion tax; providing for apportionment of revenue; and making editorial changes.

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

Mr. **BARRAR** offered the following amendment No. **A07659**:

Amend Title, page 1, line 8, by inserting after "revenue;"
authorizing the township cost recovery tax;

Amend Bill, page 1, lines 11 through 13, by striking out all of said lines and inserting

Section 1. The title of the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, is amended to read:

Relating to cities of the first class and certain townships, establishing Neighborhood Improvement Districts; conferring powers and duties on municipal corporations and Neighborhood Improvement Districts; and providing for annual audits and for tourism and marketing.

Section 2. Section 3 of the act is amended by adding definitions to read:

Amend Sec. 1 (Sec. 3), page 2, by inserting between lines 3 and 4 "Township." A township of the first class or a township of the second class.

Amend Sec. 2, page 2, line 4, by striking out "2" and inserting
3

Amend Sec. 3, page 3, line 9, by striking out "3" and inserting
4

Amend Sec. 3, page 4, by inserting between lines 17 and 18
Section 11.3. Township cost recovery tax.

A township is hereby authorized to impose a hotel room tax at a rate not to exceed \$1 per hotel room per night of occupancy. Revenue generated from a tax imposed pursuant to this section shall be deposited in a township's general fund.

Amend Sec. 4, page 4, line 18, by striking out "4" and inserting
5

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

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment adds to this legislation. What it would do is allow townships of the first class and the second class to impose a hotel room tax, and that money then, at \$1 per night, the money would be used for just general purposes for the townships.

Thank you, Mr. Speaker.

GERMANENESS QUESTIONED

The SPEAKER. Representative Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, there are many reasons why I would oppose this amendment, but I am suggesting, taking the microphone now, that given the nature that the imposition of a hotel tax comes under the auspices of the county code and that what the gentleman is trying to do deals with the township code, and I would raise the question of germaneness.

The SPEAKER. The gentleman, Representative Tangretti, raises the point of order that amendment No. A07659 to HB 2167 is not germane. The Speaker, under rule 27, is required to submit questions of germaneness of an amendment to the House for decision.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On the point of order, the Chair recognizes Representative Tangretti.

Mr. TANGRETTI. On the question of germaneness, Mr. Speaker, I would just repeat what I said. I do not think you can impose a tax using the wrong code under the laws of the Commonwealth and would suggest that we vote that this is nongermane.

The SPEAKER. Is there anyone seeking recognition on the issue of germaneness?

Those who believe the amendment is germane will vote "aye"; those believing the amendment is not germane will vote "nay."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—39

Argall	Everett	Mantz	Reichley
Barrar	Fairchild	Miller	Roae
Bastian	Harhart	Mustio	Smith, S.
Benninghoff	Harper	Nickol	Solobay
Cappelli	Harris	Perry	Sonney
Civera	Hennessey	Perzel	Stern
Creighton	Hershey	Phillips	Stevenson
Dally	Mackereth	Pyle	Vereb
DiGirolamo	Maher	Quigley	White
Evans, J.	Major	Raymond	

NAYS—159

Adolph	Gerber	Marsico	Sabatina
Baker	Gergely	McCall	Sainato
Bear	Gibbons	McGeehan	Samuelson
Belfanti	Gillespie	McI. Smith	Santoni
Bennington	Gingrich	McIlhattan	Saylor
Beyer	Godshall	Melio	Scavello
Biancucci	Goodman	Mensch	Schroder
Bishop	Grell	Metcalfe	Seip
Blackwell	Gruela	Micozzie	Shapiro
Boback	Haluska	Millard	Shimkus
Boyd	Hanna	Milne	Siptroth
Brennan	Harhai	Moul	Smith, K.
Brooks	Harkins	Moyer	Smith, M.
Buxton	Helm	Mundy	Staback
Caltagirone	Hess	Murt	Stairs
Carroll	Hickernell	Myers	Steil
Casorio	Hornaman	Nailor	Sturla
Causar	Hutchinson	O'Brien, M.	Surra
Clymer	James	O'Neill	Tangretti
Cohen	Josephs	Oliver	Taylor, J.
Conklin	Kauffman	Pallone	Taylor, R.
Costa	Keller, M.K.	Parker	Thomas
Cox	Keller, W.	Pashinski	True
Curry	Kenney	Payne	Turzai
Cutler	Kessler	Payton	Vitali
Daley	Killion	Peifer	Vulakovich
DeLuca	King	Petrarca	Wagner
Denlinger	Kirkland	Petri	Walko
DePasquale	Kortz	Petrone	Wansacz
Dermody	Kotik	Pickett	Waters
DeWeese	Kula	Preston	Watson
Eachus	Leach	Quinn	Wheatley
Ellis	Lentz	Ramaley	Williams
Fabrizio	Levdansky	Rapp	Wojnaroski
Fleck	Longietti	Readshaw	Yewcic
Frankel	Mahoney	Rock	Youngblood
Freeman	Manderino	Roebuck	Yudichak
Gabig	Mann	Rohrer	
Galloway	Markosek	Ross	O'Brien, D., Speaker
Geist	Marshall	Rubley	
George			

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Donatucci			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

The SPEAKER. There are no further amendments.

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

The SPEAKER. The House will be at ease.

The House will come to order.

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

HB 1620, PN 4001 (Amended)

By Rep. PETRONE

An Act amending the act of December 20, 2000 (P.L.949, No.130), known as the Neighborhood Improvement District Act, further providing for creation of neighborhood improvement district management associations; establishing casino neighborhood improvement districts and casino neighborhood improvement district management associations; conferring powers and duties on municipal corporations and casino neighborhood improvement districts; imposing a special property assessment fee; providing for tourism and marketing and for annual audits; and making repeals.

URBAN AFFAIRS.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 740, PN 2205**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County, certain lands situate in Benner Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price determined through competitive bidding, certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey, separately, to The Pennsylvania State University, Benner Township and the Pennsylvania Fish and Boat Commission certain lands situate in Benner Township, Centre 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?

Members will take their seats. The Chair recognizes Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

SB 740 is a land transfer piece of legislation that would authorize the Department of General Services, with the approval of the Governor, to grant and convey certain lands in Benner Township, Centre County.

The background on this land is it is surplus land located at the State Correctional Institution at Rockview. Rockview has owned considerable amount of ground for a good number of

years and originally farmed most of the ground. As some of you will recall, there was a time when the Department of Corrections actually grew their own food for the prisons. That time has long gone away. As a result, Rockview has not farmed these lands themselves for quite a few years. However, they have leased these grounds out to farmers to farm. The land has always been agricultural.

Recently, with the construction of Interstate I-99, the land has been separated from the actual correctional institution. Physically the land is now divided from the rest of the Department of Corrections' property where the actual prison is located, and this land has become surplus to the Commonwealth.

Beginning about 7 years ago, discussions started about conveying this property. Those discussions have gone on for the last 7 years. Over the course of the last probably 18 months to 2 years, things have coalesced around a transfer of the property to several different entities. There are a number of parcels located right next to an interchange on I-99 that will actually be put out to bid to the highest bidder. That is included in SB 740. In addition, there is a large block of ground, approximately 1200 acres, that will be transferred to Penn State University for use by the School of Agricultural Sciences. In addition, about 400 acres will be transferred to Benner Township for passive recreation. The 400 acres is essentially what is known as the Spring Creek Canyon.

Finally, a small parcel of approximately 40-some acres will be transferred to the Fish and Boat Commission. This is ground that the Fish and Boat Commission has previously leased from Rockview. They have on this ground a hatchery as well as a training facility for their waterways conservation officers. The last 18 months have led to considerable discussion over the property being conveyed to Benner Township and Penn State University.

As a result of those discussions, several deed restrictions have been included in the legislation. You will note that the legislation provides that the land is under and subject to a condition that the land conveyed herein shall be used solely for the agricultural purposes and the furtherance of the grantee's mission of education related to agricultural sciences. Should the grantee attempt to convey the property or utilize it for any other purpose, the property shall immediately revert to the grantor.

So Penn State has been restricted from ever selling this property. The restriction that is in the legislation will create a covenant running with the land that will bind all future owners of the property so that the land can never be transferred without reverting back to the Commonwealth. A similar restriction is in the Benner Township property, the 400 acres that is being transferred to Benner Township. Different from Penn State, Benner Township is being restricted to use the property solely for passive recreation. Passive recreation is intended to mean no motorized recreation of any sort. The property will be available for hunting, fishing, hiking, bird watching, etc. Passive recreation would be allowed, but no motorized recreation of any sort.

The last 18 months have also led to considerable discussion about protection of the natural resources of the Spring Creek Canyon. As a result of those discussions, we have incorporated into the legislation a restriction that requires that a conservation easement be conveyed by Benner Township and Penn State University to ClearWater Conservancy and the Department of Conservation and Natural Resources. The goal of the

conservation easement is to make sure that we protect the natural resources of the canyon. Once again, it is a covenant running with the land. It will protect the unique natural resources of the canyon by imposing a master planning process that is well on its way now and hopefully will be completed by the end of the year. The master plan will outline the uses of the property, and it will be incorporated in the conservation easement that will then be held by the ClearWater Conservancy and DCNR. Once again, it will be a covenant running with the land and will be enforceable against all future owners of the property.

In addition, there have been agreements entered into with the Fish and Boat Commission and particularly with the Pennsylvania Game Commission regarding their protection of sportsmen's interests in this property. Currently Rockview does not allow access to the property, other than under special regulations when the deer herd becomes unmanageable, they have allowed specially regulated hunts. Otherwise, the property is off-limits to the public. Under our agreement with the Game Commission, under the Penn State agreement with the Game Commission, there will be hunting allowed on this property.

The bill was amended with the provisions pertaining to Penn State and Benner Township in the State Government Committee. That amendment was adopted by a bipartisan vote of 20 to 5. The bill then came out of the State Government Committee on a bipartisan vote of 22 to 3, and it is now before you for your consideration. I would urge a favorable vote on the legislation, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guests of Representative Payne, Katelin Danilowicz, who is the daughter of our amendment clerk, Vince Danilowicz, and Katelin's friend, Nicole, who are seated to the left of the Speaker. Would you please stand and be recognized.

CONSIDERATION OF SB 740 CONTINUED

The SPEAKER. Representative Beyer, on the bill.

Mrs. BEYER. Thank you, Mr. Speaker.

I wonder if the maker would stand for a brief interrogation?

The SPEAKER. Representative Hanna indicates he will stand for interrogation. Representative Beyer is in order and may proceed.

Mrs. BEYER. Thank you, Mr. Speaker.

Mr. Speaker, I recognize 18 months, a lot of work, a lot of negotiation, and I am going to be supportive of the bill. I just want to ensure that there was a great attempt to make sure that any known opposition was satisfied related to this bill. There were great attempts made. Is that correct?

Mr. HANNA. That is correct. I think we entered into extensive negotiations with stakeholders. In fact, the steering committee in the master planning process involves a number of the stakeholders, and there are other committees, one specifically called a stakeholders committee, that will be involved in the master planning process.

Mrs. BEYER. And I recognize you cannot please everyone all the time, but you feel satisfied that all issues with this

legislation were satisfied and there is really no strong, real opposition any longer. Is that correct?

Mr. HANNA. I believe we have addressed all of the major concerns. I recognize that there are still people who feel strongly opposed to it, but I believe that we have addressed all of their concerns and that this is now a good piece of legislation.

Mrs. BEYER. All right. Thank you. Thank you, Mr. Speaker.

The SPEAKER. Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I would like to make a couple comments on final passage, if I may.

The SPEAKER. The gentleman is in order. The House will reduce the noise level so the gentleman can be heard.

Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

This proposal probably is a good example of how democracy sometimes works, sometimes does not work as well as we would like it to, but it is a process, and I want to take a couple moments to just talk about the process itself. And I do thank Representative Hanna, though we have had some differing views on this thing, I think we have been able to have those differing views and still walk away and consider the other person's viewpoint.

If I have not learned anything in 12 years here, that is one of the things I tell my school groups, that it pays to listen. Once in a while you learn, and even sometimes you may change your vote. It is no secret that I have been somewhat outspoken and not been the most engaging in pushing this proposal through, but in my own reconsideration of everything, it is more about the process in general, and that is what I would like the members to take a moment to think about, and hopefully share with a perspective that I believe Representative Hanna and I both share, and that is how we divest property that is owned by the Commonwealth, and I am not speaking only in land, but buildings and any other asset that I believe belongs to the taxpayers. Sometimes in our own dialogue, I think we get lost and we talk about things that belong to the State, like there is some other entity other than the taxpayers themselves.

Time after time, in my years here, I have seen land transfers and they pretty much just slip through and nobody asks any questions, and I think, fraternally, we give each other the courtesy that they are in each other's districts. I would be the first to admit that I have stuck my nose in Mr. Hanna's district far more than I probably should have, and I appreciate him not chopping it off. But I felt that my comments and my interests were more about what is for the common good of this Commonwealth as well as my county. Mike is in somewhat of a difficult position, such as I am. He happens to live in a neighboring county, and I happen to live in and around this portion of his district, which is in my county. So I probably get more of the phone calls and the mail on this proposal.

All that said and done, I think we do need to seriously look at the process, and I would ask the chairmen of the State Government Committees, both here in the House and the Senate, to join Representative Hanna and me, who have some common interests in reevaluating how we divest property, especially at a time when we are continuously looking for money and funding to provide for other things in this Commonwealth. I truly believe that is what we were elected to do.

All that said and done, I am not going to get into details of this proposal and what I like and what I do not like. I do want to

share a couple key changes that were made recently. As Mike, I think, eloquently said, there will always be those groups who are not going to like it one way or another, but this is a democracy, and at the end of the day, at least at the end of last week's committee meeting, I saw that I was in the very small minority and my own amendment that would have transferred this land to the Game Commission was not going to win the day. Subsequently, I offered several amendments, which many of you graciously supported yesterday, and I thank you for that.

In this proposal we have added precautions because there are multiple groups that are interested, not just the owners or perceived owners down the road, but some of our environmental groups, our sportsmen's groups, the local citizens who are concerned about what the future of this land is. This is a large land transfer in a very pristine area. It has a very beautiful, pristine waterway through it. So one of the amendments provided provisions to protect us from having sludge or those types of things applied on this land, subsequently, possibly damaging some of the waterways, and I thank you for that.

More importantly, for the sportsmen's group and those who would like to have access to this land that has pretty much been unavailable to the public for almost 100 years, Representative Hanna assisted me in negotiating with Penn State a new memorandum of understanding. We have currently filed in the court of common pleas in Centre County a memorandum of understanding that would have a relationship with the Game Commission in allowing sportsmen, hikers, furtakers, and those alike to access this land for 35 years. Through our negotiations yesterday, we were able to get that in perpetuity, and I think that is important. I think it speaks volumes of a compromise, both on behalf of Representative Hanna and Penn State, and more importantly, their understanding about the importance that the public, though they felt frustrated, they had not as much input on this proposal or as much say in who would get the land, they will at least have the availability to utilize an asset that has been their property.

That extension, as I said, will be in perpetuity. We will meet, and we will officially again file another document in the court at Centre County to preserve that, and I would ask that you share that with your sportsmen. In addition, Penn State will then be able to do their research and agricultural study on these lands, and I would hope that we can bring these groups together.

And in closing, there is a master plan, which we will be sharing comments of today and yesterday and some of the information Mike and I have agreed on, with the master plan committee, which is to try to delineate what the exact use or best use for this land will be.

With that in mind, I will offer my vote of support and hope that through the process we can continue to make a bill that I have been less than excited about a better bill, and I will let the democratic process work.

I thank you, Representative Hanna; I thank you, Mr. Speaker; and to the members for your indulgence and those who are willing to support us previously, I hope this better clarifies where we are today.

Thank you very much.

The SPEAKER. Representative George.

Mr. GEORGE. Mr. Speaker, I am somewhat embarrassed in that here we have two individuals urging support for a bill, and I am somewhat confused that there are not any of us that are not responsive or know what some of the feelings are back home.

You know, I just read about the floods, about the lack of agricultural land, about how we are running short of corn, and where are we going to get the material for ethanol that is going to make jobs, and how we are going to do something to curtail the high price of gas, and we are going to do it by growing grass, growing corn, growing soybeans. And the gentleman, Mr. Hanna, who was a friend of mine from the day I met him, is urging us to do that, and I am not against what he says. And if you heard, he mentioned that this used to be farmed, it used to be utilized.

And there are 29 people who have sent me e-mails, from both his district and the other gentleman's district, urging me to vote "no." And I said, how embarrassing, because these people continue to give these big entities everything they want. We will give the Game Commission all of this that they want or the Fish Commission. And then we go home, we have people, we cannot drive on it, and why do they not let us do this? And why do they not let us do that? And we continue to give these to these big nonprofits, so to speak, that do not pay taxes. And honestly, this is embarrassing to me, but I can say this, I think that we talk a lot, but we do not walk with that talk. Now, if we are going to continue to do this, then why do we not take a look, please, at what we are not doing for the little guy, where we continue to have opportunities to give alternative energy a start, to provide jobs, to reduce taxes?

I am looking at the next week where we will probably be in here all week, and when we come out of it, nobody is going to be too happy. So I am going to, even though I do not like e-mail and even though they tell me my friend, Al Gore, invented it, I am going to accept what those 29 individuals that took time to e-mail me in the last 4 days, I am just going to vote "no," whether you do or you do not. I will let your conscience be your guide. Thank you.

The SPEAKER. Representative Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I started farming in 1959 and extension service was not well-used in my community, and I knew that was the way to learn to farm and to get successful modern conservation, just many, many things that the university does. They are very, very good stewards of the land. I have been going to Ag Progress for 20-some years, 25 years, and if you ever saw how they manage the land, they take care of it. I think this is a good move, and I heartily support this legislation. Thank you.

The SPEAKER. Representative Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the bill. This issue has been around for approximately 5 to 6 years, as I understand it, although there have been intensive 18-month negotiations, give-and-take, compromise. There has been a lot of discussion. We had a public hearing in the area in which the property is located. There has been a tremendous amount of effort, and I just want to commend the gentlemen, Mr. Benninghoff and Mr. Hanna, for raising very good salient, probative issues, and I believe that most of them have now been addressed.

I just wanted to remind the members that DCNR, Benner Township, Penn State University, Penn Ag Industries, the Pennsylvania Farm Bureau, Pennsylvania State Grange, as well as the Department of General Services and many of my constituents, and I suspect you have heard from many of yours, support this legislation. I do think it is the best that we can get right now, and it is important to move this forward for the future of agriculture and agricultural research and for the

Commonwealth of Pennsylvania. So I would ask your kind support of this legislation.

The SPEAKER. Is there any member seeking recognition? Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Just a couple of acknowledgements. I first would like to acknowledge Representative Benninghoff's statement that we have agreed on a proposal to address the current Commonwealth divestiture procedure. A lot of our constituents, in the Centre County region in particular, are concerned with the way the Commonwealth divests itself of any property, and Representative Benninghoff and I have worked together to try and address that. We do hope to bring a legislative proposal before you to try and address that.

In addition, I do want to also address the flood of e-mails that a lot of you have received about this. Particularly, I would like to address what you may have heard from sportsmen's clubs. There has been some concern about the property being sold to Penn State for less than it may have been sold to another buyer. Let me just say that that is a result of the easements that have been placed on the property, the conservation easement in particular. Initially, the deed restriction limited Penn State from ever selling the property, still does limit them from ever selling the property, but that significantly devalues the property. Any of you that have worked in areas where agricultural preservation easements have been put in place recognize that property is substantially devalued by those easements.

So that is the reason that the property is worth less to Penn State. When you add on top of that the conservation easement, the value is substantially reduced. The conservation easement is actually a conveyance of rights to DCNR and the ClearWater Conservancy, so it further devalues the property. That is the reason, contrary to the e-mails that you have received, that is the reason why Penn State is paying less than the actual fair market value of the property without those deed restrictions.

The other issue that was raised in a lot of the e-mails addressed the concern of future development. That is the reason we put those easements in place. That is the reason we agreed to the changes that Representative Benninghoff proposed yesterday by amendment. You can rest assured and you can answer those e-mails by saying that this property will never be sold by Penn State University, will never be sold by Benner Township, and will always be subject to these conservation easements, so that the natural resources of the property are protected. You can answer those e-mails and tell them that.

And most importantly, I think one of the things that was raised by a lot of the e-mails was that the sportsmen's rights were not adequately protected. The reason that you were getting those e-mails was largely resolved yesterday. I suspect that most of the e-mails that you have received are not aware of the agreement that we entered into yesterday with Penn State University and the Game Commission, which will now require that the memorandum of understanding extend not just for 35 years, but will be in perpetuity. You can now answer those sportsmen's e-mails and tell them that their rights have been protected. The hunting and furtaking rights on this property have been extended by agreement in perpetuity. So those e-mails, I believe, are largely inaccurate at this point.

So I would strongly urge your support of the legislation. I believe we have addressed all the major concerns that were

raised through the course of the debate over the last several years.

Thank you, Mr. Speaker. I again urge favorable consideration of SB 740.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—185

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

NAYS—13

Bennington	Harhart	Metcalf	Roae
Cox	Hutchinson	Peifer	Rock
Ellis	Kauffman	Perry	Stevenson
George			

NOT VOTING—0

EXCUSED—5

Cruz	Evans, D.	Reed	Swanger
Donatucci			

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.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the lady, Representative Josephs, rise?

Ms. JOSEPHS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The lady will state her point of parliamentary inquiry.

Ms. JOSEPHS. Mr. Speaker, a while back during some debate over some resolutions, a remark was made by the gentleman from Butler which I believe is beneath the dignity of the members here, beneath the dignity of every member of the General Assembly, and outrages the dignity of the people of this State. I would like to know how I can have those remarks struck from the official record.

The SPEAKER. The Chair will have the Parliamentarian review those records and make an appropriate decision.

The Chair thanks the lady.

Ms. JOSEPHS. Thank you, Mr. Speaker.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2158, PN 3829**, entitled:

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.

On the question,

Will the House agree to the bill on second consideration?

Mr. **MAHER** offered the following amendment No. **A07641**:

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

; and directing certain officials to execute the Concession and Lease Agreement.

Amend Bill, page 5, by inserting between lines 25 and 26 Section 7.1. Concession and Lease Agreement.

The Governor and all other necessary Commonwealth officials are hereby directed to execute the Concession and Lease Agreement submitted May 16, 2008 and announced by the Governor on May 19, 2008.

On the question,

Will the House agree to the amendment?

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. While the gentleman is approaching the microphone, the Chair will announce that he is in possession of what appears to be a necklace that was found in the vicinity of Representative Petrone's desk. It will be here. It was just in the vicinity.

The necklace will remain at the Speaker's rostrum until the end of today's session, then it will be given to the Chief Clerk's Office to be claimed at that point.

CONSIDERATION OF HB 2158 CONTINUED

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

About a month ago, the Governor announced a recommendation of a firm to lease the turnpike. That agreement, the proposal, as I understand the document, expires on the 20th of June. So if we do not act, technically, this proposal fades away. Now, certainly, the parties might be able to offer to extend and so forth, but during the request for proposals, it was my understanding that prospective bidders were advised to contemplate this tight timeframe from when proposals were submitted on the 16th of May until an expiration in June, and certainly, those sorts of timeframes influence decisions as to whether or not a firm will participate and bid or not. So this amendment is very simple. The amendment actually provides that the Governor and necessary other officials would execute the very specific agreement which is before them.

I will be voting against this amendment, even though I offered it, because I do not believe that this specific agreement should be embraced. And I understand there are different perspectives, and I do think that the people who have an interest in this deserve an answer in a timely fashion about this specific agreement. So I would encourage you to simply vote whichever way you think best represents the people who elect you, and I am quite certain there will be further discussions if this specific agreement is not the one which is embraced.

Thank you, Mr. Speaker.

The SPEAKER. Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in agreement with my friend, the gentleman, Mr. Maher, in opposing his amendment.

No matter how long you are here, you get to see different things, but I think most of the members are quite well aware of this issue. And I was not prepared to speak on this today. I have been pretty out-front of where I personally stand relative to this issue. And the very long and short of it is, I do not think this agreement, first of all, is a very good, sound financial agreement, and I am not going to go into a lot of detail on that, but I also think it is a bad policy decision for the Commonwealth of Pennsylvania in an age when we are not sure who our friends or our foes are. And to lease the turnpike, according to the lease, for 75 years, I think, would be the wrong thing to do at this time. So I would ask all of the members on both sides of the aisle to vote "no" on the Maher amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker.

I would encourage my fellow colleagues to oppose this amendment as well and ask you to take that action. Thank you, Mr. Speaker.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman, Representative Maher, indicates he will stand for an interrogation. Representative Fairchild is in order and may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Have you read and do you understand in detail the lease agreement?

Mr. MAHER. Mr. Speaker, I have spent about 5 hours reading this behemoth of an agreement, and I will express to you that one of the reasons I am uncomfortable with this specific agreement is that I find it opaque, and having spent 5 hours with this document, I remain somewhat uncertain as to what it is actually providing.

Now, I know some might say, well, then we should be spending more time reading it, but if the proposition expires in 2 days, this really is the last time for us to express a view on this specific agreement.

Mr. FAIRCHILD. Mr. Speaker, if you find all these problems in reading and studying the lease, then why are you introducing an amendment that directs the Governor and all necessary Commonwealth officials to execute the lease agreement?

Mr. MAHER. Well, Mr. Speaker, out of concern that the people in Pennsylvania, particularly those along the I-80 corridor, should have the opportunity, if they wish to embrace this specific agreement, they should have the opportunity to do so, and that opportunity expires in 2 days.

So if we do not exercise this today, unless there is some future document, it will simply expire. Now, personally, I am not keen on this specific agreement, but I am open-minded to finding solutions. And like my good friend, I, too, oppose the tolling of I-80, and I am committed towards finding solutions, but this specific agreement is not appealing to me as the solution.

Mr. FAIRCHILD. And do you have any other solutions for the transportation funding crisis that Pennsylvania is in?

Mr. MAHER. I think that an approach for an open, transparent, verifiable process of competing proposals, whether it is to lease or whether it is a pure financing, should be examined, but that does not seem to be what has happened. And I think that there is a broad set of options that should be considered, not simply this specific agreement. I share the gentleman's goal for a solution, and I know how genuine you are in pursuit of a solution, and I will lend any assistance I can in terms of trying to accomplish one.

Mr. FAIRCHILD. Well, Mr. Speaker, others have said that this amendment is very unfair, really no matter what side of this issue you are on, because we have not had any public discourse in the House or the Senate as far as holding hearings on the proposed lease. And it is my understanding, I think everyone understands that it would take legislation to obviously change Act 44 and to implement a leasing proposal.

But I am curious, why did you not let that process take forward, knowing that there is a stopgap there and also knowing

that it is very, very, very unlikely that the Governor would sign HB 2158 with your amendment approved?

Mr. MAHER. I think to the contrary. I would expect that if this amendment is approved, the Governor would sign HB 2158 in a heartbeat, because this amendment would empower him to execute the lease agreement that some desire. It would empower him to go forward.

Mr. FAIRCHILD. But in prior interrogation, you said that it expires in 2 days?

Mr. MAHER. That is correct. As I understand it, this bid expires June 20. So those who want to see the Governor sign that agreement, you really ought to be voting in favor of this amendment, so that with all due speed the document can get to the Governor's desk and so forth, but those who are not keen on this specific agreement would, of course, vote against the amendment.

Mr. FAIRCHILD. Mr. Speaker, I understand there is a mutual agreement in the contract that allows for an extension of the agreement. Were you aware of that?

Mr. MAHER. It is my understanding that the bid allows, by mutual consent, the parties to do anything they want to change that document, but if that document changes its course, it is not the specific agreement, it is another agreement.

Mr. FAIRCHILD. So you would have to then start all over with a new agreement if this one expired, and you would have to go through all the process and—

Mr. MAHER. I do not know that you have to. I think if the Commonwealth and the bidders agree to, mutually agree to extend this document, then it will not be this specific agreement anymore, and they can certainly agree to do that.

Mr. FAIRCHILD. Well, if that is the case, then why are we doing the amendment today?

Mr. MAHER. Well, in case there are people that think that we ought to be leasing the turnpike pursuant to this specific agreement, this provides the opportunity to take a stand and make it clear that that is desirable. And now, if you have doubts as to whether this specific agreement is desirable, you would probably not support the amendment.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. MAHER. Thank you, sir.

Mr. FAIRCHILD. I would like to comment on the amendment, please.

THE SPEAKER PRO TEMPORE (MICHAEL P. MCGEEHAN) PRESIDING

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

Mr. FAIRCHILD. Thank you.

Mr. Speaker, it seems like we are getting back to the rehashing of Act 44, and I do not think that was the intent of the sponsor of the amendment, and certainly, I do not think any of us are in a position at this point to really debate Act 44 and really come up with a comprehensive change that we all, every one of us, know is needed.

If the Federal government stops any plans to toll Route 80, we are going to be faced with some very, very dire consequences and we are going to have to make some decisions in fairly quick order. Whether that is tolling Route I-95, whether it is leasing the turnpike, I am not sure. What I do know is there are good people that have put forth a number of plans. The last

time I counted, there were four or five on a bipartisan basis to take a look at our funding needs for our roads, bridges, airports, mass transit, etc. And I think it is absolutely wrong that we are here today to try to take one portion of that plan off the table. I do not think any of us here today are in the capacity to say that this exact leasing plan that is being proposed is the exact plan the Commonwealth needs.

However, I also think it is very wrong to take that plan completely off the table and run the risk of a constitutional argument that we have taken the leasing of the turnpike away, maybe somebody will stretch that the leasing of any interstate or any roadway away, and therefore, we cannot address it in this session. We will have to wait until next session, because if we do, we are all going to be open for heavy criticism this summer and this fall.

I think that this is just an ill-advised amendment. It puts everyone in the position, no matter how you are going to vote on it, it is going to put everyone in the position of trying to define exactly why you voted either for it or against it.

Finally, I would like to say, go ahead and do it, but I would like to ask, how many of you have read the document? I really do not see any — maybe one hand. How can you vote on something when you have not read it? We are just being unfair. Again, I am not arguing whether we should lease the Pennsylvania Turnpike or whether we should not, whether we should toll Route 80 or whether we should not. That is an argument, again, for another day. We know it is going to come up, no matter what we do here today.

So please, be careful how you vote on this, and remember that we all have a duty and a responsibility to our constituents, not only in our district, but in all of Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GERMANENESS QUESTIONED

The SPEAKER pro tempore. On the Maher amendment, the Chair recognizes the gentleman, Representative McIlhattan.

Mr. McILHATTAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise and make a motion that this amendment is not germane to HB 2158. HB 2158 deals with the transfer, not with the lease, and I would consider that this is not germane, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Representative McIlhattan, raises a point of order that amendment No. A07641 to HB 2158 is not germane.

The Speaker, under rule 27, is required to submit questions of germaneness of an amendment to the House for decision.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER pro tempore. On the point of order, the Chair recognizes the gentleman, Representative McIlhattan.

Mr. McILHATTAN. I think I stated it, Mr. Speaker, this deals with a conveyance of land. It does not even mention the turnpike. It has nothing to do with lease, and therefore, Mr. Speaker, this amendment is not germane.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Those who believe the amendment is germane will vote "aye"; those believing the amendment is not germane will vote "nay."

On the question recurring,
Will the House sustain the germaneness of the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. In the interim, the Chair recognizes the minority whip, who requests that the gentleman, Representative MICOZZIE, be placed on leave.

CONSIDERATION OF HB 2158 CONTINUED

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—151

Adolph	Gingrich	McCall	Samuelson
Belfanti	Godshall	McGeehan	Santoni
Bennington	Goodman	McI. Smith	Saylor
Beyer	Grell	Mensch	Seip
Bianucci	Grucela	Metcalfe	Shapiro
Bishop	Haluska	Milne	Shimkus
Blackwell	Harhai	Moul	Siptroth
Brennan	Harkins	Moyer	Smith, K.
Buxton	Harper	Mundy	Smith, M.
Caltagirone	Harris	Murt	Solobay
Cappelli	Helm	Mustio	Sonney
Carroll	Hennessey	Myers	Staback
Casorio	Hershey	O'Brien, M.	Stairs
Civera	Hess	O'Neill	Steil
Clymer	Hornaman	Oliver	Stern
Cohen	James	Pallone	Sturla
Conklin	Josephs	Parker	Surra
Costa	Kauffman	Pashinski	Taylor, J.
Cox	Keller, M.K.	Payne	Taylor, R.
Curry	Keller, W.	Payton	Thomas
Daley	Kessler	Perry	Vereb
DeLuca	Killion	Perzel	Vitali
DePasquale	King	Petrarca	Vulakovich
Dermody	Kirkland	Petri	Wagner
DeWeese	Kortz	Petrone	Walko
DiGirolamo	Kotik	Preston	Wansacz
Eachus	Kula	Pyle	Waters
Evans, J.	Leach	Quigley	Watson
Everett	Lentz	Quinn	Wheatley
Fabrizio	Levdansky	Ramaley	White
Fleck	Mackereth	Raymond	Williams
Frankel	Maher	Readshaw	Wojnarowski
Freeman	Mahoney	Reichley	Yewcic
Gabig	Manderino	Rock	Youngblood
Galloway	Mann	Roebuck	Yudichak
Gerber	Markosek	Rohrer	
Gergely	Marshall	Sabatina	O'Brien, D.,
Gibbons	Marsico	Sainato	Speaker
Gillespie			

NAYS—45

Argall	Dally	Longietti	Rapp
Baker	Denlinger	Major	Roe
Barrar	Ellis	McIlhattan	Ross
Bastian	Fairchild	Melio	Rubley

Bear	Geist	Millard	Scavello
Benninghoff	George	Miller	Schroder
Boback	Hanna	Nailor	Smith, S.
Boyd	Harhart	Nickol	Stevenson
Brooks	Hickernell	Peifer	Tangretti
Causar	Hutchinson	Phillips	True
Creighton	Kenney	Pickett	Turzai
Cutler			

NOT VOTING—1

Mantz

EXCUSED—6

Cruz	Evans, D.	Reed	Swanger
Donatucci	Micozzie		

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was declared germane.

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

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Representative Dally.

Mr. DALLY. Thank you, Mr. Speaker.

A brief parliamentary inquiry, please.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DALLY. If the House were to vote this amendment down, as the maker of the amendment is suggesting, does that foreclose the opportunity to consider this issue again in this session of the legislature?

The SPEAKER pro tempore. Mr. Dally, the Chair is informed that this does not preclude, if the amendment passes, it does not preclude this matter coming before the House again.

Mr. DALLY. You said if the amendment passes, but I am saying, what happens if the amendment is defeated?

Mr. Speaker, the rule that I think addresses this is rule 27, the last line where it states "Amendments adopted or defeated may not be considered again without first reconsidering the vote." So I guess my parliamentary inquiry is, it says "Amendments adopted or defeated may not be considered again....," but could a freestanding bill on this same issue be considered again?

The SPEAKER pro tempore. The House will be at ease.

The House will come to order.

The Chair, in response to Representative Dally's parliamentary inquiry, I would refer the gentleman and the House to rule 26, and I would be permitted to read, "Where a bill, resolution, or other matter has been initially defeated, and a timely made motion to reconsider the vote is lost" – and it is lost if it is not reconsidered within 5 days – "or if no motion to reconsider the vote was timely made, then it shall not be in order for the House thereafter to receive or consider a new bill, resolution or other matter embracing therein a subject or purpose basically identical to or of similar import to the subject matter or purpose of the bill, resolution or matter initially defeated." Does that answer the gentleman's question, rule 26?

Mr. DALLY. I believe it does. And just to paraphrase then, if the Chair would advise whether I am correct or not, so if this amendment is – well, it was on the board – if this amendment is defeated and there is no motion for reconsideration filed, that ends the debate over whether the Governor's plan to lease the Pennsylvania Turnpike can proceed, is that correct, under this lease agreement?

The SPEAKER pro tempore. Under this particular agreement, that is correct.

Mr. DALLY. All right. I just have a comment then on the amendment.

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

Mr. DALLY. Thank you, Mr. Speaker.

That is what I was concerned about. That is why I asked the question. I mean, I am not inclined to support the leasing of the Pennsylvania Turnpike, but I think it is not fair to this legislative body or the Senate or the people of Pennsylvania to foreclose consideration of that issue until we have all the facts. I mean, we have not even aired this issue in this chamber. I do not think it has gotten a whole lot of play in our committees, and I think that by using this tactic to defeat the measure without fully considering all the information and the facts and the revenue projections and what impact it has on other roadways in the Commonwealth and the like, I think this is a very premature step for the General Assembly to take.

So I would ask that the members vote against this bill, not necessarily that you are in favor of leasing the turnpike, because I am not, but at least learning more about what the proposal is all about and see whether it is good or bad for the people of Pennsylvania. I think we owe the residents that benefit.

So thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Representative Mantz, rise?

Mr. MANTZ. Mr. Speaker, I would like to correct the vote with respect to my position on the Maher amendment, 7641, to HB 2158. On the motion to germaneness—

The SPEAKER pro tempore. The gentleman is in order.

Mr. MANTZ. —I would like my vote recorded in the affirmative on that issue.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman's comments will be spread across the record.

Mr. MANTZ. Thank you.

CONSIDERATION OF HB 2158 CONTINUED

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Turzai.

Mr. TURZAI. Given the ruling of the Chair, I have a parliamentary – I do not know if it is a parliamentary inquiry, but I just wanted to get a clarification on the ruling of the Chair to Representative Dally's question.

The SPEAKER pro tempore. The gentleman is in order. State your question.

Mr. TURZAI. Thank you very much.

An affirmative vote, if it ultimately got to the Governor's desk, would foreclose further inquiry into the proposed lease agreement, at least on behalf of the House. It would move over to the Senate if HB 2158 is passed. But essentially, it would foreclose debate on this proposal, but also a vote against this particular amendment would foreclose any further discussion on this particular agreement as proposed. Do I have that correct?

The SPEAKER pro tempore. You stated a "no" vote. Is that correct, Mr. Turzai?

Mr. TURZAI. Yes.

The SPEAKER pro tempore. The Chair is informed that you have a correct understanding of the situation.

Mr. TURZAI. Okay.

If I may speak on the amendment?

The SPEAKER pro tempore. The gentleman is in order.

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

Representative Maher's amendment directs the Governor. In his amendment he is saying direct the Governor and all other necessary Commonwealth officials to execute the concession and lease agreement for the Pennsylvania Turnpike. For myself and I think for many of my colleagues, I am not prepared, although I am going to recommend that we end up voting "no" on Representative Maher's amendment to direct the Governor to execute the concession and lease agreement for the turnpike, I think most of us would like to have a vetting. I think there should have been an open public bidding process, an open public bidding process for any leasing of the turnpike and that that should have been vetted. I further believe that we should have an open discussion with significant hearings from the Transportation Committee and/or from the respective policy committees on the leasing of the turnpike, and I think there needs to be full disclosure of this particular agreement.

But with respect to whether or not it makes sense to lease the turnpike, some information that I would like to see come into a public forum are these items: One, I would like to know to what extent the leasing of the turnpike would eliminate the Act 44 \$12 billion borrowing boondoggle that tolled I-80 to cover public transit. With my colleagues that live and reside on I-80, I think that is a significant concern, and I understand, as the gentleman from Snyder County put it, that he wants that information. I would like to have that information, too. I would like to know to what extent any leasing of the turnpike gets rid of the patronage system with respect to the Turnpike Commission. I would like to know to what extent leasing of the turnpike brings market efficiencies to the turnpike. I would like to know about the security concerns that people raise with respect to the leasing of the turnpike. Again, I would like to have had a public bidding process, and I would like to know the financial implications of the leasing of the turnpike. I did see a Barron's article that said that it was financially – the State does quite well with respect to it. Those are all important issues that have not been vetted and that we have not had an opportunity to review.

Today I am not willing to say, let us direct the Governor and all necessary Commonwealth officials to execute the agreement for the Pennsylvania Turnpike, as Representative Maher's amendment pushes or espouses. I am not ready to do that today. I suspect, however, that if we vote "no" today on this particular

amendment to tell the Governor to execute the lease agreement, that given the narrow ruling of the Chair, we can have a further vetting of the proposal and understand and push for a more public bidding process, and push for a more public bidding process, and if a better process is put into place and if there is a good public vetting of the issue where we can discuss the effect on the I-80 tolls, we can discuss the effect on market efficiencies, discuss patronage, discuss whether or not there are still ghost employees, discuss whether or not there will be improvements to the safety and management of that road, then I am open for that discussion on another day. Given the fact that this amendment is on this land transfer today, I am not prepared to say, Governor, enter into your lease agreement as of today, but I am open to further discussion.

I would rise today to tell everybody, vote against the Maher amendment. The Maher amendment directs the Governor to enter into the agreement. I would say to everybody, vote "no" on the amendment and let us hope that we have a more public process both in terms of the bidding and in terms of the discussion. I think there are a lot of positives that might be available from leasing and I am open to it, but I am not prepared to say "yes" today, and with that, I would urge a "no" vote.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the majority whip. The gentleman is in order.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would agree with the maker of the amendment and ask the members to oppose the amendment.

This concessionaire agreement has been on the PENNDOT Web site since May 16, 2008; ample time for all of us to review and look at the language in that concessionaire agreement. Now, I will give you, it is 700 pages long, but it is a document that is a public record and a public document right now, and we have had the ability to look at that since May 16.

The first thing that I will say is that this is a bad deal. We are going to ask the Governor to sign something that is just outright, plainly a bad deal. When we passed Act 44, we assumed the value of the turnpike to be \$26.7 billion. The concessionaire agreement that is on the PENNDOT Web site that we are asking this Governor to sign has a value of \$12.8 billion, clearly not a good deal for this Commonwealth, and then when you assume the payment of debt, there is debt that the turnpike currently carries in all the projects that they are doing across this Commonwealth right now. That debt alone is \$2.6 billion. They also have a very aggressive 10-year program on the turnpike on capital improvements, \$4.8 billion over the next 10 years. Under the concessionaire agreement, they eliminate, they eliminate \$1.6 billion of scheduled improvements; in Bucks County, over \$190 million, including the I-95 interchange project, that is eliminated under this agreement; \$110 million in Somerset County and \$77 million in Allegheny County; and they also in the agreement say that we, not the Motor License Fund, the General Fund is going to pick up \$600 million in improvements out of General Fund revenues. So they are completely thwarting the capital improvements that are already in place in this agreement, including the Mon-Fayette Expressway.

So when you take into account the \$2.6 billion that is current debt on the turnpike, the \$1.7 billion needed to pay off the State Police debt to the Motor License Fund – they have to

transfer that money – the \$600 million that the Commonwealth is going to pick up, we are talking about a deal that is worth \$7.9 billion. We have already passed Act 44 that says it is worth \$26.8 billion and we are going to do a deal for \$7.9 billion? It is just such a bad deal. It is like a fire sale.

And do not forget that the foreign dollars are worth a lot more money than American dollars right now. So this is truly a fire sale. We are basically giving this roadway away.

They assume, they assume 12-percent annual return on the upfront money. Now, that clearly contradicts all the numbers that we have heard, even in the Morgan Stanley report. The Morgan Stanley report assumed a 7- to 9-percent return rate on the dollars that we would get upfront, and the SERS (State Employees' Retirement System) assumes 8.5 percent. They also use that assumption of an 8.5-percent return in their calculations. Twelve percent annually. SERS, our State Employees' Retirement System, by the way, last quarter, in the first quarter of 2008, lost 4.1 percent. So that should show you the uncertainty on the assumptions in how much rate of return we are going to get for our money. But just based on that, let us just say that we are going to take the SERS numbers. Remember, this concession agreement assumes 12 percent. Let us just use the State Employees' Retirement System's number at 8.5 percent. If we use that assumption and that assumption alone, in 17 years the money that we get in this concessionaire agreement will be exhausted because we have scheduled, we have scheduled withdrawals that come out of that upfront money, that \$7.9 billion. It assumes that 12-percent return. If we do not get the 12-percent return, we have to eat into the principal. In 17 years if we do not earn 12 percent, if we just earn what SERS gets—

The SPEAKER pro tempore. Will the gentleman suspend.

For what purpose does the gentleman, Representative Hutchinson, rise?

Mr. HUTCHINSON. Mr. Speaker, we are not debating the merits or demerits of Act 44 or of the turnpike lease, as the gentleman is talking. We are talking about the amendment before us, and he has strayed far, far off the mark.

The SPEAKER pro tempore. The Chair will remind all the members that the issue before the House is the Maher amendment and to confine your remarks to that amendment.

The Chair thanks the gentleman.

Mr. McCALL. Thank you, Mr. Speaker.

And to the lease, since the Maher amendment speaks directly to the lease and asks the Governor to sign and execute that lease, I think the members ought to know what they are going to vote for or against, and it is precisely about this lease agreement that this amendment is all about.

And let us talk about what the concessionaire is also exempt from underneath this lease agreement, and go to the Web site and read it yourself. They are exempt from most State and local taxes, including zoning and land use regulations. Just in the realty transfer tax alone, it is assumed that the Commonwealth will lose about \$250 million and local governments will lose \$250 million, just in the realty transfer tax provisions alone.

Sales and use tax to the Commonwealth is estimated at about \$10 million in losses, and you have to understand that we are exempting them from all local zoning and land use requirements. So they can go into our districts and put up hotels and do whatever they want to do, not pay property taxes and not even go to your local zoning or planning commissions to get the

authority to do the things that they want to do along that turnpike.

Mr. Speaker, I can go on and on about this deal. It is a bad deal. The assumptions in it are bad, and I would ask that we defeat the Maher amendment and get on with the business of the House.

The SPEAKER pro tempore. The Chair thanks the Democratic whip.

On the question, the Chair recognizes the gentleman from Blair, Chairman Geist.

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

Listening to Representative McCall, I would have to say that I agree with our Governor that this needs a fair and honest airing. You cannot do it with an amendment like this.

During this budget debate, the Governor made a commitment to us not to include the leasing of the turnpike as any quid pro quo for budget votes. I believe that this whole process that we are doing right now should be taken off the table. Nowhere in that amendment does it say that we debate the merits of the lease agreement anywhere. As a matter of fact, if you read the amendment very closely, it does not even say Pennsylvania Turnpike in the amendment.

This debate needs an honest and fair and open process so that everything can be put out there, so that this body can say what needs to be amended or not amended in that agreement, because it is the General Assembly that is the final arbiter of that agreement.

If I live along Interstate 80, I want to be extremely careful of my vote here because the Pennsylvania Turnpike has not submitted the approval document for I-80. A "yes" vote interpreted one way, a "no" vote interpreted another way, this is not the time or the place to have an extensive debate on the single biggest highway leasing project in the United States.

After discussing this with Secretary Crawford in the Governor's Office, I am prone to agree with him and urge a "no" vote, but for those people that a "no" vote can be interpreted as a very bad vote in their districts, I think maybe it is time that we push the maybe switch, because maybe this is not the time or place to be doing it and maybe it is not the time or place to be doing it with the reverse psychology where a "yes" vote is really a "no" vote.

This is a huge deal. When you have got 25 percent of the bridges in your State that are deficient, the amount of highways that we need to be fixed, whether or not we are going to include paying the State Police out of the General Fund or liquid fuels, we really are over \$2 billion short in just basic maintenance needs for highways and bridges.

I would not want today to cut off our nose to spite our face. I would not like to throw the baby out with the bathwater and just about every other one of those sayings that you could throw out here now.

Whether it is a good deal or whether it is a bad deal, the chief executive of this State went out and has done his best to bring us a deal. It is about time that we in the General Assembly get about the business of dissecting that and saying whether or not it is a good deal based upon its merits, not an amendment that was hastily put together to a land transfer bill and all of a sudden with no notice we are voting an amendment today. That sure as heck is not transparency and it is not anything to do with the kind of money that we really need for maintenance of the highways and bridges of Pennsylvania.

And one last parting thought, Mr. Speaker, under Act 44, we have taken a tremendous responsibility to fund mass transit, especially in Philadelphia and Pittsburgh. Without the guaranteed revenues that would come off of Interstate 80 to pay for mass transit, without the process that we have now, those transit agencies in Pennsylvania in a few years will face another financial crisis. I do not think today we should be about that business in a simple amendment to put a spike through future funding for highways, bridges, and mass transit.

I go along with Secretary Crawford's wishes and the Governor's wishes, and I would urge a "no" vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, I do agree with Mr. Geist that this needs to be an open affair, and the gentleman from Altoona is correct on that. That has been the problem with this whole process. It has not been an open affair. The Governor has been excluding us.

I was here in 1996, as a lot on this House floor were, when Governor Ridge was here and we voted on the last gas tax. At that time every member on this House floor, every member, Democrat and Republican, was involved in the discussion on how we were going to fix highways in Pennsylvania. And do you know what? None of that discussion has taken place now with this Governor or the plan to lease this turnpike.

We have constituents we represent back home. Whether the lease is a good idea or not, that has been tarnished by the fact of openness in negotiating this bid process. The Governor has refused to talk to any of us, the rank-and-file members, about what the other bids were, how these things were arrived at. There are a lot of questions that those of us in the General Assembly have about a lease if it is successful to go through and this administration has not made itself available to discuss issues. And the Governor said, for instance, on the leasing project that, well, if we lease this and it does not work out, we will take that highway back. Let me tell you something. If you think it is that easy to bring and break a contract when your idea as well is not being fulfilled, that process will take us 10 to 15 years in the court system to take back any highway that we lease to another company.

There are a lot of great ideas and innovative ideas on how to raise money to pay for our roads and our bridges in this State, and we truly, truly need to get to solving that problem, but Representative McCall, the majority whip, I agree with him. This is a bad deal, a bad deal for Pennsylvanians and a bad deal for us in the House of Representatives because we have not been involved in the process. We have been ignored; we have not had input, and truthfully and honestly, I do not like to see deals made behind closed doors on a solution to a problem that affects all of us in this State. I do not care what part of the State you come from. We have bridges and we have highways that need to be addressed, and if we want to continue to improve the economy of this State, that is a problem that needs to be addressed, but it is not being addressed by keeping things behind closed doors and keeping the members of this General Assembly in the dark. The process should be taken just as we did in 1996 when every member of this General Assembly, every member, Democrat and Republican, was involved in trying to find a way to solve our problems then. It should be the same way now.

And I ask for a "no" vote on Representative Maher's amendment to send a clear message that the way this deal has been worked out is a bad thing for Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny for the second time, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am a great admirer of our Transportation chairman, Mr. Geist, and to those who may not be aware, I believe he is probably one of the national, perhaps world experts in transportation P-3s, private-public partnerships, and so his views carry a great deal of weight with me, and it sounds like we will be voting in the same direction on this amendment, and I am glad for that.

But keep in mind, as you vote on this, this amendment addresses this specific lease. This does not end the conversation about options for the future. It does not end the conversations about whether or not a turnpike commission is necessary. It does not end the conversations about how to accomplish funding for transportation. In fact, I think it advances those discussions, and the reason I believe it advances them is that it makes it clear that a product of this covert process is off the table, and let us get about the real work of open, frank, public process with the hallmark of integrity that I think each one of us intends.

So again, I thank you for your time and attention. It is a very serious question, and I do hope you vote against my amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. McIlhattan, for the second time. The gentleman waives off.

PARLIAMENTARY INQUIRIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Geist, for the second time.

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

During the speaking of Representative McCall when he was throwing all those numbers about, I turned to our brain trust over here and asked him if we had a fiscal note, and I would believe that under our rule, I think it is 19(a), that this amendment would require a fiscal note after hearing all of that. So I am asking for a ruling from the Chair.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. To respond to the gentleman's inquiry, there is no fiscal note. It does require a fiscal note, but the Chair's response would be that under the rule 19(a), it is not required until third consideration. The bill is on second consideration.

Mr. GEIST. No, no. This is an amendment, Mr. Speaker, is it not? This is paragraph five. It is an amendment, is it not?

Mr. McCALL. Mr. Speaker?

Mr. GEIST. You would have to have a fiscal note now, right?

The SPEAKER. The House will be at ease.

The gentleman is correct.

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

For that reason, would it be in order now to table the amendment until Representative Evans and Representative Civera can come up with a fiscal note? I think Representative McCall put enough numbers out there right now that we really need to take a hard look at the numbers, and also I would request that. It is hard for me to get used to the new rules, by the way. This is not third consideration.

The SPEAKER. The gentleman has had time.

The information related to the Speaker is that the fiscal note is imminent, within minutes, and the House will be at ease.

Mr. GEIST. Mr. Speaker, just a question about our new rules, and I know that I am the last guy in the House that would be an expert on the rules, but if you are going to prepare a fiscal note, would that not require another 24 hours so that we would have the transparency on that and the time to examine that fiscal note? I know that that was part of the debate when we were doing the new rules, and I would hope that we would do that.

The SPEAKER. The Chair is not aware of that requirement. If the gentleman would specifically point that requirement out. The Chair is not aware of that requirement.

The House will be at ease, awaiting the fiscal note.

The House will come to order.

For the information of the members, in response to Representative Geist's inquiry, the fiscal note is now posted on the system.

Mr. GEIST. Mr. Speaker?

The SPEAKER. Representative Geist.

Mr. GEIST. Thank you, Mr. Speaker.

We have had a chance to do a cursory overview of the fiscal note, and there seems to be quite a bit missing. First of all, in the fiscal note, nowhere does it say a return on investment, according to Citicorp, on moneys invested. There is no arbitrage number between the Act 44 number, which is in the fiscal note, and the numbers that have been projected by Citicorp with the investment of the \$9.7 billion over the 5 years, which is clearly a number greater than the Act 44 number.

Mr. Speaker, this fiscal note is really incomplete, and I would ask that we would ask the Appropriations Committee to give us a much more accurate fiscal note, a note that includes both sides of that chart based upon a return on investment, based upon the nonagreement of the Federal Highway Administration to the tolling of Interstate 80. I think all those numbers need to be included in the fiscal note, because we have an amendment before us that is a huge amendment when it comes to dollar volume, and I would sure hope that the members of this House have a very, very accurate fiscal note that has been well thought out, worked out by staff, and agreed to by both Dwight Evans and Mario Civera's staff. This is a huge fiscal note, and there is very, very much missing on this note.

I would ask for a ruling from the Chair.

The SPEAKER. There is no ruling that can be made by the Chair. The rules require that a fiscal note be prepared for an amendment. That requirement has been fulfilled. The gentleman's point is debatable, it is argumentative, as to the quality of that amendment, but the Chair can make no ruling on this issue.

Mr. GEIST. Thank you, Mr. Speaker.

Would somebody from the Appropriations Committee stand for interrogation?

The SPEAKER. The gentleman, Representative McCall, will respond to the gentleman's interrogation.

Mr. GEIST. Would Representative McCall please explain the numbers that are not on the fiscal note based upon the invested \$9.7 billion of the moneys that would come off of the lease after all bills and debts are retired?

Mr. McCALL. Yes. Thank you, Mr. Speaker.

Mr. Speaker, the concessionaire agreement does not speak to at all where the Commonwealth invests the money, so there is no requirement in the fiscal note to show that. The concessionaire agreement just assumes that the Commonwealth can make X percentage amounts of money on the money that they provide in the sale of the turnpike or the lease of the turnpike. There is no provision in the concessionaire agreement that tells us that we have to invest that money in certain markets or certain funds or certain banks or anything. That is up to the Commonwealth. So there is no fiscal requirement on that matter.

Mr. GEIST. Does the fiscal note not have to include an estimate from the committee on what the State can anticipate in return for invested moneys?

Mr. McCALL. Mr. Speaker, the amendment does not provide for the investment of the money. It just simply states to sign the concessionaire agreement.

Mr. GEIST. Mr. Speaker, during your own debate you mentioned many, many dollars, millions and millions and billions of dollars. I do not see anywhere in this fiscal note, which we just got momentarily, that that is addressed, and there is a large flow of cash that will be generated by a concession. Does that anticipated income not need to be estimated by the Appropriations Committee, as it has many times in the past?

Mr. McCALL. Mr. Speaker, the Appropriations Committee only writes their fiscal notes to the amendment. The concessionaire agreement, or the amendment just simply provides for the signature of the concessionaire agreement by the Governor.

Mr. GEIST. Thank you.

Mr. Speaker, the amendment does either agree to or not agree to the concession agreement. If it does agree to it, then there is income and that income must be anticipated and we must get numbers from the Appropriations Committee as to their best estimate on those numbers. It does not reflect it anywhere. This is just not a vote against; this is a vote for, and that does not reflect anywhere in that fiscal note.

Mr. McCALL. Mr. Speaker, I would refer you to the second page of the fiscal note where it speaks to the net bid. That is the location that shows what the net amount of money to the Commonwealth is. It will be up to the Commonwealth to invest that number. The concessionaire agreement does not specify where that money has to be located or invested for its return.

Mr. GEIST. Then you are saying that the committee does not have to anticipate revenues off of that concession agreement?

Mr. McCALL. Mr. Speaker, if you go to the second page and read the second page, it clearly states what the return will be from the concessionaire agreement, \$9.7 billion minus the cost of the State Police for 75 years. The concessionaire agreement does not tell this Commonwealth where to invest that money.

That decision will be made once the Commonwealth gets a check.

Mr. GEIST. If the Commonwealth is going to invest that money, Mr. Speaker, is there or is there not anticipated income from that investment?

Mr. McCALL. Mr. Speaker, when the concession agreement – if the concession agreement is ever signed and money is transacted, it will be up to this Commonwealth to determine where to invest that money. This concessionaire agreement, for the third time, does not tell us where we have to invest that money.

Mr. GEIST. Mr. Speaker, on the fiscal note, kind of refresh me on this, because it is not very clear, but does this anticipate that Act 44 then would be completely out of business, null and void?

Mr. McCALL. Mr. Speaker, if you go to the second page, second to the last paragraph, if you read the first sentence, "Executing the Concession and Lease Agreement will necessitate the revocation of the public-public partnership agreement...."

Mr. GEIST. Mr. Speaker, may I have a moment to have a little sidebar here with staff on this? When we are talking about the amount of dollars that we are talking about here and how that money is or is not going to be invested and what the fiscal impact is going to be to the State, I want to be clear from the counsel that I am getting that I really understand this. So I would ask for just a moment at recess.

The SPEAKER. Would the gentleman give the Chair an approximation of how much time he needs. Two minutes. The Chair thanks the gentleman.

(Conference held.)

The SPEAKER. Representative Geist.

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

Mr. Speaker, upon review of the fiscal note, it is my belief that there are flaws all through it, but rather than stretch the process out, this hastily prepared fiscal note is really proof that you cannot rush these major, major decisions on hastily prepared amendments to a land transfer bill.

Therefore, I am going to suggest that we accept the fiscal note and ask that we get an edited version of it later, get about the business of this, and vote "no."

Mr. Speaker, Act 44 came to this floor in the same fashion, in a stripped bill out of our committee, without our committee working on it. Things like this should not be done this way. I believe that we should have an open, honest, and fair hearing on any of these concession agreements.

Therefore, I would urge a "no" vote, and let us get in the business of trying to do this right.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—12

Benninghoff	Hanna	Kotik	Rapp
Causser	Harris	McIlhatten	Roae
Fairchild	Hutchinson	Phillips	Smith, S.

NAYS—185

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

NOT VOTING—0

EXCUSED—6

Cruz	Evans, D.	Reed	Swanger
Donatucci	Micozzie		

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?

The SPEAKER. Pursuant to rule 62, the minority leader, Representative Sam Smith, and Representative John Maher request that any action of the House, including referral, regarding HB 2158 be accomplished by a roll-call vote. The issue before the House is whether this bill should receive second consideration.

Those in favor of moving this bill to second consideration will vote "aye"; those opposed "nay."

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

The following roll call was recorded:

YEAS—188

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

NAYS—9

Benninghoff	Fairchild	Harris	McIlhattan
Causer	Hanna	Hutchinson	Phillips
DeLuca			

NOT VOTING—0

EXCUSED—6

Cruz	Evans, D.	Reed	Swanger
Donatucci	Micozzie		

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

* * *

The House proceeded to second consideration of **HB 1634, PN 2805**, entitled:

An Act prohibiting municipal corporations from requiring municipal registration of deeds prior to recordation by recorders of deeds; providing for the transfer and transmission of copies of deeds for registration; and making related repeals.

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

Mr. **ROSS** offered the following amendment No. **A06848**:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting

Providing for uniform methods to satisfy required municipal registration of deeds and conveyances; permitting access of information in lieu of registration; prohibiting municipalities from requiring municipal registration of deeds prior to recordation by recorders of deeds; and making inconsistent repeals.

Amend Bill, page 1, lines 7 through 17; page 2, lines 1 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Uniform Municipal Deed Registration Act.

Section 2. Definitions.

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

"Municipality." A city, borough, incorporated town, township of the first class, township of the second class or home rule municipality formerly classified as a city, borough, incorporated town or township. The term does not include a city of the first class.

"Owner." Includes a grantee, devisee, subsequent purchaser or other person acquiring title to real property who is required to register a deed or conveyance with a municipality in accordance with law.

"Recorder of deeds." Includes any county official responsible for the recordation of conveyances in counties without recorders of deeds.

Section 3. Registration of deeds generally.

(a) General rule.—Notwithstanding any other provision of law or ordinance or resolution to the contrary, after the effective date of this act, any requirement that a deed or conveyance be registered with a municipality shall be satisfied by either of the following:

(1) Registration by the owner or agent in accordance with section 4.

(2) The obtaining of information necessary for registration of the deed or conveyance by the municipality, in lieu of registration under paragraph (1), in accordance with section 5.

(b) Prohibition.—A municipality shall not require that registration of a deed be made prior to the recordation of the original deed with the recorder of deeds.

Section 4. Registration by owner or agent.

(a) General rule.—In the absence of an ordinance enacted pursuant to section 5, the owner or an agent on behalf of the owner shall, within two business days after recording the deed or conveyance, register the deed or conveyance with the municipality which has enacted an ordinance requiring registration by any of the following methods:

(1) By delivering or sending a copy of the deed as submitted for recording, by registered or certified mail, return receipt requested, to the municipality.

(2) If agreeable to both the owner and the municipality, by electronically sending an image of the deed as submitted for recording to the municipality. The recorder of deeds may, but is not required to, electronically transmit the deed as a service to the owner, and may charge such fees as are provided in the act of July 18, 1941 (P.L.421, No.169), entitled "An act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered, and fixing fees therefor," in addition to the recording fee.

(b) Prohibition.—No municipality may require that the recorder of deeds effect the registration of a deed.

Section 5. Information access in lieu of registration.

(a) Agreement.—The municipality and the recorder of deeds may enter into an agreement whereby the recorder of deeds shall compile and electronically transmit to the municipality or otherwise provide the municipality with electronic access to information regarding conveyances of real property.

(b) Duty of municipality.—The municipality shall, as an amendment to an existing ordinance establishing its real estate registry or otherwise by the enactment of an ordinance:

(1) Reference the existence of the agreement entered into pursuant to subsection (a).

(2) Establish that the information obtained pursuant to the agreement shall be utilized to update and maintain the municipality's registry in lieu of registration pursuant to section 4.

(3) Establish that, as to transfers made after a specified date, an owner shall not be required to register a deed or conveyance with the municipality.

(c) Sufficiency of information.—The agreement may specify that any information periodically provided to the municipality in accordance with the act of May 17, 1945 (P.L.624, No.264), entitled, as amended, "An act requiring the recorder of deeds of every county, except counties of the second class, in certain cases to report transfers of property to the commissioners of townships of the first class and to supervisors of townships of the second class," or any other law, is sufficient for the purpose of this section.

Section 6. Fee for registration.

For the purpose of maintaining its registry, a municipality may charge a reasonable fee, not to exceed \$10 per deed. A fee imposed pursuant to this section shall be paid as follows:

(1) The fee shall accompany any copy of a deed that is registered in accordance with section 4(a)(1).

(2) The fee shall be delivered or mailed, first class prepaid, to the municipality within seven business days after recordation in the case of registration in accordance with section 4(a)(2) or in the event the municipality enacts an ordinance providing for access to information in lieu of registration in accordance with section 5.

Section 7. Existing powers and duties preserved.

Existing duties of the recorder of deeds to provide information in accordance with the act of May 17, 1945 (P.L.624, No.264) entitled, as amended, "An act requiring the recorder of deeds of every county, except counties of the second class, in certain cases to report transfers of property to the commissioners of townships of the first class and to supervisors of townships of the second class," or any other law, or any power of a municipality to require an owner to provide information related to real property, to the extent that these duties and powers are not inconsistent with the provisions of this act, are hereby preserved.

Section 8. Inconsistent ordinance or resolution.

Any ordinance or resolution, or part thereof, inconsistent with the provisions of this act is hereby declared to be void and of no effect.

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

Amend Sec. 4, page 3, by inserting between lines 16 and 17

(4) The act of July 18, 1941 (P.L.421, No.169), entitled "An act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered, and fixing fees therefor."

Amend Sec. 4, page 3, line 17, by striking out "(4)" and inserting (5)

Amend Sec. 5, page 3, line 21, by striking out "5" and inserting 10

On the question,

Will the House agree to the amendment?

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

Mr. ROSS. Thank you, Mr. Speaker.

This amendment actually is a redraft to take into consideration concerns that the Bar Association had. It is now representing the language as it is put forth in this amendment. It is now agreed to by the Bar Association, the title insurance, recorders of deeds, and local municipalities. It makes it clear that we had no intent to interfere with the electronic recording of deeds and transfer of deeds as well as the underlying intent of the bill, and I urge a positive vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	Galloway	Markosek	Ross
Argall	Geist	Marshall	Rubley
Baker	George	Marsico	Sabatina
Barrar	Gerber	McCall	Sainato
Bastian	Gergely	McGeehan	Samuelson
Bear	Gibbons	McI. Smith	Santoni
Belfanti	Gillespie	McIlhattan	Saylor
Benninghoff	Gingrich	Melio	Scavello
Bennington	Godshall	Mensch	Schroder
Beyer	Goodman	Metcalfe	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	Tangretti
Conklin	James	Pashinski	Taylor, J.
Costa	Josephs	Payne	Taylor, R.
Cox	Kauffman	Payton	Thomas
Creighton	Keller, M.K.	Peifer	True
Curry	Keller, W.	Perry	Turzai
Cutler	Kenney	Perzel	Vereb
Daley	Kessler	Petrarca	Vitali
Dally	Killion	Petri	Vulakovich
DeLuca	King	Petrone	Wagner
Denlinger	Kirkland	Phillips	Walko
DePasquale	Kortz	Pickett	Wansacz
Dermody	Kotik	Preston	Waters

DeWeese
DiGirolamo
Eachus
Ellis
Evans, J.
Everett
Fabrizio
Fairchild
Fleck
Frankel
Freeman
Gabig

Kula
Leach
Lentz
Levdansky
Longietti
Mackereth
Maher
Mahoney
Major
Manderino
Mann
Mantz

Pyle
Quigley
Quinn
Ramaley
Rapp
Raymond
Readshaw
Reichley
Roae
Rock
Roebuck
Rohrer

Watson
Wheatley
White
Williams
Wojnaroski
Yewcic
Youngblood
Yudichak

O'Brien, D.,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz
Donatucci

Evans, D.
Micozzie

Reed

Swanger

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.)

COMMUNICATIONS

The SPEAKER. The Speaker acknowledges receipt of the following reports, which the clerk will read.

The following communications were read:

A communication dated June 11, 2008, from the Secretary of the Department of Agriculture providing the department's Annual Report on the Bureau of Dog Law Enforcement for calendar year 2007.

A communication dated June 2008 from the Joint State Government Commission providing a copy of its Task Force Report on the Kilbuck Township Landslide.

A communication dated May 2008 from the Joint State Government Commission providing a copy of its Subcommittee Report on Assisted Reproductive Technologies.

A communication dated June 2008 from the Joint State Government Commission providing a copy of its Advisory Committee Report on the Waiting List for Community-Based Mental Retardation Services.

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

HOUSE BILL INTRODUCED AND REFERRED

No. 2640 By Representatives CLYMER, BOYD,
DENLINGER, FLECK, GILLESPIE, HENNESSEY,

KAUFFMAN, LONGIETTI, MYERS, READSHAW, ROCK, ROHRER, STERN, SURRA, SWANGER, TRUE, YOUNGBLOOD and MURT

An Act providing for a fee on sexually oriented businesses; imposing duties on the Department of Revenue and the Department of Public Welfare; and providing for the allocation of revenue to services for victims of rape.

Referred to Committee on FINANCE, June 18, 2008.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 806 By Representatives McILVAINE SMITH and CALTAGIRONE

A Resolution recognizing June 19, 2008, as "Dump the Pump Day" in Pennsylvania.

Referred to Committee on STATE GOVERNMENT, June 18, 2008.

No. 809 By Representatives D. O'BRIEN and CALTAGIRONE

A Resolution recognizing the celebration of the 60th Annual Convention of the Ahmadiyya Muslim Community.

Referred to Committee on STATE GOVERNMENT, June 18, 2008.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bill be removed from the tabled bill calendar: SB 485.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bill be recommitted to the Committee on Appropriations: SB 485.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 999, PN 2102**, entitled:

An Act designating a portion of State Route 26 in Centre County as the Marine Sergeant David "DJ" Emery, Jr. Highway; and designating the bridge on State Route 322 joining Clearfield and Centre Counties as the Veterans' Memorial Bridge.

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 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.

BILL REMOVED FROM TABLE

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

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

RESOLUTION

Mr. DeWEESE called up **HR 600, PN 3378**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the fiscal impact of electing the Insurance Commissioner of the Commonwealth by popular vote.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 600 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 600 be removed from the tabled bill calendar and placed on the active calendar.

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

HOUSE SCHEDULE

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

Mr. DeWEESE. Thank you, Mr. Speaker.

After conferring with the minority leader, Mr. Smith, I would like to announce a tentative schedule.

The four caucus leadership teams met earlier today in Senator Pileggi's conference room, and from that productive meeting, we have launched a series of subsequent gatherings

Thursday, Friday, Saturday, and Sunday with members and senior staff.

On Monday, we will recommence our efforts here at 1 p.m., and I think it would be prudent if our membership at least prepared to be here for 7 days.

The 30th of June would be the following Monday, and it is my perspective that we made progress earlier in the week at the Governor's home and we made progress today, as Mr. Smith can say for himself. But he and I agreed that we are potentially not as close as some people in the executive branch think we are, but at the same time, I do not think there are chasms that separate us.

Mr. McCall and a vigorous group are negotiating the energy package, and we seem to be very, very close in that regard relative to the infrastructure element that the budget is embracing. There is a profound series of agreements among all four caucuses on roads and bridges and dams. We still have some work to do on the total spending number and the amount of debt.

But as one senior Republican member in the Senate observed, the interest rates are optimal at this time. Wall Street considers Pennsylvania to be a very solid State relative to its indebtedness. And the things that we are going to build will be built with Pennsylvania steel and Pennsylvania cement, and I think we are closer on the RCAP (Redevelopment Assistance Capital Program) discussions than we have ever been.

So with those general overviews, I will relinquish the microphone to my honorable colleague from Jefferson County, but I think the most important thing is to bring some extra undergarments.

The SPEAKER. The minority leader, Representative Smith.

Mr. S. SMITH. And a clean shirt, Mr. Speaker.

I do not know, I thought that people— Go ahead.

The SPEAKER. The gentleman wants to—

Mr. S. SMITH. I was about to make a derogatory comment in a joking way, but I realized it might reflect on more than just the majority leader, so I bit my tongue.

The SPEAKER. The Chair was going to caution the gentleman.

Mr. S. SMITH. Mr. Speaker, I would concur generally with the comments of the majority leader. There is a lot of work to be done. I do not think that things are necessarily as close as some might have portrayed, but they are not an insurmountable amount apart.

There is a lot of work that we need to do at the staff level over the next couple of days to crunch numbers as we compare different proposals, and clearly there are some unsettled elements in terms of some of the things that the majority leader just referenced – the total amount of money that is available to be spent; what borrowing is worthwhile or not worthwhile or advisable or inadvisable at this time. Those are some of the key things. And clearly, the discussion on exactly how to handle the education funding and formula issues is clearly up in the air, so I do not want to mislead members in that regard. But we do have a fairly open and decent dialogue going on among the four caucuses, and it is within the normal realm of discussion. So I am optimistic in that regard.

I would concur with the majority leader that next week certainly will not be a 3-day week. It might be a 7- or 10-day week, so come in Monday rested up and ready to go. Thank you, Mr. Speaker.

The SPEAKER. Are there any further announcements?

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER. The Chair recognizes Representative Conklin from Centre County, who moves that this House do now recess until Monday, June 23, 2008, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:48 p.m., e.d.t., the House recessed.