

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, SEPTEMBER 22, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 60

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

The SPEAKER pro tempore. The prayer will be offered this afternoon by longtime former employee, Ronald Bachman, Rev. Ronald Bachman, guest of Representative Hickernell.

REV. RONALD L. BACHMAN, Guest Chaplain of the House of Representatives, offered the following prayer:

Good afternoon. It is good to see you all.

Let us go to the Lord in prayer:

Father, we want to thank You for this beautiful day which You have prepared for us. We also want to thank You, Father, for the safety in the night past and for allowing us to gather here in this place today. And, Father, my prayer today is directed towards doing good, which You were always about doing when You were here on earth. I want to read from Psalm 34, verse 8, this verse: O taste and see that the Lord is good: blessed is the man that trusteth in Him. And also, this from Proverbs 12:25: Heaviness in the heart of man maketh it stoop: but a good word maketh it glad.

So, Father, today if we can do any good today for our fellow man, help us. If we can serve someone today along the way today, help us. If we can say something helpful towards another person today, help us today. Lord, show us how. If we can right a human wrong today, Lord, show us. If we can help to make one strong today, Lord, help us. If we can cheer with smile or song today, Lord, show us how. If we can aid one in distress today, Lord, show us how. If we can make a burden less for someone today, Lord, show us how. If we can spread more happiness today to our fellow man, Lord, show us how.

And now here in this place this afternoon, Father, I pray that You would bless each and every individual here and the families that they represent. Might everything that we say or do or think about here in this place today, might it ultimately bring glory and honor to You. We pray this prayer in Your name and for Your sake. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Wednesday, September 17, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the majority whip, who requests a leave for the week for the gentlelady, Ms. YOUNGBLOOD from Philadelphia; and for the week, the gentleman from Philadelphia, Mr. PAYTON; and for the day, the gentleman from Westmoreland County, Mr. TANGRETTI. Without objection, the leaves will be so granted.

The Chair recognizes the minority whip, Mr. Argall, for a request for a leave of absence.

Mr. ARGALL. Yes, for today, Mr. Speaker, Mr. BENNINGHOFF.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Without objection, leave for the gentleman, Mr. Benninghoff, will be granted.

Members will report to the floor.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. The minority whip is recognized for a request for a leave of absence for the gentleman, Mr. MICOZZIE. Without objection, that leave of absence shall be granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—198

Adolph	Freeman	Mann	Roebuck
Argall	Gabig	Mantz	Rohrer
Baker	Galloway	Markosek	Ross
Barrar	Geist	Marshall	Rubley

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Payton	Tangretti	Youngblood
Micozzie			

LEAVES CANCELED—1

Micozzie

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

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 883 By Representatives HARPER, ARGALL, CALTAGIRONE, CAUSER, GEORGE, GODSHALL, HENNESSEY, HERSHEY, KENNEY, MAJOR, PETRI, RAPP, SAYLOR, SONNEY, STERN, WATSON, WOJNAROSKI, MOYER, SIPTROTH and GINGRICH

A Resolution directing the Legislative Budget and Finance Committee to review the Commonwealth's program of providing grants for environmental protection and improvement projects under the Growing Greener program.

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

No. 891 By Representatives CRUZ, YOUNGBLOOD, BRENNAN, READSHAW, McCALL, BELFANTI, O'NEILL, SWANGER, MILLARD, BOYD, REICHLEY, MUSTIO, HARPER, SABATINA, GEORGE, McGEEHAN, BARRAR, VEREB, MENSCH, SIPTROTH, KORTZ, MANDERINO, BLACKWELL, STABACK, HORNAMAN, KIRKLAND, W. KELLER, SAINATO, GIBBONS, SANTONI, JAMES, SHIMKUS, ROSS, ROCK, PAYTON, KENNEY, HERSHEY, VULAKOVICH, DONATUCCI, JOSEPHS, CASORIO, DALEY, MOUL and MOYER

A Resolution urging the district council person of the seventh district of the City of Philadelphia to take action in order to name the public school at G and Hunting Park Avenue in Philadelphia after Officer Isabel Nazario.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, September 19, 2008.

No. 893 By Representatives JOSEPHS, CONKLIN, CURRY, FREEMAN, GEORGE, GOODMAN, HARHAI, HORNAMAN, JAMES, KORTZ, PALLONE, PARKER, READSHAW, STABACK, SWANGER, WHEATLEY and YOUNGBLOOD

A Resolution urging the Congress of the United States to fully fund programs under the United States Census Bureau that would improve the accuracy of the 2010 census.

Referred to Committee on STATE GOVERNMENT, September 19, 2008.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2021 By Representatives CONKLIN, McCALL, GINGRICH, LONGIETTI, GEORGE, SEIP, MARKOSEK, THOMAS, HARKINS, BISHOP, SCAVELLO, MILLARD, EACHUS, QUINN, DePASQUALE, LEACH, McGEEHAN, GOODMAN, BENNINGTON, BUXTON, WATERS, GALLOWAY, GRUCELA, SIPTROTH, KING, KORTZ, BRENNAN, HORNAMAN, ROCK, FAIRCHILD, WOJNAROSKI, LENTZ, YOUNGBLOOD, PAYTON, MANN, MURT, M. O'BRIEN, VULAKOVICH, GIBBONS, MANDERINO, JOSEPHS, MUNDY, PETRARCA, HANNA, MAHONEY, HARHAI, McILVAINE SMITH and J. WHITE

An Act providing for home energy assistance to certain persons through payment of matching funds to the hardship funds of certain home energy providers and for powers and duties of the Department of Public Welfare.

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

No. 2029 By Representatives PRESTON and KENNEY

An Act amending the act of December 30, 2003 (P.L.441, No.64), known as the Tobacco Product Manufacturer Directory Act, further providing for definitions.

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

No. 2030 By Representatives PRESTON and KENNEY

An Act amending the act of June 22, 2000 (P.L.394, No.54), known as the Tobacco Settlement Agreement Act, further providing for definitions.

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

No. 2031 By Representatives SOLOBAY, CALTAGIRONE, CARROLL, KORTZ, KOTIK, LONGIETTI, MAHONEY, REICHLEY, SIPTROTH, THOMAS, J. WHITE, YOUNGBLOOD and KULA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for program.

Referred to Committee on TRANSPORTATION, September 18, 2008.

No. 2070 By Representatives TURZAI, MUSTIO, BASTIAN, CAUSER, CLYMER, CREIGHTON, ELLIS, EVERETT, FAIRCHILD, GEIST, GOODMAN, GRELL, HESS, MARSHALL, METCALFE, R. MILLER, MOUL, PICKETT, PYLE, REICHLEY, ROAE, ROCK, ROHRER, SAYLOR, SCAVELLO, SONNEY, R. STEVENSON and VULAKOVICH

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for administration and for an integrated mass transportation system.

Referred to Committee on TRANSPORTATION, September 19, 2008.

No. 2202 By Representatives GALLOWAY, BELFANTI, CALTAGIRONE, CREIGHTON, CUTLER, FABRIZIO, FAIRCHILD, GOODMAN, GRUCELA, HALUSKA, HORNAMAN, KENNEY, KORTZ, LONGIETTI, MUNDY, MUSTIO, O'NEILL, PETRI, ROCK, SEIP, SIPTROTH, STABACK, SURRA, WOJNAROSKI, YUDICHAK, CARROLL, TRUE, J. WHITE, EVERETT and MOYER

An Act providing for prohibitions on employing unauthorized aliens and for penalties and enforcement.

Referred to Committee on LABOR RELATIONS, September 18, 2008.

No. 2374 By Representatives JOSEPHS, CASORIO, DENLINGER, FLECK, FRANKEL, GEORGE, JAMES, MELIO, MUNDY, MYERS, RAPP, READSHAW, SCHRODER, SWANGER, THOMAS and YOUNGBLOOD

An Act providing for identification devices and for subcutaneous implanting; and imposing civil penalties.

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

No. 2375 By Representatives JOSEPHS, DeWEESE, McCALL, SURRA, DERMODY, BUXTON, CARROLL, CONKLIN, CURRY, FAIRCHILD, FREEMAN, GALLOWAY, GIBBONS, GODSHALL, GOODMAN, HANNA, HARHAI, HORNAMAN, KAUFFMAN, KESSLER, KING, KORTZ, KULA, LEVDANSKY, MANDERINO, McILVAINE SMITH, MELIO, MUNDY, MURT, M. O'BRIEN, ROAE, RUBLEY, SAINATO, SAMUELSON, SAYLOR, SHAPIRO, WANSACZ, J. WHITE, YOUNGBLOOD and D. O'BRIEN

An Act providing for banning certain payments to Commonwealth employees.

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

No. 2533 By Representatives GEORGE, BELFANTI, BENNINGTON, CALTAGIRONE, CARROLL, DeWEESE, GOODMAN, HALUSKA, JOSEPHS, KOTIK, KULA, MARSHALL, McILHATTAN, MUNDY, MYERS, PETRONE, READSHAW, SIPTROTH, SURRA, SWANGER, THOMAS, WALKO, WHEATLEY, J. WHITE, WOJNAROSKI and YOUNGBLOOD

An Act providing for duties of oil and gas well operators, for notice of operations and surface use and compensation agreement, for entry without surface use compensation agreement, for restriction on issuance of permits for wells, for attorney fees and costs and for emergency situations.

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

No. 2740 By Representatives QUINN, BOYD, BEYER, WATSON, BISHOP, CARROLL, CIVERA, DePASQUALE, FLECK, FRANKEL, GALLOWAY, GEIST, GILLESPIE, GINGRICH, HARKINS, HARPER, HENNESSEY, KOTIK, McGEEHAN, R. MILLER, MOYER, MUNDY, M. O'BRIEN, O'NEILL, PETRONE, PHILLIPS, ROCK, ROSS, SAYLOR, SIPTROTH, STERN, WALKO and J. WHITE

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for definitions, for municipal implementation of recycling programs and for facilities operation and recycling.

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

No. 2768 By Representatives FREEMAN, CUTLER, MAHONEY, BOYD, BRENNAN, CARROLL, DePASQUALE, GEORGE, GIBBONS, GINGRICH, HICKERNELL, HORNAMAN, HUTCHINSON, KORTZ, LEVDANSKY, MANDERINO, MANN, McGEEHAN, MENSCH, MUNDY, MURT, NICKOL, PAYTON, REED, REICHLEY, ROAE, ROCK, RUBLEY, SHIMKUS, SIPTROTH, M. SMITH, SWANGER, TRUE, VITALI, VULAKOVICH, WALKO, WOJNAROSKI and YUDICHAK

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for audits of affairs of the General Assembly and legislative agencies; and making a related repeal.

Referred to Committee on FINANCE, September 18, 2008.

No. 2769 By Representatives QUINN, CLYMER, GEIST, GEORGE, GOODMAN, HENNESSEY, KING, McGEEHAN, MENSCH, MYERS, PAYTON, PETRI, REICHLEY, ROCK, SIPTROTH, STERN, WATSON, MOYER and O'NEILL

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, further providing for definitions and for powers and duties of department.

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

No. 2770 By Representatives LONGIETTI, SAINATO, DeWEESE, HARKINS, BELFANTI, BRENNAN, BUXTON, CALTAGIRONE, CARROLL, CASORIO, HARHAI, HORNAMAN, KORTZ, KOTIK, KULA, MARKOSEK, PASHINSKI, PETRARCA, PYLE, READSHAW, REICHLEY, SEIP, SIPTROTH, SOLOBAY, STABACK, R. STEVENSON, SURRA, J. WHITE and BROOKS

An Act amending the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act, further defining "drinking establishment."

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

No. 2771 By Representatives GIBBONS, DENLINGER, GEIST, HERSHEY, KORTZ, KULA, LONGIETTI, MENSCH, MILLARD, R. MILLER, MURT, ROCK, SIPTROTH, SURRA and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "street rod."

Referred to Committee on TRANSPORTATION, September 18, 2008.

No. 2772 By Representatives PYLE, REED, ARGALL, BAKER, BASTIAN, BEAR, BELFANTI, BENNINGHOFF, BEYER, BOYD, BRENNAN, BROOKS, CAUSER, CIVERA, COSTA, CREIGHTON, CUTLER, DeLUCA, DENLINGER, DePASQUALE, DONATUCCI, ELLIS, J. EVANS, EVERETT, FAIRCHILD, FLECK, GABIG, GEIST, GIBBONS, GINGRICH, GODSHALL, GOODMAN, GRELL, HALUSKA, HARKINS, HARPER, HENNESSEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION, KORTZ, KOTIK, LONGIETTI, MACKERETH, MAHER, MAJOR, MANDERINO, MARKOSEK, MARSHALL, MARSICO, McGEEHAN, McILHATTAN, MENSCH, METCALFE, MICOZZIE, MILLARD, R. MILLER, MOUL, MOYER, MUNDY, MURT, MYERS, NAILOR, D. O'BRIEN, O'NEILL, PALLONE, PASHINSKI, PAYNE, PEIFER, PERRY,

PETRARCA, PETRI, PICKETT, QUIGLEY, QUINN, RAPP, READSHAW, ROAE, ROCK, RUBLEY, SABATINA, SAYLOR, SCAVELLO, SCHRODER, SIPTROTH, S. H. SMITH, SOLOBAY, SONNEY, STERN, R. STEVENSON, STURLA, SURRA, SWANGER, TRUE, TURZAI, VEREB, VULAKOVICH, WALKO, WATSON, YEWCIC and YUDICHAK

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, in keystone opportunity zones, providing for alternative decertification of deteriorated property by the department and by political subdivisions; and making an editorial change.

Referred to Committee on COMMERCE, September 18, 2008.

No. 2773 By Representatives WAGNER, BENNINGTON, COSTA, DeLUCA, DERMODY, FRANKEL, M. SMITH, WALKO and J. WHITE

An Act amending the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act, further providing for preemption of local ordinances.

Referred to Committee on HEALTH AND HUMAN SERVICES, September 19, 2008.

No. 2774 By Representatives DENLINGER, BOYD, CALTAGIRONE, CLYMER, CREIGHTON, CUTLER, FAIRCHILD, GEIST, GEORGE, GINGRICH, GOODMAN, HALUSKA, HERSHEY, MOYER, ROCK, SONNEY, STERN and MURT

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts; and providing for additional contracting authority for electric power and energy.

Referred to Committee on LOCAL GOVERNMENT, September 19, 2008.

No. 2775 By Representatives JOSEPHS and BAKER

An Act reasserting rights over land within the bed of the Delaware River in the City of Philadelphia; and making a related repeal.

Referred to Committee on STATE GOVERNMENT, September 19, 2008.

No. 2776 By Representatives WATERS, CALTAGIRONE, JAMES, McGEEHAN, BELFANTI, COHEN, KULA, R. MILLER, HENNESSEY, KIRKLAND, PARKER and WHEATLEY

An Act amending Title 61 (Penal and Correctional Institutions) of the Pennsylvania Consolidated Statutes, amending the heading of Title 61; adding definitions; and providing for prerelease testing.

Referred to Committee on JUDICIARY, September 19, 2008.

SENATE BILLS FOR CONCURRENCE

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

SB 1503, PN 2376

Referred to Committee on APPROPRIATIONS, September 18, 2008.

SB 1504, PN 2377

Referred to Committee on APPROPRIATIONS, September 18, 2008.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 7, PN 4019**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to **HB 4, PN 4329**.

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

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 180, PN 2304**.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Nicholas A. Granados, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Nicholas A. Granados.

Whereas, Nicholas A. Granados has earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 147.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Nicholas A. Granados.

GUESTS INTRODUCED

The SPEAKER pro tempore. Please welcome the guests of Representative Mario Scavello and Representative John Siptroth, residents from LaBar Village in Stroudsburg, Pennsylvania, who are here today to visit the Capitol. They are seated in the gallery. Welcome.

Members, kindly take your seats. We have condolence resolutions that we are going to be taking up. Members, kindly take your seats. 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 A**RESOLUTION PURSUANT TO RULE 35**

Mr. KESSLER called up **HR 885, PN 4357**, entitled:

A Resolution honoring the supreme sacrifice of United States Army Private First Class Travis Zimmerman, who honorably gave his life in the line of duty in Baghdad, Iraq, on April 22, 2006.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On the resolution, the gentleman, Mr. Kessler, is recognized.

Mr. KESSLER. Thank you, Mr. Speaker.

Honoring the supreme sacrifice of United States Army Pfc. Travis Zimmerman, 19 years old, who honorably gave his life in the line of duty in Baghdad, Iraq, on April 22, 2006. United States Army Pfc. Travis Zimmerman of New Berlinville, Berks County, gave his life in the courageous service of his country while on duty at an observation post in Baghdad, Iraq. Private First Class Zimmerman was serving with the 101st Army Airborne in Iraq and was assigned to the Airborne's 2d Battalion, 502d Infantry Regiment, 2d Brigade Combat Team at Fort Campbell. And although Private First Class Zimmerman had been in the Army for less than 1 year, his valor and competence are attested to by the outstanding service medals he was awarded in that short time, including the Bronze Star, the Army Achievement Medal, the Army Good Conduct Medal, the Combat Infantryman Badge, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Iraq Campaign Medal, the Army Service Ribbon, the Overseas Service Ribbon, and the Order of Purple Heart.

Private First Class Zimmerman is fondly remembered by his family and friends and is survived by his mother, Gail, and his father and stepmother, Mr. and Mrs. Lloyd Zimmerman. It is fitting for the House of Representatives to honor and pay respect to the life of this heroic young man who gave his life for

his nation in defense of freedom. Therefore, today the House of Representatives will honor the supreme sacrifice of United States Army Pfc. Travis Zimmerman, who honorably gave his life in the line of duty in Baghdad, Iraq, on April 22, 2006.

In the newspapers, Travis— He graduated from Boyertown Area High School, and I would like to read a quote from the principal. It reads, "He was polite, respectful, and a likeable young man." Travis was involved in Scouts. He loved to go on the trips to Myrtle Beach with his family and other friends of the family, but most importantly, Travis saved his money and he used that money to help others that were in need. I met Gail, his mother, at a picnic of Gold Star Mothers, and as time went on, it was very hard to stop thinking about Travis as well as my two sons. I am certainly honored and privileged to have this opportunity to honor Travis as everyone in this room feels the same. Gail, could you please stand up? We also have here Travis's brother, Johnny, and also his grandmother, Shirley Clemens.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Members and guests will rise as a sign of respect for the fallen soldier.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Pfc. Travis Zimmerman.)

The SPEAKER pro tempore. Members and guests may be seated.

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

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Payton	Tangretti	Youngblood
Micozzie			

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

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

The SPEAKER. Members and guests will take their seats.

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

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. BUXTON called up **HR 876, PN 4309**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Private First Class James Michael Yohn of the United States Army, who valiantly lost his life while in brave service to our country in Iraq on June 25, 2008.

On the question,
Will the House adopt the resolution?

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

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise today not only to honor one of Pennsylvania's finest sons, but to honor the legacy that lives on in his son. On Thursday, July 3, our Pennsylvania flags were flown at half-staff in memory of Army Pfc. James Yohn. I echo the following words delivered by the Governor when he made the order to lower the flags to half-staff, and I quote:

"Private First Class Yohn is a hero who courageously fought to protect and defend our freedom. On behalf of all Pennsylvanians, we extend our deepest and most heartfelt sympathy to his family and friends. In his honor, we will lower state flags as a symbol of our respect for his service, his bravery, and his sacrifice."

Service and sacrifice; these are two very powerful words to describe Private First Class Yohn. Sadly, on June 25, Pfc. James Yohn, who was only 25 years old, paid the ultimate sacrifice. While serving in Mosul, Iraq, with the Army's 1st Squadron, 3d Armored Cavalry Regiment, his vehicle hit a roadside bomb that took his life and two other soldiers. It is in his memory today that we pause to reflect on his service. Private First Class Yohn was not only a hero to our nation, but to his community as well. A native of Highspire, he protected his friends and neighbors through his service as a volunteer firefighter for 8 years. Private First Class Yohn's life of service is one of integrity, courage, and inspiration.

He valiantly gave up time with his friends and loved ones to protect the rights of all of us. He answered calls for help from his community, and he answered the call of duty for his country. His story of selflessness is one of the greatest life lessons about courage, honor, and duty. Through Private First Class Yohn's service, we can enshrine his legacy. We are joined today by members of the Yohn family. Seated to the left of the Speaker are his wife, Amber; son, James Michael, Jr.; and his mother, Judy. They are accompanied by Sfc. Von Haeger. Would you please rise.

Your memories of Jimmy will include his enjoyment of fishing at his favorite spot, his love for the Highspire Fire Department, and his innate ability to make people smile and laugh. It is through James Michael, Jr., born 1 month after his father's death, on July 26, 2008, that Jimmy Yohn will live on. The more people who come to know and love his son will be the more people who will be touched by his father's legacy. Because of those we have lost, we can better understand and appreciate those whom we have not lost. As this House votes today on HR 876, with heavy hearts, may our pride in his service represent his pride in serving this nation so that in all of us, Pfc. James Yohn, who was posthumously honored and given the rank of specialist, fourth class, may live on.

Thank you, Mr. Speaker.

The SPEAKER. Members and guests will please rise as a sign of respect for the fallen soldier, Pfc. James Michael Yohn, of the United States Army.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Pfc. James Michael Yohn.)

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	Freeman	Mann	Roebuck
Argall	Gabig	Mantz	Rohrer
Baker	Galloway	Markosek	Ross

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Payton	Tangretti	Youngblood
Micozzie			

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.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome, as the guests of the Speaker and as constituents and guests of Representative Sue Helm, George and LaVerne Adams. They are the parents of my legislative assistant, Gale Kaster, who you know sits right up here in the front of the House. Would you

please stand, Mr. and Mrs. Adams, and be recognized. Welcome to the floor of the House.

STATE GOVERNMENT COMMITTEE MEETING

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

Ms. JOSEPHS. To make an announcement, a committee announcement, Mr. Speaker.

The SPEAKER. The lady is in order.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The House State Government Committee will meet as soon as we break. We will take up the rest of the bills on the agenda as well as SB 986. We will have a change of room, however. We will be in Ryan Office Building 205.

Thank you, Mr. Speaker.

The SPEAKER. The State Government Committee will meet in room 205 of the Ryan Office Building at the break.

The Chair would ask the members to wait until after we do some housekeeping and he will recognize the members for committee announcements.

BILL SIGNED BY SPEAKER

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

SB 180, PN 2304

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans and for termination of certain health insurance benefits; and adding a definition of "ancillary service plans."

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to take this opportunity to wish one of our most distinguished members of this House, not only a veteran of this House, but a distinguished veteran of the United States Marine Corps, very best wishes on his 80th birthday. Representative Merle Phillips, would you please stand and be recognized, sir.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2375, PN 4369

By Rep. JOSEPHS

An Act providing for banning certain payments to Commonwealth employees.

STATE GOVERNMENT.

BILLS REMOVED FROM TABLE

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

HB 1462;
HB 1777;
HB 1798;
HB 2600;
HB 2743;
SB 472;
SB 1023;
SB 1376; and
HB 2375.

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

BILLS RECOMMITTED

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

HB 1462;
HB 1777;
HB 1798;
HB 2600;
HB 2743;
SB 472;
SB 1023;
SB 1376; and
HB 2375.

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

DEMOCRATIC CAUCUS

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER. Representative Cohen, for an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, at the call of recess there will be an immediate Democratic caucus. At 2:45 there will be a meeting of the Rules Committee in the majority caucus room. At 3 o'clock there will be a meeting of the Appropriations Committee in the majority caucus room, and our goal is to return to the floor at 3:15.

The SPEAKER. There will be a Democratic caucus at the call of the recess.

There will be a meeting of the Rules Committee in the majority caucus room at 2:45.

There will be a meeting of the Appropriations Committee in the majority caucus room at 3 o'clock.

We will return to the floor at 3:15.

For what purpose does the gentleman, Representative Melio, rise? The gentleman will hold.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce an immediate caucus of the Republicans at the call of the recess. That is, Republicans will caucus at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER. Representative Melio.

Mr. MELIO. Thank you, Mr. Speaker.

The Veterans Affairs and Emergency Preparedness Committee will meet immediately in room 39, East Wing. I repeat, the Veterans Affairs and Emergency Preparedness Committee will meet immediately in room 39, East Wing.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Veterans Affairs and Emergency Preparedness Committee will meet immediately in room 39, East Wing.

EDUCATION COMMITTEE MEETING

The SPEAKER. Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

At the call of recess, the House Education Committee will meet in room G-50. The purpose of our meeting is to take up HB 2518. Thank you.

The SPEAKER. The Education Committee will meet at the recess in room G-50.

RECESS

The SPEAKER. Are there any other announcements?

Seeing none, this House will now stand in recess until 3:15 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 1033, PN 1880

By Rep. MELIO

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the composition of the State Veterans' Commission.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

SB 1225, PN 2413 (Amended)

By Rep. MELIO

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for mutual aid.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

SB 1503, PN 2411 (Amended)

By Rep. D. EVANS

A Supplement to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2008-2009, itemizing additional State and local bridge projects.

APPROPRIATIONS.

SB 1504, PN 2412 (Amended)

By Rep. D. EVANS

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 1737, PN 2315

By Rep. D. EVANS

An Act prohibiting any municipal pension or retirement system in a city of the first class from denying certain benefits to surviving spouses of firefighters or certain employees upon a subsequent remarriage of the surviving spouse; and making related repeals.

APPROPRIATIONS.

HB 1914, PN 3905

By Rep. D. EVANS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

APPROPRIATIONS.

HB 1915, PN 3906

By Rep. D. EVANS

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members.

APPROPRIATIONS.

HB 2216, PN 3331

By Rep. D. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for applicability to providers outside this Commonwealth; and further providing exceptions, for investigative disclosure or use of contents of wire, electronic or oral communications or derivative evidence, for requirements of governmental access, for mobile tracking devices, for issuance and for expiration.

APPROPRIATIONS.

SB 1103, PN 1427

By Rep. D. EVANS

An Act authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to the Philadelphia Redevelopment Authority a tract of land situate in the City of Philadelphia, Philadelphia County.

APPROPRIATIONS.

SB 1308, PN 2261

By Rep. D. EVANS

An Act authorizing the Pennsylvania Fish and Boat Commission to grant and convey to Solebury Township, certain lands situate in Solebury Township, Bucks County.

APPROPRIATIONS.

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 4, PN 4329

By Rep. DeWEESE

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, imposing a central or regional booking fee on criminal convictions to fund the start-up, operation or maintenance of a central or regional booking center; providing for a countywide booking center plan; providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing, for powers and duties and for adoption of guidelines for sentencing; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of recommitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement and for information required upon commitment and subsequent disposition and for referral to State intermediate punishment program; providing for work release or other court order and for recidivism risk reduction incentive; and making a related repeal.

RULES.

HB 7, PN 4019

By Rep. DeWEESE

An Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill.

RULES.

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

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House, as the guest of Representative Steve Samuelson, Andrew Krauss. Andrew is a senior at Allen High School in Allentown. Would you please stand and be recognized.

Will Representative Baker approach the rostrum, please.

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

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The majority leader moves that SB 1033 and SB 1225 be removed from the tabled bill calendar.

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

BILLS RECOMMITTED

The SPEAKER pro tempore. The majority leader moves that SB 1033 and SB 1225 be recommitted to the Committee on Appropriations.

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

SUPPLEMENTAL CALENDAR B

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS FURTHER AMENDED BY THE SENATE
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments as further amended by the Senate to House amendments to **HB 4, PN 4329**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, imposing a central or regional booking fee on criminal convictions to fund the start-up, operation or maintenance of a central or regional booking center; providing for a countywide booking center plan; providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing, for powers and duties and for adoption of guidelines for sentencing; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of recommitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement and for information required upon commitment and subsequent disposition and for referral to State intermediate punishment program; providing for work release or other court order and for recidivism risk reduction incentive; and making a related repeal.

On the question,
Will the House concur in Senate amendments as further amended by the Senate to House amendments?
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—195

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

NAYS—3

Hutchinson	Kenney	Metcalf
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NOT VOTING—0

EXCUSED—5

Benninghoff	Payton	Tangretti	Youngblood
Micozzie			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as further amended by the Senate to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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

The House will come to order.

CALENDAR CONTINUED

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 5, PN 4111**, entitled:

An Act amending the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, further providing for transfer of inmates.

On the question,

Will the House concur in Senate amendments?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the nice gentleman, Mr. Micozzie. He is on the floor of the House, and he is added to the master roll.

CONSIDERATION OF HB 5 CONTINUED

On the question recurring,

Will the House concur in Senate amendments?

The following roll call was recorded:

YEAS—199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Benninghoff	Payton	Tangretti	Youngblood
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 6, PN 4192**, entitled:

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 intent, for business of the Pennsylvania Board of Probation and Parole, for powers and duties of the board, for duties of the chairman of the board, for supervision of parole and probation, for power to parole, for commission of crime during parole and for victim of the offense.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-199

Adolph	Gabig	Mantz	Roebuck
Argall	Galloway	Markosek	Rohrer
Baker	Geist	Marshall	Ross
Barrar	George	Marsico	Rubley
Bastian	Gerber	McCall	Sabatina
Bear	Gergely	McGeehan	Sainato
Belfanti	Gibbons	McI. Smith	Samuelson
Bennington	Gillespie	McIlhattan	Santoni
Beyer	Gingrich	Melio	Saylor
Bianucci	Godshall	Mensch	Scavello
Bishop	Goodman	Metcalfe	Schroder
Blackwell	Grell	Micozzie	Seip
Boback	Grucela	Millard	Shapiro

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Benninghoff	Payton	Tangretti	Youngblood
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR B CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 7, PN 4019**, entitled:

An Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—196

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

NAYS—3

Hutchinson	Kenney	Metcalf
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NOT VOTING—0

EXCUSED—4

Benninghoff	Payton	Tangretti	Youngblood
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER pro tempore. The House will come to order. Members will please take their seats. Members, please take your seats.

STATEMENT BY SPEAKER

The SPEAKER pro tempore. Under unanimous consent, the Chair recognizes the Speaker, Mr. O'Brien.

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

I would just first like to thank all the members for their cooperation in passing these four pieces of legislation, and I respectfully submit my remarks for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

Today we vote on a legislative package to reform how Pennsylvania manages and incarcerates those convicted of crimes. HBs 4, 5, 6 and 7 together provide much-needed reforms to make the public safer, ensure that offenders receive treatment services essential to break the cycle of crime, reduce duplication of efforts that waste taxpayer dollars, add essential safeguards to outdated laws, and ensure that crime victims are treated fairly. This package of bills will, frankly, cause a sea change in how Pennsylvania's sentencing practices, State and county correctional systems, offender treatment services, and parole supervision operate. This comprehensive, bipartisan package is the product of long and dedicated work by criminal justice stakeholders and members of the House. I am very grateful to all of those involved in this process who came together in a collaborative, constructive way to ensure that we developed these essential reforms.

Together, these bills serve many important goals. First and foremost, they address a long-standing imbalance between our county and State correctional systems. As the recent Pew study demonstrated, our correctional systems (Pennsylvania Department of Corrections and county jails) have resulted in Pennsylvania having an overall incarceration rate that is roughly average for the nation. However, a much greater proportion of inmates are housed in Pennsylvania's county jail system than in other States. This is the result of Pennsylvania's unique sentencing laws that grant sentencing judges the power to place long-term inmates in the county prison system. Most States require offenders serving sentences of 1 or more years to be placed in the State correctional system. Pennsylvania, conversely, allows judges to place any inmate with a maximum sentence of less than 5 years in the county prison system. Currently in Pennsylvania, it is possible to have persons serving sentences of more than 5 years housed in the county jails when several shorter prison sentences are stacked one upon the other.

This sentencing scheme has resulted in county jails – that were originally designed to be short-term detention facilities – being required to house and treat very serious offenders serving long-term sentences. Under current statutes, the county prisons have no choice but to house these prisoners serving long sentences. The counties are also required to house offenders who were paroled from these long sentences but then returned to prison after they violated the terms of their parole.

This practice of housing serious offenders in county jails is poor public policy for a number of reasons. Most notably, our county jails are primarily funded by local property taxes. Inordinately large prison budgets place an undue strain on the county's finances, resulting in a

lack of funding for other essential criminal justice needs, such as police officers and crime prevention programs.

Moreover, the county prisons lack the financial and staffing resources to provide essential drug treatment and other services for the serious offenders, who will eventually be returned to our communities. Without proper treatment, these offenders are often doomed to commit more crimes which endanger public safety.

Finally, many county jails do not have the capacity to house the ever-increasing numbers of county prisoners. Some of our county jails have faced Federal lawsuits seeking the release of prisoners in order to reduce their overcrowded jail population. These lawsuits inevitably lead to pressure on local officials to release dangerous inmates, or Federal court orders mandating mass prisoner releases. In Philadelphia, for example, prisoners ordered to be released by the Federal court in the 1990s resulted in the rearrest of those offenders for commission of almost 10,000 new crimes, including 79 murders. One of these crimes included the murder of rookie police officer, Daniel Boyle, who was killed after stopping a car stolen by a defendant repeatedly released from prison by the Federal court.

To address this pressing problem for the counties, we have developed a bipartisan prison reform package designed to reduce county jail overcrowding and the resultant pressure to release jail inmates. Specifically, this package will shift the burden for incarceration and treatment of serious offenders from the county to the State system. As a result, we will improve offender treatment by using the centralized programs, administrative support, and specialized expertise that the State correctional system already has in place.

In addition to a shift of responsibility for housing serious offenders, this package also serves many important public policy goals. It ensures truth-in-sentencing for the victim, the public, and the offender. It enhances public safety by improving coordination between sentencing and parole, and increases the information available to the public on these policies and practices. It provides incentives for nonviolent offenders to participate in evidence-based rehabilitative programs proven to reduce the recidivism risk. It reduces the risk of harm to inmates and correctional officers through the improved exchange of information between the county and State systems. It revamps the old and outdated Pennsylvania law governing the release of inmates for medical treatment by adding appropriate safeguards. It will improve county and State parole practices through the establishment of parole guidelines that ensure consistency and fairness. It will improve the allocation of scarce parole resources by redirecting the focus on higher risk offenders. It will also decrease taxpayer costs through the centralization of prisoner transportation and enhanced use of videoconferencing technology, which will thereby reduce the number of prison transports.

This is, of course, an ambitious package. But it has been carefully crafted with the support of the prime sponsors of each bill, including minority Judiciary Committee Chairman Marsico, Representative Manderino, and majority Judiciary Committee Chairman Caltagirone. I am very grateful to them for their hard work in helping craft this package. As a result of this bipartisan effort, HBs 4, 5, 6, and 7 enjoy the unprecedented support of stakeholders throughout Pennsylvania's criminal justice system. This package is supported by the County Commissioners Association of Pennsylvania, the Pennsylvania District Attorneys Association, the Pennsylvania Prison Society, the Pennsylvania Commission on Sentencing, the Pennsylvania Department of Corrections, the Pennsylvania Board of Probation and Parole, the Pennsylvania County Prison Wardens Association, the Governor, and the victim's groups.

These groups support the following specific proposals.

I. Place of Confinement Amendments.

HB 4 will do the following:

- Require the State to house prisoners serving maximum sentences of 2 or more years;
- Allow prisoners, under limited circumstances, to serve maximum sentences of 2 years or more years, but less than 5 years, in the county (with agreement of the district attorney, the judge, and the county jail administrator if the jail population is less than 110 percent of its rated capacity);
- Require the lumping ("aggregation") of consecutive terms of confinement for purposes of determining place of confinement; and
- Require the State to reimburse counties for long-term work release (but with a statewide cap of \$2.5 million).

These provisions contained in HB 4 are essential to put Pennsylvania more in line with nationally accepted correctional practice, as most States require prisoners serving maximum sentences of 2 or more years to serve those sentences in the State system.

II. Temporary Transfer of Prisoners for Judicial Proceedings.

HB 5 will address current problems we encounter with the transportation of State prisoners required to appear for court hearings. Under current practices, each individual county is responsible for transportation of prisoners to these court hearings. These redundant county transportation systems need to be centralized in order to reduce the overall cost to the taxpayer. In addition, to the extent feasible, we want to decrease the overall number of prisoner transports to reduce the risk of escape, while alleviating additional pressures on the county jail populations.

HB 5 will require the Department of Corrections to transport State prisoners to State prisons near the courthouse. Counties electing to use this transportation system would reimburse the Department of Corrections for the cost of transportation, but not the cost of confinement. In addition, HB 5 encourages the use of videoconferencing technology to reduce the overall number of prisoner transports. The bill is designed to reduce overall taxpayer costs through consolidation of transportation services and to reduce the risk of prisoner escapes.

III. Parole Guidelines.

HB 4 and HB 6 together provide important changes relating to parole. In summary, the Sentencing Commission will promulgate sentencing, resentencing, and parole guidelines as well as recommitment ranges, and both the Pennsylvania Board of Probation and Parole (PBPP) and the county judges will now be required to report parole and reparole decisions to the commission. The proposed Sentencing Commission guidelines will apply to initial paroles, recommitments, backtime, reparaes, and resentencings. The county judges, like the PBPP, would be required by statute to consider the parole guidelines promulgated by the commission. Thus, like sentencing guidelines, there will be new constraints on judicial discretion, in this case, relating to county parole. County judges will also need to consider resentencing guidelines following revocation of probation, county intermediate punishment or State intermediate punishment, as well as following remand from an appeal. PBPP will have statutory authorization for nonreporting parole (termed "administrative parole") for certain classes of offenders who have been successfully managed for a period of time while on parole.

There will also be significant changes in parole jurisdiction. Judges will be responsible for parole of inmates serving maximum sentences of 2 years or more, but less than 5 years, in the county prison, under the new place of confinement provisions that take effect in 3 years. Importantly, no inmate will be subject to this parole jurisdiction change unless the district attorney, county jail administrator, and judge previously agreed to the county prison placement. When the final provisions take effect, the PBPP will no longer be in the business of paroling prisoners from county prisons unless they have agreed to accept a "special parole."

HB 4 and HB 6 also address the issue of early parole for county sentences. There have been concerns about some current county practices which allow sentenced prisoners to be paroled prior to the expiration of the minimum sentence without notice to prosecutors and crime victims. After much constructive negotiation on this issue, we have crafted provisions that ensure truth-in-sentencing, prevent the undercutting of sentencing guidelines, and still permit counties to operate existing earned time or good time programs that conform with these new statutory requirements.

Under these new early parole provisions, a judge imposing a county sentence (maximum of less than 2 years) will have the option of making that offender eligible for an early parole to a county reentry plan. The eligibility date must be announced at the time of sentencing, thus ensuring that the victim, the public, and the offender all know at what point the offender will be eligible for release from prison. The offender cannot be released at a point earlier than the date announced at sentencing and the date reported to the Sentencing Commission. This provision also makes clear that county jails cannot simply implement early release programs that release prisoners early for good behavior. Rather, such releases must be a part of the sentencing and parole orders. This open and transparent process is essential to ensure fairness to victims and public confidence in our criminal justice system.

IV. Medical Release.

The current statute governing prisoner medical releases is outdated and fails to account for the need to place terminally ill prisoners in hospice care. At the same time, the current statute also lacks public safety protections and does not take into account victim notification. HB 7 adds essential safeguards to this process by ensuring appropriate notice and an opportunity to be heard (to prosecutors, victims, and correctional officials), requiring judges to consider public safety issues and the impact on victims in making these decisions, establishing a mechanism for reincarcerating inmates for changed circumstances, and establishing criminal penalties for those that unlawfully leave medical facilities. Importantly, HB 7 changes the current system that authorized judges to "modify" existing sentences to accomplish a medical release. Under HB 7, prior sentences cannot be "modified." Rather, judges can simply "defer" the service of a prison sentence. Nevertheless, these medical release provisions will not apply to capital cases nor permit reduction of fines or restitution orders. In addition, inmates will not be entitled to sentencing credit for placements in medical facilities. At the same time, HB 7 will allow Pennsylvania to receive matching Federal funds for medical treatment.

V. "Rebuttable" Parole at the Minimum.

HB 6 will allow for the presumptive parole of prisoners who meet the State Intermediate Punishment (SIP) eligibility standards, but were not referred or accepted into the program. These prisoners will be eligible for automatic release at their minimum sentence if they have maintained a good-conduct record in prison, they do not pose a public safety risk, and there is an adequate parole plan. The proposed language also adds substantial checks and balances. Additionally, HB 6 encourages PBPP to devote supervision resources to higher risk offenders.

VI. Department of Corrections Requests for SIP Referral.

HB 4 will allow the Department of Corrections to request that an eligible prisoner be considered for SIP. These provisions retain the old requirement that the prosecuting attorney consent before entry into the SIP program. However, the new provisions will authorize resentencing in appropriate cases where inmates are identified for this program after entry into the State system. Current law precludes such resentencings.

VII. Recidivism Risk Reduction Incentives.

HB 4 amends Title 42, section 9756, and adds a new chapter in Title 44. This comprehensive proposal (known as the "Recidivism Risk Reduction Incentive Program" or "RRRI") is designed to ensure that nonviolent prisoners participate in evidence-based programs proven to reduce recidivism. In addition to revisions to Title 42, section 9756 (sentencing provisions), there are definitional provisions, stringent limits on eligibility which exclude all violent offenders, limits on the types of programs that can be approved, additional public safety protections, requirements for published guidelines and regulations, reports, evaluations, and an educational plan (targeted for prosecutors, the defense bar, and judges). RRRI is modeled on a successful recidivism reduction program in New York State. Research demonstrates that this targeted approach can reduce recidivism rates for program participants.

In addition, HB 4 contains carefully crafted limits to this program to preclude inappropriate releases of prisoners who pose a risk to the public, are high-level drug dealers, or who are unlikely to be rehabilitated by such programs. For example, an offender who has twice been sent to the Department of Corrections and received the benefit of the RRRI programs from the department would not be automatically entitled to a RRRI for a third time. Rather, judges in this case would retain the discretion to deny a RRRI sentence to these offenders.

VIII. Prisoner Transfer – Information Provisions.

HB 4 amends Title 42, section 9764, to address the necessary information that must accompany a prisoner who is admitted to the State correctional system. These provisions are designed to ensure that the Department of Corrections receives medical information, escape history, prison infraction records, sentencing credit information, and other information necessary for the safe management of prisoners. The bill includes language that will minimize the burden on the county system and encourage the use of electronic records. This documentation is essential to the prevention of improper prisoner releases, protection of staff and inmates from violent prisoners, and prevention of harm to inmates from incomplete information relating to medical conditions or prescribed medications.

IX. Mandatory Sentence for Sex Offenders' Failure to Register.

HB 4, Title 42, is amended to include a mandatory sentence for failure to comply with registration of sexual offenders upon conviction for a second or subsequent offense to be not less than 5 years for an individual who was subject to a 10-year or lifetime registration. (Title 42, section 9718.3)

X. Countywide Booking Centers.

HB 4, Title 42, is amended to include provisions for the establishment of countywide booking centers.

Following a county's adoption of a countywide booking center plan, a person may be sentenced to pay a booking center fund fee of no more than \$300 if the person:

- (1) Is placed on probation without verdict pursuant to The Controlled Substance, Drug, Device and Cosmetic Act; or
- (2) Receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to, or is convicted of:
 - A crime under the Crimes Code;
 - Homicide by vehicle while driving under the influence;
 - Driving under the influence of alcohol or a controlled substance; or
 - A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

The fee shall be paid to the county and deposited into a special central or regional booking center fund. The money in the fund shall be used solely for the implementation of a countywide booking center plan and the start-up, operation, or maintenance of a booking center.

No more than 5 percent of the moneys in the fund may be used for administrative costs related to the collection of the fee.

The countywide booking center plan shall do the following:

- Ensure coordination and collaboration of all criminal justice agencies within the county.
- Comply with all applicable Federal and State technology standards for the collection and transmission of offender identification information.
- Make recommendations regarding the number, funding, and operation of booking centers within the county.

The plan must be certified by the Pennsylvania Commission on Crime and Delinquency as being in compliance with technology standards. PCCD is required to provide a list of all certified county plans to AOPC.

While my remarks today cannot list all of the important changes in this prison reform package, they provide a summary of the key provisions. These bills contain statutory changes essential to make the public safer, treat victims fairly, and ensure that we spend our tax dollars wisely. I urge my colleagues to pass this important package of bills, and thank them for their work in crafting this important legislation.

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

The House will come to order.

Will the gentleman, Mr. O'Brien, Speaker O'Brien, kindly come to the rostrum.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. Will Representatives Caltagirone, Manderino, and Marsico please come to the rostrum.

BILLS SIGNED BY SPEAKER

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

HB 4, PN 4329

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, imposing a central or regional booking fee on criminal convictions to fund the start-up, operation or maintenance of a central or regional booking center; providing for a countywide booking center plan; providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing, for powers and duties and for adoption of guidelines for sentencing; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of recommitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement and for information required upon commitment and subsequent disposition and for referral to State intermediate punishment program; providing for work release or other court order and for recidivism risk reduction incentive; and making a related repeal.

HB 5, PN 4111

An Act amending the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, further providing for transfer of inmates.

HB 6, PN 4192

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 intent, for business of the Pennsylvania Board of Probation and Parole, for powers and duties of the board, for duties of the chairman of the board, for supervision of parole and probation, for power to parole, for commission of crime during parole and for victim of the offense.

HB 7, PN 4019

An Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill.

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

SUPPLEMENTAL CALENDAR C

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1914, PN 3905**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

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 1915, PN 3906**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members.

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

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.

* * *

The House proceeded to second consideration of **HB 1737, PN 2315**, entitled:

An Act prohibiting any municipal pension or retirement system in a city of the first class from denying certain benefits to surviving spouses of firefighters or certain employees upon a subsequent remarriage of the surviving spouse; and making related repeals.

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

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

The House will come to order.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome Representative Art Hershey's daughter, Julie Hershey Carr; her husband, Michael Carr; his granddaughter, Riley; his grandsons, Will and Nate, who are, of course, guests of the Honorable Art Hershey. They are located to the left of the Speaker. Please rise and be recognized.

The House will be at ease.

The House will come to order.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1543, PN 3587**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for expungement of criminal history record.

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

The SPEAKER pro tempore. It is the Chair's understanding all the amendments that were drawn to this bill have been withdrawn, except it is my understanding the gentleman, at this point, Mr. Solobay, would like to offer an amendment through suspension of the rules. Is that correct, Mr. Solobay?

Mr. SOLOBAY. Thank you, Mr. Speaker.

I believe there is one amendment included in the six that we are still going to run, but I will have to confer with you, unless they have gotten it straightened out. But the technical amendment that I am offering and asking for a suspension is basically just to change the implementation date of the bill if it is passed.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Solobay, for a suspension of the rules for consideration of amendment A09194. Is that correct, Mr. Solobay?

Mr. SOLOBAY. That is correct.

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

The following roll call was recorded:

YEAS—186

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

Donatucci	Leach	Pyle	Wheatley
Eachus	Lentz	Quigley	White
Ellis	Levdansky	Quinn	Williams
Evans, D.	Longietti	Ramaley	Wojnaroski
Evans, J.	Mackereth	Rapp	Yewcic
Everett	Maher	Raymond	Yudichak
Fabrizio	Mahoney	Readshaw	
Fairchild	Major	Reed	O'Brien, D.,
Fleck	Manderino	Reichley	Speaker

NAYS—13

Cox	Kauffman	Perry	Seip
Cutler	Kessler	Roae	Stairs
Gabig	Murt	Schroder	Swanger
Grell			

NOT VOTING—0

EXCUSED—4

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

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

Mr. **SOLOBAY** offered the following amendment No. **A09194**:

Amend Sec. 2, page 6, line 23, by striking out "in 60 days" and inserting

July 1, 2009

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

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

Mr. Solobay, please suspend.

Members, please be seated. It is very difficult to hear the Speaker and the gentleman offering the amendment. Members, please be seated.

Mr. Solobay.

Mr. **SOLOBAY**. Thank you, Mr. Speaker.

This amendment is basically technical in nature, and it just changes the implementation date on the bill to July 1, 2009.

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

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Mantz	Roebuck
Argall	Galloway	Markosek	Rohrer
Baker	Geist	Marshall	Ross
Barrar	George	Marsico	Rubley
Bastian	Gerber	McCall	Sabatina

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

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

The House will come to order.

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

The SPEAKER pro tempore. The Chair recognizes the gentelady, Mrs. Mackereth. Which amendment are you offering, Mrs. Mackereth?

Mrs. MACKERETH. Mr. Speaker, I will be offering A08319.

The SPEAKER pro tempore. The Chair thanks the gentelady.

On the question recurring,

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

Mrs. MACKERETH offered the following amendment No. A08319:

Amend Title, page 1, line 3, by removing the period after "record" and inserting

and for juvenile records.

Amend Sec. 1, page 1, line 8, by striking out "9122(B)" and inserting

9122(a)(3), (b)

Amend Sec. 1 (Sec. 9122), page 1, line 12, by striking out all of said line and inserting

(a) Specific proceedings.—Criminal history record information shall be expunged in a specific criminal proceeding when:

(3) a person 21 years of age or older who has been convicted of a violation of section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) which occurred on or after the person attained 18 years of age petitions the court of common pleas in the county where the conviction occurred seeking expungement and the person has satisfied all terms and conditions of the sentence imposed for the violation, including any suspension of operating privileges imposed pursuant to section 6310.4 (relating to restriction of operating privileges). Upon review of the petition, the court shall order the expungement of all criminal history record information and all administrative records of the Department of Transportation relating to said conviction.

Amend Bill, page 6, by inserting between lines 22 and 23

Section 2. Section 9123(a) of Title 18 is amended to read:

§ 9123. Juvenile records.

(a) Expungement of juvenile records.—Notwithstanding the provisions of section 9105 (relating to other criminal justice information) and except upon cause shown, expungement of records of juvenile delinquency cases and cases involving summary offenses committed while the individual was under 18 years of age, wherever kept or retained, shall occur after 30 days' notice to the district attorney, whenever the court upon its motion or upon the motion of a child or the parents or guardian finds:

(1) a complaint is filed which is not substantiated or the petition which is filed as a result of a complaint is dismissed by the court;

(2) six months have elapsed since the final discharge of the person from supervision under a consent decree and no proceeding seeking adjudication or conviction is pending;

(2.1) the individual is 18 years of age or older and has been convicted of a violation of section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) which occurred while the individual was under 18 years of age and the individual has satisfied all terms and conditions of the sentence imposed for the violation, including any suspension of operating privileges imposed pursuant to section 6310.4 (relating to restriction of operating privileges). Expungement shall include all criminal history record information and all administrative records of the Department of Transportation relating to the conviction;

(2.2) the individual is 18 years of age or older and the individual has satisfied all terms and conditions of the sentence imposed following a conviction for a summary offense, with the exception of a violation of section 6308, committed while the individual was under 18 years of age and the individual has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication;

(3) five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral and since such final discharge, the person has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication; or

(4) the individual is [18] 17 years of age or older, the attorney for the Commonwealth consents to the expungement and a court orders the expungement after giving consideration to the following factors:

(i) the type of offense;

(ii) the individual's age, history of employment, criminal activity and drug or alcohol problems;

(iii) adverse consequences that the individual may suffer if the records are not expunged; and

(iv) whether retention of the record is required for purposes of protection of the public safety.

Amend Sec. 2, page 6, line 23, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentelady, Mrs. Mackereth.

Mrs. MACKERETH. Thank you, Mr. Speaker.

This is an agreed-to amendment that will allow for the expungement of juvenile summary offenses where the individual is 18 years of age or older, has satisfied all terms and conditions of the sentence imposed, has not been convicted of a felony, misdemeanor, or adjudicated delinquent, and there are no pending charges. This will also permit expungement for juveniles age 17 or older, with the consent of the district attorney.

Thank you, Mr. Speaker.

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

Mr. SOLOBAY. Thank you, Mr. Speaker.

As the lady said, this is an agreed-to amendment and ask for everyone's concurrence on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Chairman Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would agree with the former speakers. It is an agreed-to amendment, and I would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

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

NAYS—1

Casorio

NOT VOTING—0

EXCUSED—4

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

SUPPLEMENTAL CALENDAR C CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1308, PN 2261**, entitled:

An Act authorizing the Pennsylvania Fish and Boat Commission to grant and convey to Solebury Township, certain lands situate in Solebury Township, Bucks County.

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

Mr. **KENNEY** offered the following amendment No. **A09108**:

Amend Title, page 1, line 3, by removing the period after "County" and inserting
; and authorizing the Department of General Services, with the approval of the Governor, to convey a certain easement in the City of Philadelphia.

Amend Bill, page 6, by inserting between lines 25 and 26
Section 2. Conveyance in the City of Philadelphia.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the City of Philadelphia, or its assigns, an easement for sanitary sewer purposes, across lands of the Commonwealth of Pennsylvania situate in the City of Philadelphia, Commonwealth of Pennsylvania, for one dollar.

(b) Description of easement.—The easement to be conveyed pursuant to this section is more particularly described as follows:

ALL THAT CERTAIN right-of-way or easement of land situate in the city of Philadelphia, and Commonwealth of Pennsylvania as shown on a plan entitled "Sanitary Right-of-Way Plan", prepared by Langan Engineering & Environmental Services, Inc., dated 10/10/07 and being more fully bounded and described as follows:

BEGINNING at the point on the southerly line of lands now or formerly of the Commonwealth of Pennsylvania, said point being measured the following 3 courses from the intersection of the northeasterly right-of-way line of Southampton Road (60 feet wide) and the southeasterly right-of-way line of Carter Road; thence,

a) Along the southeasterly right-of-way line of Carter Road, North 41 degrees 04 minutes 22 seconds East, a distance of 1403.310 feet; thence,

b) Still along the same, North 46 degrees 06 minutes 32 seconds East, a distance of 928.552 feet; thence,

c) Leaving said line of Carter Road and extending along the line of lands now or formerly of the Commonwealth of Pennsylvania, South 43 degrees 53 minutes 28 seconds East, a distance of 332.934 feet to the point of beginning; thence,

1. North 11 degrees 12 minutes 07 seconds East, a distance of 89.980 feet to a point; thence,

2. South 78 degrees 47 minutes 53 seconds East, a distance of 50.000 feet to a point; thence,

3. South 11 degrees 12 minutes 07 seconds West, a distance of 124.869 feet to a point; thence,

4. North 43 degrees 53 minutes 28 seconds West a distance of 60.970 feet to the first mentioned point and place of BEGINNING.

Encompassing an area of 5,371 square feet or 0.123 acres of land, more or less.

(c) Conditions of conveyance.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not limited to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable

estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Deed of easement.—The deed of easement shall contain such terms and conditions as shall be acceptable to the Department of General Services and shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee and paid to the Department of General Services.

Amend Sec. 2, page 6, line 26, by striking out "2" and inserting
3

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

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would allow for an easement to the city of Philadelphia to put in a water and sewer line along the old Philadelphia State Hospital property.

I would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 1103, PN 1427**, entitled:

An Act authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to the Philadelphia Redevelopment Authority a tract of land situate in the City of Philadelphia, Philadelphia County.

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

Mr. **KENNEY** offered the following amendment No. **A09109**:

Amend Title, page 1, line 4, by removing the period after "County" and inserting

; and authorizing the Department of General Services, with the approval of the Governor, to convey a certain easement in the City of Philadelphia.

Amend Bill, page 4, by inserting between lines 17 and 18 Section 2. Conveyance in the City of Philadelphia.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the City of Philadelphia, or its assigns, an easement for sanitary sewer purposes,

across lands of the Commonwealth of Pennsylvania situate in the City of Philadelphia, Commonwealth of Pennsylvania, for one dollar.

(b) Description of easement.—The easement to be conveyed pursuant to this section is more particularly described as follows:

ALL THAT CERTAIN right-of-way or easement of land situate in the city of Philadelphia, and Commonwealth of Pennsylvania as shown on a plan entitled "Sanitary Right-of-Way Plan", prepared by Langan Engineering & Environmental Services, Inc., dated 10/10/07 and being more fully bounded and described as follows:

BEGINNING at the point on the southerly line of lands now or formerly of the Commonwealth of Pennsylvania, said point being measured the following 3 courses from the intersection of the northeasterly right-of-way line of Southampton Road (60 feet wide) and the southeasterly right-of-way line of Carter Road; thence,

a) Along the southeasterly right-of-way line of Carter Road, North 41 degrees 04 minutes 22 seconds East, a distance of 1403.310 feet; thence,

b) Still along the same, North 46 degrees 06 minutes 32 seconds East, a distance of 928.552 feet; thence,

c) Leaving said line of Carter Road and extending along the line of lands now or formerly of the Commonwealth of Pennsylvania, South 43 degrees 53 minutes 28 seconds East, a distance of 332.934 feet to the point of beginning; thence,

1. North 11 degrees 12 minutes 07 seconds East, a distance of 89.980 feet to a point; thence,

2. South 78 degrees 47 minutes 53 seconds East, a distance of 50.000 feet to a point; thence,

3. South 11 degrees 12 minutes 07 seconds West, a distance of 124.869 feet to a point; thence,

4. North 43 degrees 53 minutes 28 seconds West a distance of 60.970 feet to the first mentioned point and place of BEGINNING.

Encompassing an area of 5,371 square feet or 0.123 acres of land, more or less.

(c) Conditions of conveyance.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not limited to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Deed of easement.—The deed of easement shall contain such terms and conditions as shall be acceptable to the Department of General Services and shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the grantee and paid to the Department of General Services.

Amend Sec. 2, page 4, line 18, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Kenney. Are you withdrawing this amendment? Thank you, Mr. Kenney. The amendment is withdrawn.

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

SUPPLEMENTAL CALENDAR A CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. WHEATLEY called up **HR 886, PN 4358**, entitled:

A Resolution designating October 16, 2008, as "Lights on Afterschool! Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Benninghoff Payton Tangretti Youngblood

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

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. KING called up **HR 445, PN 4306**, entitled:

A Resolution recognizing the week of September 21 through 27, 2008, as "Athletic Associations Appreciation Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Benninghoff Payton Tangretti Youngblood

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

ANNOUNCEMENT BY MR. DALEY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Daley, for an announcement. The Chair recognizes Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Chairman Hess and I are going to be hosting tomorrow an informational meeting in 60 East Wing. As we are all aware of the crisis that is going on on Wall Street, we have invited the Secretary of Banking; the Treasurer; members of the Securities and Exchange Commission of Pennsylvania; as well as the bankers, the community bankers; and the Credit Union Association to discuss how Wall Street is affecting Pennsylvania, how it could affect Pennsylvania. We invite all members to attend tomorrow morning at 9 o'clock in 60 East Wing.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome Brad Hershey and children, Johnathan, Tyler, Anna; and Representative Hershey's wife, Joyce; and daughter, Sandy, who are guests of Representative Art Hershey and are located to the left of the Speaker. Please rise and be recognized.

SUPPLEMENTAL CALENDAR C CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2216, PN 3331**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for applicability to providers outside this Commonwealth; and further providing exceptions, for investigative disclosure or use of contents of wire, electronic or oral communications or derivative evidence, for requirements of governmental access, for mobile tracking devices, for issuance and for expiration.

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

Mr. VEREB offered the following amendment No. **A08973**:

Amend Title, page 1, line 2, by inserting after "Statutes,"
in wiretapping and electronic surveillance,

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

Amend Title, page 1, line 6, by inserting after "evidence,"
for disclosure of contents,

Amend Title, page 1, line 7, by removing the period after
"expiration" and inserting
; and making an editorial change.

Amend Bill, page 3, by inserting between lines 17 and 18

Section 3.1. Section 5742 heading and (a) introductory
paragraph of Title 18 are amended, subsection (a) is amended by
adding a paragraph and the section is amended by adding subsections
to read:

§ 5742. Disclosure of contents and records.

(a) Prohibitions.—Except as provided in subsection (b) and (c):

(3) A person or entity providing an electronic
communication service or remote computing service to the public
shall not knowingly divulge a record or other information
pertaining to a subscriber to, or customer of, the service.

(c) Exceptions for disclosure of records or other information.—
A person or entity may divulge a record or other information pertaining
to a subscriber to, or customer of, the service if any of the following
paragraphs apply:

(1) A record or other information may be divulged
incident to any service or other business operation or to the
protection of the rights or property of the provider.

(2) A record or other information may be divulged to
any of the following:

(i) An investigative or law enforcement official
as authorized in section 5743.

(ii) The subscriber or customer upon request.

(iii) A third party, upon receipt from the
requester of adequate proof of lawful consent from the
subscriber to, or customer of, the service to release the
information to the third party.

(iv) A party to a legal proceeding, upon
receipt from the party of a court order entered under
subsection (c.1). This subparagraph does not apply to an
investigative or law enforcement official authorized
under section 5743.

(3) Notwithstanding paragraph (2), a record or other
information may be divulged:

(i) as authorized by a Commonwealth statute; or

(ii) by a Commonwealth regulatory agency with
oversight over the person or entity.

(4) Subject to paragraph (2), a record or other
information may be divulged:

(i) as authorized by Federal law; or

(ii) by a Federal regulatory agency having
oversight over the person or entity.

(c.1) Order for release of records.—

(1) An order to divulge a record or other information
pertaining to a subscriber or customer under subsection (c)(2)(iv)
must be approved by a court presiding over the proceeding in
which a party seeks the record or other information.

(2) The order may be issued only after the subscriber or
customer received notice from the party seeking the record
information and was given an opportunity to be heard.

(3) The court may issue a preliminary order directing the
provider to furnish the court with the identity of or contact
information for the subscriber or customer if the party does not
possess this information.

(4) An order for disclosure of a record or other
information shall be issued only if the party seeking disclosure

demonstrates specific and articulable facts to show that there are
reasonable grounds to believe that the record or other information
sought is relevant and material to the proceeding. In making its
determination, the court shall consider the totality of the
circumstances, including input of the subscriber or customer and
the likely impact of the provider.

Amend Sec. 4, page 3, line 18, by striking out "5743(d)" and
inserting

5743(c)(1) and (d), 5746(a)

Amend Sec. 4 (Sec. 5743), page 3, by inserting between lines 21
and 22

(c) Records concerning electronic communication service or
remote computing service.—

[(1) Except as provided in paragraph (2), a provider of
electronic communication service or remote computing service
may disclose a record or other information pertaining to a
subscriber to or customer of the service, not including the
contents of communication covered by subsection (a) or (b), to
any person other than an investigative or law enforcement
officer.]

Amend Sec. 4 (Sec. 5743), page 4, by inserting between lines 6
and 7

§ 5746. Cost reimbursement.

(a) Payment.—Except as otherwise provided in subsection (c), an
investigative or law enforcement officer obtaining the contents of
communications, records or other information under section 5742
(relating to disclosure of contents and records), 5743 (relating to
requirements for governmental access) or 5744 (relating to backup
preservation) shall reimburse the person or entity assembling or
providing the information for such costs as are reasonably necessary
and which have been directly incurred in searching for, assembling,
reproducing and otherwise providing the information. Reimbursable
costs shall include any costs due to necessary disruption of normal
operations of any electronic communication service or remote
computing service in which the information may be stored.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. VEREB. Mr. Speaker, thank you.

That amendment I will withdraw at this time and proceed
with A9068.

The SPEAKER pro tempore. The Chair thanks the
gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. VEREB offered the following amendment No. **A09068**:

Amend Title, page 1, line 2, by inserting after "Statutes,"
in wiretapping and electronic surveillance,

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

Amend Title, page 1, line 6, by inserting after "evidence,"
for disclosure of contents,

Amend Title, page 1, line 7, by removing the period after
"expiration" and inserting

; and making an editorial change.

Amend Bill, page 3, by inserting between lines 17 and 18

Section 3.1. Section 5742 heading and (a) introductory paragraph of Title 18 are amended, subsection (a) is amended by adding a paragraph and the section is amended by adding subsections to read:

§ 5742. Disclosure of contents and records.

(a) Prohibitions.—Except as provided in subsection (b) and (c):

* * *

(3) A person or entity providing an electronic communication service or remote computing service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to, or customer of, the service.

* * *

(c) Exceptions for disclosure of records or other information.—A person or entity may divulge a record or other information pertaining to a subscriber to, or customer of, the service if any of the following paragraphs apply:

(1) A record or other information may be divulged incident to any service or other business operation or to the protection of the rights or property of the provider.

(2) A record or other information may be divulged to any of the following:

(i) An investigative or law enforcement official as authorized in section 5743.

(ii) The subscriber or customer upon request.

(iii) A third party, upon receipt from the requester of adequate proof of lawful consent from the subscriber to, or customer of, the service to release the information to the third party.

(iv) A party to a legal proceeding, upon receipt from the party of a court order entered under subsection (c.1). This subparagraph does not apply to an investigative or law enforcement official authorized under section 5743.

(3) Notwithstanding paragraph (2), a record or other information may be divulged as authorized by a Commonwealth statute or as authorized by a Commonwealth regulatory agency with oversight over the person or entity.

(4) Subject to paragraph (2), a record or other information may be divulged as authorized by Federal law or as authorized by a Federal regulatory agency having oversight over the person or entity.

(c.1) Order for release of records.—

(1) An order to divulge a record or other information pertaining to a subscriber or customer under subsection (c)(2)(iv) must be approved by a court presiding over the proceeding in which a party seeks the record or other information.

(2) The order may be issued only after the subscriber or customer received notice from the party seeking the record information and was given an opportunity to be heard.

(3) The court may issue a preliminary order directing the provider to furnish the court with the identity of or contact information for the subscriber or customer if the party does not possess this information.

(4) An order for disclosure of a record or other information shall be issued only if the party seeking disclosure demonstrates specific and articulable facts to show that there are reasonable grounds to believe that the record or other information sought is relevant and material to the proceeding. In making its determination, the court shall consider the totality of the circumstances, including input of the subscriber or customer, if any, and the likely impact of the provider.

Amend Sec. 4, page 3, line 18, by striking out "5743(d)" and inserting

5743(c)(1) and (d), 5746(a)

Amend Sec. 4 (Sec. 5743), page 3, by inserting between lines 21 and 22

(c) Records concerning electronic communication service or remote computing service.—

[(1) Except as provided in paragraph (2), a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communication covered by subsection (a) or (b), to any person other than an investigative or law enforcement officer.]

* * *

Amend Sec. 4 (Sec. 5743), page 4, by inserting between lines 6 and 7

§ 5746. Cost reimbursement.

(a) Payment.—Except as otherwise provided in subsection (c), an investigative or law enforcement officer obtaining the contents of communications, records or other information under section 5742 (relating to disclosure of contents and records), 5743 (relating to requirements for governmental access) or 5744 (relating to backup preservation) shall reimburse the person or entity assembling or providing the information for such costs as are reasonably necessary and which have been directly incurred in searching for, assembling, reproducing and otherwise providing the information. Reimbursable costs shall include any costs due to necessary disruption of normal operations of any electronic communication service or remote computing service in which the information may be stored.

* * *

On the question,

Will the House agree to the amendment?

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

Mr. VEREB. Thank you, Mr. Speaker.

This amendment's language is born out of an incident here in Dauphin County earlier this summer. I am sure the members have read about it or heard of it, where a defense attorney's efforts to obtain the cellular phone records of two district attorneys and detectives were attempted to be ascertained. Even though the judge in the criminal proceeding denied the defense attorney's request for such records, counsel was able to obtain them, obtain the cellular provider records through the provider, which is now referred to as the "records loophole" in the Pennsylvania wiretap act.

For the benefit of the members, current Pennsylvania law provides that a service provider may provide records and other information relating to a subscriber upon request. The law limits access to this information to law enforcement and other investigatory agents for the government, requiring them to follow additional procedures set forth in the act.

I worked diligently over the summer with the Pennsylvania Attorney General's Office, the D.A.s Association on our initial drafting of this proposal, and the legislation received immediate support from the Pennsylvania Coalition Against Domestic Violence, the Pennsylvania Coalition Against Rape, the Pennsylvania State Troopers Association, the Chiefs of Police Association of Pennsylvania, the Pennsylvania Sheriffs' Association, the Coalition of Crime Victim Organizations, the Pennsylvania's Victim Advocate, the American Civil Liberties Union, and the Fraternal Order of Police. Since this issue erupted, we have also been working closely with the stakeholders for the wireless and data providers.

The intent of the bill was only to close the door to third party access to these records, and we worked with the providers to ensure that we did not interfere with their ability to share information pursuant to their business operations. We held numerous calls, numerous conversations and meetings with the carriers. They signed off on this legislation that you have in front of you today because they understood the need to establish a bright-line rule in State law for privacy of customer records.

My legislation changes the existing statute, which is effectively an open-door policy on customer records and information and creates a closed-door policy, which allows for the release of personal records only under certain conditions. The following are the conditions: It "...may be...incident to any service or other business operation or to the protection of the rights or property of the provider,...an investigative or law enforcement official as authorized in section 5743,...the subscriber or customer upon request,...a third party, upon receipt from the requester of adequate proof of lawful consent from the subscriber to, or customer of, the service,..." or to "...a party to a legal proceeding, upon receipt from the party of a court order...."

A court order issued under this new law tracks language in the Pennsylvania Rules of Civil Procedure, and what it would require is that the subscriber to the service receives notice to the request for records and be given an opportunity to be heard. The court may order the release of record information "...if the party seeking disclosure demonstrates specific...facts to show that there are reasonable grounds to believe that the record or other information sought is relevant and material to the proceeding. In making its determination, the court shall consider the totality of the circumstances, including input of the subscriber or customer, if any, and the likely impact of the provider."

Finally, this amendment makes accommodations for State and Federal law and regulatory agencies that have oversight over the telecommunications providers. We do not, and I want to repeat, we do not attempt to change other Pennsylvania laws outside the wiretap act that might allow for the disclosure of subscriber records. However, the authority to release records or other information under Federal law would be limited by language in my amendment.

I want to thank all the stakeholders. I want to thank the groups – the ACLU, all the police agencies, the District Attorneys Association, and our Attorney General's Office – for all their cooperation and support.

I thank the members for their attention and urge an affirmative vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On that question, the Chair recognizes the gentleman, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I rise in support of this amendment. It protects the privacy of Pennsylvanians and is supported by prosecutors, State troopers, local police officers, and victims of various crimes and abuses.

I ask for your support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

Mr. MARSICO offered the following amendment No. A09044:

Amend Sec. 3 (Sec. 5717), page 3, line 10, by striking out "person" and inserting

investigative or law enforcement officer

Amend Sec. 3 (Sec. 5717), page 3, line 17, by inserting after "Commonwealth."

However, the contents of a nonconsensual interception authorized by the laws of another state or the Federal Government shall not be admissible unless the interception was authorized by a court upon a finding of probable cause that the target of the surveillance is engaged or will engage in a violation of the criminal laws of any state or the Federal Government.

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

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

Mr. MARSICO. Thank you, Mr. Speaker.

This amendment was specifically drafted to address some concerns raised by certain members of the Judiciary Committee to the provision in the legislation which will reinsert language allowing for the admission of a lawful interception conducted in another State or by the Federal government.

This amendment clarifies that lawful interceptions conducted by the Federal government or other States would not be admissible unless the interception was authorized by a court upon finding of probable cause that the target of the surveillance is engaged in or will engage in a violation of the criminal laws of any State or the Federal government. This amendment would essentially allow for judicial review of the lawfulness of the interceptions to determine admissibility.

I ask for an affirmative vote.

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would urge the members to vote in support of this. This is agreed to. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Table listing names of members who voted 'YEAS' (199 total). Includes Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Bennington, Beyer, Bianucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Mantz, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Roebuck, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K.

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Table listing names of members who were excused: Benninghoff, Payton, Tangretti, Youngblood.

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

On the question recurring,

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

Mr. MARSICO offered the following amendment No. A09045:

Amend Title, page 1, line 4, by striking out "for exceptions," Amend Title, page 1, line 7, by removing the comma after "devices" and inserting and

Amend Title, page 1, line 7, by striking out "and for expiration" Amend Bill, page 2, lines 1 through 30; page 3, lines 1 through 3, by striking out all of said lines on said pages

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

Amend Sec. 4, page 3, line 18, by striking out "4" and inserting 3

Amend Bill, page 4, lines 28 through 30; page 5, line 1, by striking out all of said lines on said pages

Amend Sec. 6, page 5, line 2, by striking out "6" and inserting 4

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

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

Mr. MARSICO. Thank you, Mr. Speaker.

This amendment was also drafted to address a concern raised by certain members of the Judiciary Committee to the provision in the legislation that would allow any common pleas judge to issue a wiretap order. The amendment removes this provision, thereby reverting back to existing law which provides that only the president judge or his designee can issue a wiretap order.

The amendment also removes the provision repealing the sunset date for the wiretap act. This issue is addressed in SB 1263, which will extend the wiretap for an additional 5 years. So we have opted to delete the repealer currently contained in HB 2216.

I ask for an affirmative vote.

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again, this is an agreed-to amendment. I would urge the members to vote in favor of this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

The SPEAKER pro tempore. The Chair is in receipt of a late-filed amendment by the gentleman, Mr. Walko. Mr. Walko, are you withdrawing your amendment?

Thank you, Mr. Walko.

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.)

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

HB 2020, PN 4325 By Rep. JOSEPHS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions relating to taxation.

STATE GOVERNMENT.

HB 2374, PN 4368 By Rep. JOSEPHS

An Act providing for identification devices and for subcutaneous implanting; and imposing civil penalties.

STATE GOVERNMENT.

HB 2518, PN 3751 By Rep. ROEBUCK

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact on Educational Opportunity for Military Children;

providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the compact commissioner; and establishing the State Council on Interstate Educational Opportunity for Military Children.

EDUCATION.

HB 2690, PN 4393 (Amended) By Rep. JOSEPHS

An Act relating to the delivery of services and programs to persons with disabilities; conferring powers and duties on the Office of the Governor; and creating the Office for People with Disabilities and Advisory Committee for People with Disabilities; and providing for its powers, duties and funding.

STATE GOVERNMENT.

HB 2775, PN 4387 By Rep. JOSEPHS

An Act reasserting rights over land within the bed of the Delaware River in the City of Philadelphia; and making a related repeal.

STATE GOVERNMENT.

SB 986, PN 1468 By Rep. JOSEPHS

An Act providing for banning bonuses provided to employees of Commonwealth agencies.

STATE GOVERNMENT.

RESOLUTION REPORTED FROM COMMITTEE

HR 845, PN 4204 By Rep. JOSEPHS

A Resolution directing the Joint State Government Commission to conduct an in-depth study of the subject of developments of regional significance and impact; and requiring a report.

STATE GOVERNMENT.

The SPEAKER pro tempore. This resolution will be referred to the active calendar.

The House will be at ease.

The House will come to order.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The majority leader moves that the following bills be removed from the tabled bill calendar:

HB 2518;
HB 2020;
HB 2374;
HB 2690;
HB 2775; and
SB 986.

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

BILLS RECOMMITTED

The SPEAKER pro tempore. The majority leader moves that the following bills be recommitted to the Committee on Appropriations:

HB 2518;
HB 2020;
HB 2374;
HB 2690;
HB 2775; and
SB 986.

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

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

The House will come to order.

CALENDAR CONTINUED

RESOLUTIONS

Mr. DeWEESE called up **HR 568, PN 3149**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study and make recommendations for the establishment and administration of a voluntary, opt-in Statewide system for health care and other employment-related benefits, including and excluding pensions for purposes of comparison, for uniformed and nonuniformed employees of local government units.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 568 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 pro tempore. The Chair recognizes the majority leader, who moves that HR 568 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.

* * *

Mr. DeWEESE called up **HR 763, PN 3788**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to review the Commonwealth's program for beneficial use of sewage sludge by land application.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

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

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 763 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.

The SPEAKER pro tempore. It is the intention of the Chair to now go into special session.
There will be no further votes.

RECESS

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

AFTER RECESS

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. Any announcements or further business? Any announcements or further business?

Seeing none, the gentleman, Mr. Brennan, is recognized, from Lehigh County, who moves that this House do now adjourn until Tuesday, September 23, 2008, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:46 p.m., e.d.t., the House adjourned.