

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JULY 13, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 64

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (TIMOTHY J. SOLOBAY) PRESIDING

RECESS

The SPEAKER pro tempore. The House will immediately go into recess and be at the call of the Chair.

AFTER RECESS

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

THE SPEAKER (KEITH R. McCALL) PRESIDING

PRAYER

HON. TOM C. CREIGHTON, member of the House of Representatives, offered the following prayer:

From Proverbs 27:1: "Boast not about tomorrow, For you do not know what a day may bring forth."

As we are faced with the challenge of setting a budget for our State's future finances, we must ask the Lord for wisdom. So my prayer is a paraphrase from Psalm 111, a psalm that I feel is appropriate for this challenge.

So let us now bow in prayer:

Praise the Lord. We will praise You, Lord, with our whole heart. We will praise You in the Assembly. Your works are great. Your work is honorable and glorious, and Your holiness endures forever. You have made wonderful works to be remembered. You are gracious and full of compassion. You provide our daily bread. The works of Your hand are truth and justice. All Your precepts are sure and stand fast for ever and ever. You have sent redemption to Your people. Holy and awesome is Your name. The fear of the Lord is the beginning of wisdom.

Lord, we ask Your special grace and comfort and peace to be upon Representative Bryan Lentz's family today.

Lord, we are comforted by Your promise to be with us to the end. Our praise for You will endure forever. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNALS APPROVED

The SPEAKER. The Journals of Tuesday, May 12; Wednesday, May 13; Monday, June 1; and Tuesday, June 2 of 2009 are now in print. Will the House approve the Journals?

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

The SPEAKER. The Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Thursday, July 9, 2009, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who requests the following leaves of absence for: Representative LENTZ from Delaware County for the week; Representative MYERS from Philadelphia County for the day; Representative WAGNER from Allegheny County for the day. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests the following leave of absence for: Representative PHILLIPS from Northumberland County for the day. Without objection, the leave will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Evans, D.	Kula	Reese
Baker	Evans, J.	Levdansky	Reichley
Barbin	Everett	Longietti	Roae

Barrar	Fabrizio	Maher	Rock
Bear	Fairchild	Mahoney	Roebuck
Belfanti	Farry	Major	Rohrer
Benninghoff	Fleck	Manderino	Ross
Beyer	Frankel	Mann	Sabatina
Bishop	Freeman	Markosek	Sainato
Boback	Gabig	Marshall	Samuelson
Boyd	Gabler	Marsico	Santarsiero
Boyle	Galloway	Matzie	Santoni
Bradford	Geist	McGeehan	Saylor
Brennan	George	McI. Smith	Scavello
Briggs	Gerber	Melio	Schroder
Brooks	Gergely	Mensch	Seip
Brown	Gibbons	Metcalfe	Shapiro
Burns	Gillespie	Metzgar	Siptroth
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Smith, S.
Casorio	Grell	Milne	Solobay
Causer	Grove	Mirabito	Sonney
Christiana	Grucela	Moul	Staback
Civera	Haluska	Mundy	Stern
Clymer	Hanna	Murphy	Stevenson
Cohen	Harhai	Murt	Sturla
Conklin	Harhart	Mustio	Swanger
Costa, D.	Harkins	O'Brien, D.	Tallman
Costa, P.	Harper	O'Brien, M.	Taylor, J.
Cox	Harris	O'Neill	Taylor, R.
Creighton	Helm	Oberlander	Thomas
Cruz	Hennessey	Oliver	True
Curry	Hess	Pallone	Turzai
Cutler	Hickernell	Parker	Vereb
Daley	Hornaman	Pashinski	Vitali
Dally	Houghton	Payne	Vulakovich
Day	Hutchinson	Payton	Walko
Deasy	Johnson	Peifer	Wansacz
DeLozier	Josephs	Perzel	Waters
DeLuca	Kauffman	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Wheatley
DePasquale	Keller, W.	Pickett	White
Dermody	Kessler	Preston	Williams
DeWeese	Killion	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	Yudichak
Donatucci	Knowles	Quinn	
Drucker	Kortz	Rapp	McCall,
Eachus	Kotik	Readshaw	Speaker
Ellis	Krieger	Reed	

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Lentz	Myers	Phillips	Wagner
Miccarelli	Perry		

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 109, PN 2417**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 402 By Representatives WATERS, BISHOP, JOHNSON, WHEATLEY, YOUNGBLOOD, COHEN, CREIGHTON, GINGRICH, GRELL, HALUSKA, JOSEPHS, RAPP, K. SMITH, SWANGER and WALKO

A Resolution directing the Joint State Government Commission to establish an advisory committee to study the issues relating to juveniles with life sentences.

Referred to Committee on JUDICIARY, July 10, 2009.

No. 403 By Representatives MOUL, BELFANTI, BENNINGHOFF, BEYER, BOBACK, BOYD, BRADFORD, CAUSER, CLYMER, CONKLIN, D. COSTA, CUTLER, DiGIROLAMO, FLECK, GEIST, GEORGE, GINGRICH, GROVE, GRUCELA, HARHART, HARKINS, HESS, HUTCHINSON, KAUFFMAN, KULA, LONGIETTI, MAJOR, MANN, MARSHALL, MENSCH, MILLARD, MURPHY, MURT, O'NEILL, PALLONE, PAYNE, PHILLIPS, PYLE, RAPP, READSHAW, REICHLEY, ROAE, ROCK, SABATINA, SCAVELLO, SIPTROTH, SWANGER, TRUE, VEREB, VULAKOVICH, WATSON, YOUNGBLOOD and GOODMAN

A Concurrent Resolution relating to the presumption of a service connection for Agent Orange exposure for certain Navy and Air Force veterans and calling on the Congressional Delegation of the Commonwealth of Pennsylvania to fully support and fund passage of the Agent Orange Equity Act of 2009.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, July 10, 2009.

No. 404 By Representatives BARRAR, BAKER, BEAR, BELFANTI, BEYER, BRADFORD, BRENNAN, CIVERA, D. COSTA, CUTLER, DELOZIER, DeLUCA, DiGIROLAMO, EVERETT, FLECK, FREEMAN, GEIST, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GRELL, HARHART, HELM, HENNESSEY, HICKERNELL, KIRKLAND, KORTZ, MAHONEY, MAJOR, MILLARD, MURT, O'NEILL, PAYNE, PHILLIPS, PYLE, QUINN, READSHAW, REICHLEY, SIPTROTH, STABACK, SWANGER, VEREB, VULAKOVICH, WATERS and YOUNGBLOOD

A Resolution recognizing the week of September 20 through 26, 2009, as "Low-Back Pain Awareness Week" in Pennsylvania, providing for its observance and urging the Department of Public Welfare to establish a task force.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 10, 2009.

No. 405 By Representatives CLYMER, BAKER, BENNINGHOFF, BEYER, BOBACK, BOYD, BROOKS, CAUSER, CREIGHTON, DALLY, DELOZIER, DENLINGER, DiGIROLAMO, EVERETT, FAIRCHILD, FARRY, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GROVE, HARHART, HARPER, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, KNOWLES, KRIEGER, MAHER, MAJOR,

MARSHALL, MARSICO, MENSCH, METCALFE, MILLARD, MILNE, MOUL, MUSTIO, OBERLANDER, O'NEILL, PAYNE, PEIFER, PETRI, PHILLIPS, PICKETT, PYLE, QUINN, RAPP, READSHAW, REESE, REICHLEY, ROAE, ROCK, ROHRER, SAYLOR, SCAVELLO, SCHRODER, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, J. TAYLOR, TRUE, TURZAI, VEREB, VULAKOVICH and WATSON

A Resolution urging the President of the United States to classify the terrorism suspect prison photos.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, July 10, 2009.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1841 By Representatives MARSHALL, DALLY, EVERETT, GEORGE, GIBBONS, HARHART, HARRIS, KAUFFMAN, M. KELLER, LONGIETTI, MAHONEY, MATZIE, MOUL, MURT, PICKETT, READSHAW, REED, REICHLEY, ROAE, SAINATO, SOLOBAY, SWANGER and GOODMAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of sheriffs and deputy sheriffs relating to law enforcement; providing for the education and training of deputy sheriffs; creating the Deputy Sheriffs' Education and Training Board under the Pennsylvania Commission on Crime and Delinquency; providing for the powers and duties of the board and the Attorney General; establishing the Deputy Sheriffs' Education and Training Account; providing for a surcharge on sheriffs' fees; providing for penalties; and making a related repeal.

Referred to Committee on JUDICIARY, July 9, 2009.

No. 1842 By Representatives WHEATLEY, CUTLER, ADOLPH, BAKER, BARRAR, BEAR, BENNINGHOFF, BEYER, BRADFORD, BRIGGS, BROWN, COHEN, CRUZ, DeLUCA, DENLINGER, DRUCKER, ELLIS, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GIBBONS, GINGRICH, GODSHALL, HARKINS, HARPER, HENNESSEY, HORNAMAN, KILLION, KIRKLAND, KORTZ, MANDERINO, MANN, McGEEHAN, McILVAINE SMITH, MENSCH, MICOZZIE, MOUL, MYERS, OLIVER, PAYTON, PETRI, PHILLIPS, PRESTON, QUINN, READSHAW, REICHLEY, ROSS, SIPTROTH, SONNEY, SWANGER, R. TAYLOR, THOMAS, WATERS, WATSON, WILLIAMS and YOUNGBLOOD

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for electronic prior approval for Medicaid.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 9, 2009.

No. 1843 By Representatives GILLESPIE, BENNINGHOFF, BEYER, BOYD, CAUSER, CREIGHTON, CUTLER, DALEY, EVERETT, FLECK, GEIST, GRELL, GROVE, HALUSKA, HARRIS, HENNESSEY, HICKERNELL, HORNAMAN, HUTCHINSON, JOSEPHS, KAUFFMAN,

KILLION, MANDERINO, MANN, MILLER, MOUL, PICKETT, PYLE, QUINN, REICHLEY, SAYLOR, SONNEY, STERN, TURZAI, VULAKOVICH and WATSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for benevolent gesture or admission by health care provider.

Referred to Committee on JUDICIARY, July 10, 2009.

No. 1844 By Representatives MARSICO, BEAR, BELFANTI, BEYER, BOBACK, BOYD, BRENNAN, BROWN, BUXTON, CALTAGIRONE, CARROLL, COHEN, D. COSTA, CREIGHTON, CRUZ, CUTLER, DAY, DeLUCA, DENLINGER, FLECK, FRANKEL, GEORGE, GIBBONS, GINGRICH, GOODMAN, HARHAI, HARKINS, HELM, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KILLION, KNOWLES, KORTZ, KOTIK, KULA, LONGIETTI, MAHONEY, MAJOR, MARSHALL, MILLARD, MILLER, MOUL, MURPHY, MURT, O'NEILL, PALLONE, PARKER, PASHINSKI, PAYNE, PEIFER, PETRI, PHILLIPS, PICKETT, PYLE, QUINN, RAPP, READSHAW, ROCK, SAYLOR, SIPTROTH, SOLOBAY, STABACK, STEVENSON, THOMAS, TRUE, VEREB, VULAKOVICH, WATERS, WATSON, WHITE, YOUNGBLOOD and GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions.

Referred to Committee on TRANSPORTATION, July 10, 2009.

No. 1845 By Representatives SCAVELLO, WANSACZ, MAJOR, EACHUS, ADOLPH, BAKER, BEAR, BENNINGHOFF, BEYER, BISHOP, BOBACK, BOYD, BRADFORD, BRENNAN, BRIGGS, BROOKS, CALTAGIRONE, CARROLL, CAUSER, COHEN, CONKLIN, D. COSTA, COX, CREIGHTON, DALLY, DALEY, DAY, DELOZIER, DeLUCA, DeWEESE, DiGIROLAMO, DONATUCCI, ELLIS, D. EVANS, EVERETT, FAIRCHILD, FARRY, GABLER, GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GRELL, GRUCELA, HARHAI, HARHART, HARPER, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HOUGHTON, KAUFFMAN, M. KELLER, KNOWLES, KORTZ, KOTIK, LEVDANSKY, LONGIETTI, MANN, MARKOSEK, MARSHALL, MARSICO, McGEEHAN, MENSCH, METCALFE, METZGAR, MICOZZIE, MILLARD, MIRABITO, MOUL, MUNDY, MURPHY, MURT, MUSTIO, OBERLANDER, D. O'BRIEN, O'NEILL, PALLONE, PASHINSKI, PAYNE, PEIFER, PICKETT, PYLE, QUINN, RAPP, READSHAW, REED, REESE, REICHLEY, ROAE, ROCK, ROSS, SAINATO, SAMUELSON, SANTARSIERO, SAYLOR, SCHRODER, SEIP, SHAPIRO, SIPTROTH, K. SMITH, S. H. SMITH, SOLOBAY, SONNEY, STABACK, STERN, STEVENSON, SWANGER, TALLMAN, J. TAYLOR, R. TAYLOR, TRUE, TURZAI, VEREB, VULAKOVICH, WALKO, WATSON, WHITE, YOUNGBLOOD and YUDICHAK

An Act designating Route 611, from Main Street in the Village of Tobyhanna to Interstate 380 in Coolbaugh Township, Monroe County, as the Trooper Joshua D. Miller Memorial Highway.

Referred to Committee on TRANSPORTATION, July 10, 2009.

No. 1846 By Representatives PALLONE, BELFANTI, DEASY, GIBBONS, HORNAMAN, JOSEPHS, KOTIK, KULA, MILLARD, PASHINSKI, SIPTROTH, K. SMITH, SWANGER and YOUNGBLOOD

An Act establishing the Community-Based Health Care (CHC) Program in the Department of Health; providing for hospital health clinics; and establishing the Community-Based Health Care Fund.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 10, 2009.

No. 1847 By Representatives HARHAI, SOLOBAY, DeWEESE, GEORGE, CARROLL, CAUSER, CHRISTIANA, CLYMER, ELLIS, GEIST, GIBBONS, GRUCELA, HENNESSEY, KORTZ, KULA, OBERLANDER, PYLE, REED, REICHLEY, SIPTROTH, STERN, STEVENSON, WHITE, YOUNGBLOOD and DENLINGER

An Act amending the act of September 24, 1968 (P.L.1040, No.318), known as the Coal Refuse Disposal Control Act, further providing for site selection.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, July 10, 2009.

No. 1848 By Representatives MUSTIO, BARRAR, BEYER, BRENNAN, CIVERA, DENLINGER, EVERETT, GEIST, GINGRICH, KILLION, KOTIK, MURT, O'NEILL, PYLE, RAPP, READSHAW, REICHLEY, ROSS, SIPTROTH, J. TAYLOR, VULAKOVICH and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, authorizing the Neighborhood Energy Assistance Tax Credit.

Referred to Committee on FINANCE, July 10, 2009.

No. 1849 By Representatives PAYNE, BENNINGHOFF, BOYD, J. EVANS, FAIRCHILD, HENNESSEY, HESS, HORNAMAN, MURT, QUINN, RAPP, READSHAW, REICHLEY, SIPTROTH, VULAKOVICH, YOUNGBLOOD, DENLINGER and MOUL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for veteran plates and placard.

Referred to Committee on TRANSPORTATION, July 10, 2009.

No. 1850 By Representatives PAYNE, BRIGGS, J. EVANS, HENNESSEY, HORNAMAN, PYLE, READSHAW, SIPTROTH, STERN and SWANGER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lighted head lamps in work zones.

Referred to Committee on TRANSPORTATION, July 10, 2009.

No. 1851 By Representatives PAYNE, BOYD, D. COSTA, HORNAMAN, MURT, READSHAW, SWANGER, J. TAYLOR and VULAKOVICH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

Referred to Committee on JUDICIARY, July 10, 2009.

SENATE BILLS FOR CONCURRENCE

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

SB 143, PN 939

Referred to Committee on TRANSPORTATION, July 10, 2009.

SB 628, PN 673

Referred to Committee on JUDICIARY, July 10, 2009.

SB 711, PN 1247

Referred to Committee on GAMING OVERSIGHT, July 9, 2009.

SB 851, PN 1242

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, July 9, 2009.

SB 973, PN 1248

Referred to Committee on CONSUMER AFFAIRS, July 9, 2009.

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes Christopher Becker. He is the guest of Representative Daryl Metcalfe. Will the guest please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Ada and Larry Gabler, parents of Representative Matt Gabler. Will the guests please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Matt Shaw, who is an intern in Representative Murphy's district office in Scranton. He is a student at Penn State University, main campus, majoring in criminal justice. Will the guest please rise. Welcome to the hall of the House.

ANNOUNCEMENT BY MR. BAKER

The SPEAKER. The Chair recognizes the gentleman from Tioga County, Representative Baker, under unanimous consent. The House will come to order.

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

Mr. Speaker, thank you for recognizing me to honor a wounded soldier hero. Recently Lt. Robert Weiskopff was

engaged in battle in Afghanistan, and one of his colleagues was seriously wounded. In an attempt to save his life, which he did, he himself sustained serious wounds and is recovering at Walter Reed Army Naval Hospital.

I have before you, Mr. Speaker, that I believe you are about to sign, next to a quote of our first Speaker of the House, Benjamin Franklin, a get-well card, and I would like to invite all the members, R's and D's, to sign this get-well card to encourage our great hero and savior of another colleague wounded in action.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, the card will be placed at the reading clerk's desk. Any member wishing to sign for the Lieutenant, please come up to the reading clerk's desk and the card will be placed there. The Chair thanks the members.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 109, PN 2417

By Rep. EACHUS

An Act authorizing Lower Merion Township, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, in return for the imposition of Project 70 restrictions on other land to be acquired by the township; authorizing the City of Warren, Warren County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing the City of Wilkes-Barre, Luzerne County, to convey a fee interest in certain Project 70 lands free of restrictions imposed under the Project 70 Land Acquisition and Borrowing Act; and authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

RULES.

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

BILL REREPORTED FROM COMMITTEE

HB 22, PN 21

By Rep. D. EVANS

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Tad W. Hippensteel a pedestrian and vehicular access easement over certain lands of the Commonwealth of Pennsylvania situate in Mount Joy Township, Lancaster County.

APPROPRIATIONS.

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

BILLS REREPORTED FROM COMMITTEE

HB 975, PN 2060

By Rep. D. EVANS

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, adding definitions; further providing for general powers of board

and for procedure for licensing as professional geologist; providing for continuing professional competency and education requirements; and further providing for practice by firms and corporations.

APPROPRIATIONS.

HB 1030, PN 1187

By Rep. D. EVANS

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans' Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Oil City, Venango County.

APPROPRIATIONS.

HB 1798, PN 2334

By Rep. D. EVANS

An Act amending the act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act, in allocation of funds, providing for certification of funds and for request for appropriation; and in water or sewer, storm water, flood control and high hazard unsafe dam projects, further providing for Commonwealth Financing Authority and for review by agencies.

APPROPRIATIONS.

HB 1801, PN 2404

By Rep. D. EVANS

An Act designating the bridge in the Borough of White Oak, Allegheny County, carrying State Route 2033 over Jack's Run Stream as the Milton L. Lebowitz Memorial Bridge.

APPROPRIATIONS.

The SPEAKER. Those bills will go to the House supplemental calendar.

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

HB 1416, PN 2433 (Amended)

By Rep. D. EVANS

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2009.

APPROPRIATIONS.

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

SB 850, PN 953 (With a negative recommendation) By Rep. D. EVANS

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide for the additional appropriation of Federal and State funds from the General Fund, from the State Lottery Fund and from the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2008 to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; and making interfund transfers for the fiscal year July 1, 2008, to June 30, 2009.

APPROPRIATIONS.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. S. SMITH. A parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. S. SMITH. The last two bills that were read across the desk, would it be my understanding that both of those bills have now been given first reading?

The SPEAKER. The gentleman is correct.

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

The SPEAKER. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR B

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1798, PN 2334**, entitled:

An Act amending the act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act, in allocation of funds, providing for certification of funds and for request for appropriation; and in water or sewer, storm water, flood control and high hazard unsafe dam projects, further providing for Commonwealth Financing Authority and for review by agencies.

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 1801, PN 2404**, entitled:

An Act designating the bridge in the Borough of White Oak, Allegheny County, carrying State Route 2033 over Jack's Run Stream as the Milton L. Lebowitz Memorial Bridge.

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 1030, PN 1187**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Oil City, Venango County.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Representative Keller, who indicates that he is withdrawing amendment A01804? The Chair thanks the gentleman. Amendment A01804 has been withdrawn.

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

Mr. **HUTCHINSON** offered the following amendment No. **A02182**:

Amend Bill, page 2, by inserting between lines 28 and 29

(d) Restriction.—Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under the laws of this Commonwealth. The condition shall be a covenant running with the land and shall be binding upon the grantee, and its successors. Should the grantee, or its successors, permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revert in the grantor.

Amend Bill, page 2, line 29, by striking out "(d)" and inserting (e)

Amend Bill, page 3, line 2, by striking out "(e)" and inserting (f)

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Venango County, Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Quite simply, at the request of the chairman of the State Government Committee and with my agreement, I am offering this amendment, which would permanently disallow a gaming facility on this site. I agree with that, and this just puts it in writing, and I ask for the members' support.

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Kula	Reese
Baker	Evans, J.	Levdansky	Reichley
Barbin	Everett	Longietti	Roae
Barrar	Fabrizio	Maher	Rock
Bear	Fairchild	Mahoney	Roebuck
Belfanti	Farry	Major	Rohrer
Benninghoff	Fleck	Manderino	Ross
Beyer	Frankel	Mann	Sabatina
Bishop	Freeman	Markosek	Sainato
Boback	Gabig	Marshall	Samuelson
Boyd	Gabler	Marsico	Santarsiero
Boyle	Galloway	Matzie	Santoni
Bradford	Geist	McGeehan	Saylor
Brennan	George	McI. Smith	Scavello
Briggs	Gerber	Melio	Schroder
Brooks	Gergely	Mensch	Seip
Brown	Gibbons	Metcalfe	Shapiro
Burns	Gillespie	Metzgar	Siptroth
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Smith, S.
Casorio	Grell	Milne	Solobay
Causar	Grove	Mirabito	Sonney
Christiana	Grucela	Moul	Staback
Civera	Haluska	Mundy	Stern
Clymer	Hanna	Murphy	Stevenson
Cohen	Harhai	Murt	Sturla
Conklin	Harhart	Mustio	Swanger
Costa, D.	Harkins	O'Brien, D.	Tallman
Costa, P.	Harper	O'Brien, M.	Taylor, J.
Cox	Harris	O'Neill	Taylor, R.
Creighton	Helm	Oberlander	Thomas
Cruz	Hennessey	Oliver	True
Curry	Hess	Pallone	Turzai
Cutler	Hickernell	Parker	Verbe
Daley	Hornaman	Pashinski	Vitali
Dally	Houghton	Payne	Vulakovich
Day	Hutchinson	Payton	Walko
Deasy	Johnson	Peifer	Wansacz
Delozier	Josephs	Perzel	Waters
DeLuca	Kauffman	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Wheatley
DePasquale	Keller, W.	Pickett	White
Dermody	Kessler	Preston	Williams
DeWeese	Killion	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	Yudichak
Donatucci	Knowles	Quinn	
Drucker	Kortz	Rapp	McCall,
Eachus	Kotik	Readshaw	Speaker
Ellis	Krieger	Reed	

NAYS—0

NOT VOTING—0

EXCUSED—6

Lentz	Myers	Phillips	Wagner
Miccarelli	Perry		

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. ROAE offered the following amendment No. A02573:

Amend Bill, page 1, line 6, by inserting after "County" ; and authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bidding process, certain lands, buildings and improvements situate in the First Ward of the City of Meadville, Crawford County

Amend Bill, page 3, by inserting between lines 3 and 4 Section 2. Conveyance in City of Meadville, Crawford County.

(a) Authorization.—The Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey the following tract of land together with any buildings, structures or improvements on the land, situate in the First Ward of the City of Meadville, Crawford County. The Department of General Services shall sell the property using, in its discretion, either an invitation for sealed bids or a public auction.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 0.3297-acres and a building bounded and more particularly described as follows:

ALL THAT CERTAIN tract of land situate in the First Ward of the City of Meadville, County of Crawford, Pennsylvania, being part of Lots Number One Hundred Five and One Hundred Six (#105 and #106) in the original plan of Meadville as laid out by David Mead, more particularly bounded and described as follows:

BEGINNING, at the Northeast corner of Center Street and Diamond Park; thence along the Westerly line of Diamond Park in a Southerly direction a distance of ninety-three and five tenths (93.5) feet to line of lot formerly of Mrs. Harriet D. McNulty, now Rose G. Lippitt; thence in a Westerly direction by a line parallel with Center Street, a distance of one hundred fifty (150) feet to a point in said Lippitt's line; thence in a Northerly direction by other lands of R. Bruce Gamble and E. Lowry Humes and parallel with Diamond Park, a distance of ninety-three and five tenths (93.5) feet to the Southerly line of Center Street; thence by said line of Center Street in an Easterly direction a distance of one hundred fifty (150) feet to the corner of Center Street and Diamond Park, the place of BEGINNING.

CONTAINING 0.3297-acres more or less.

BEING the same premises conveyed by R. Bruce Gamble and Nella M. Gamble, his wife, and E. Lowry Humes and Mary E. Humes, his wife, to the Commonwealth of Pennsylvania, by deed dated February 7, 1912 and recorded in the Recorder's Office of Crawford County, Pennsylvania, in Deed Book Volume 195, Page 11.

(c) Conditions.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including but not confined 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.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Proceeds.—The proceeds from the sale shall be deposited in the State Treasury Armory Fund.

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

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Crawford County, Representative Roae.

Mr. ROAE. Thank you, Mr. Speaker.

Amendment A02573 is basically the same thing as HB 809, which would allow the National Guard Armory in Meadville, which is no longer in use, to be sold to the highest bidder.

HB 809 passed in the State Government Committee by a unanimous vote on May 13, and I would ask the members to please support the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

Adolph	Evans, D.	Levdansky	Reese
Baker	Evans, J.	Longietti	Reichley
Barbin	Everett	Maher	Roae
Barrar	Fabrizio	Mahoney	Rock
Bear	Fairchild	Major	Roebuck
Belfanti	Farry	Manderino	Rohrer
Benninghoff	Fleck	Mann	Ross
Beyer	Frankel	Markosek	Sabatina
Bishop	Freeman	Marshall	Sainato
Boback	Gabig	Marsico	Samuelson
Boyd	Gabler	Matzie	Santarsiero
Boyle	Galloway	McGeehan	Santoni
Bradford	George	McI. Smith	Saylor
Brennan	Gerber	Melio	Scavello
Briggs	Gergely	Mensch	Schroder
Brooks	Gibbons	Metcalfe	Seip
Brown	Gillespie	Metzgar	Shapiro
Burns	Gingrich	Micozzie	Siptroth
Buxton	Godshall	Millard	Smith, K.
Caltagirone	Goodman	Miller	Smith, M.
Carroll	Grell	Milne	Smith, S.
Casorio	Grove	Mirabito	Solobay
Causser	Grucela	Moul	Sonney
Christiana	Haluska	Mundy	Staback
Civera	Hanna	Murphy	Stern
Clymer	Harhai	Murt	Stevenson
Cohen	Harhart	Mustio	Sturla
Conklin	Harkins	O'Brien, D.	Swanger
Costa, D.	Harper	O'Brien, M.	Tallman
Costa, P.	Harris	O'Neill	Taylor, J.
Cox	Helm	Oberlander	Taylor, R.
Creighton	Hennessey	Oliver	Thomas
Cruz	Hickernell	Pallone	True
Curry	Hornaman	Parker	Turzai
Cutler	Houghton	Pashinski	Verbe
Daley	Hutchinson	Payne	Vitali
Dally	Johnson	Payton	Vulakovich
Day	Josephs	Peifer	Walko
Deasy	Kauffman	Perzel	Wansacz
Delozier	Keller, M.K.	Petrarca	Waters
DeLuca	Keller, W.	Petri	Watson
Denlinger	Kessler	Pickett	Wheatley

DePasquale	Killion	Preston	White
Dermody	Kirkland	Pyle	Williams
DeWeese	Knowles	Quigley	Youngblood
DiGirolamo	Kortz	Quinn	Yudichak
Donatucci	Kotik	Rapp	
Drucker	Krieger	Readshaw	McCall,
Eachus	Kula	Reed	Speaker
Ellis			

NAYS—2

Geist	Hess
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NOT VOTING—0

EXCUSED—6

Lentz	Myers	Phillips	Wagner
Miccarelli	Perry		

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.)

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 444, PN 2416**, entitled:

An Act requiring the design, construction and renovation of buildings that receive a State appropriation to comply with specified energy and environmental building standards.

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

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

(Bill analysis was read.)

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

On the question, the Chair recognizes the gentleman from Allegheny County, Representative Matthew Smith.

Mr. M. SMITH. Thank you, Mr. Speaker.

I rise to support HB 444. This legislation mandates projects receiving State money be built in the most sustainable and efficient manner. By requiring State-funded and State-owned projects to meet high performance standards, we will ensure that the public's tax dollars are used in the most efficient and responsible manner.

As many of you know, buildings consume 40 percent of our nation's energy. Much of this energy is not utilized in the most efficient manner, and in fact, much of that energy is wasted through inefficient heating and cooling systems in building design. The result is that the cost of energy rises, and in public buildings, costs go up for taxpayers.

This legislation will benefit taxpayers in numerous ways: First, it will save at least 30 percent in annual utility costs at all of these buildings; second, it will expand and support our local economy and energy system by promoting homegrown and renewable sources of energy; third, it will benefit the environment by reducing carbon emissions from the buildings; and fourth, it will provide a much healthier working environment for those occupying such buildings.

I also want to specifically thank former Representative Carole Rubley for her leadership on this issue over the last several sessions. But for her leadership on this issue, this legislation would not be in a position it is right now.

I respectfully request the support of the members for this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—180

Adolph	Evans, D.	Longiotti	Reichley
Baker	Evans, J.	Maher	Roae
Barbin	Everett	Mahoney	Rock
Barrar	Fabrizio	Major	Roebuck
Bear	Fairchild	Manderino	Ross
Belfanti	Farry	Mann	Sabatina
Benninghoff	Fleck	Markosek	Sainato
Beyer	Frankel	Marshall	Samuelson
Bishop	Freeman	Marsico	Santarsiero
Boback	Galloway	Matzie	Santoni
Boyd	Geist	McGeehan	Saylor
Boyle	George	McI. Smith	Scavello
Bradford	Gerber	Melio	Schroder
Brennan	Gergely	Mensch	Seip
Briggs	Gibbons	Micozkie	Shapiro
Brown	Gillespie	Millard	Siptroth
Burns	Gingrich	Miller	Smith, K.
Buxton	Goodman	Milne	Smith, M.
Caltagirone	Grell	Mirabito	Smith, S.
Carroll	Grove	Moul	Solobay
Casorio	Grucela	Mundy	Sonney
Christiana	Haluska	Murphy	Staback
Civera	Hanna	Murt	Stern
Clymer	Harhai	Mustio	Sturla
Cohen	Harkins	O'Brien, D.	Tallman
Conklin	Harper	O'Brien, M.	Taylor, J.
Costa, D.	Harris	O'Neill	Taylor, R.
Costa, P.	Helm	Oberlander	Thomas
Cox	Hennessey	Oliver	True
Cruz	Hess	Pallone	Turzai
Curry	Hickernell	Parker	Verb
Cutler	Hornaman	Pashinski	Vitali
Daley	Houghton	Payne	Vulakovich
Dally	Johnson	Payton	Walko
Day	Josephs	Peifer	Wansacz
Deasy	Kauffman	Perzel	Waters
Delozier	Keller, M.K.	Petrarca	Watson
DeLuca	Keller, W.	Petri	Wheatley

Denlinger	Kessler	Pickett	White
DePasquale	Killion	Preston	Williams
Dermody	Kirkland	Pyle	Youngblood
DeWeese	Knowles	Quinn	Yudichak
DiGirolamo	Kortz	Rapp	
Donatucci	Kotik	Readshaw	McCall,
Drucker	Kula	Reed	Speaker
Eachus	Levdansky		

NAYS—17

Brooks	Gabler	Krieger	Reese
Causer	Godshall	Metcalf	Rohrer
Creighton	Harhart	Metzgar	Stevenson
Ellis	Hutchinson	Quigley	Swanger
Gabig			

NOT VOTING—0

EXCUSED—6

Lentz	Myers	Phillips	Wagner
Miccarelli	Perry		

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

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

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 109, PN 2417**, entitled:

An Act authorizing Lower Merion Township, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, in return for the imposition of Project 70 restrictions on other land to be acquired by the township; authorizing the City of Warren, Warren County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing the City of Wilkes-Barre, Luzerne County, to convey a fee interest in certain Project 70 lands free of restrictions imposed under the Project 70 Land Acquisition and Borrowing Act; and authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

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

The SPEAKER. On that question, the Chair recognizes the gentledady from Philadelphia, Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Just briefly, this is a Project 70 bill that affects Lower Merion Township in my district. The Senate amended it with three other projects – one in the city of Warren, Warren County, which had previously passed this House; one in the city of Wilkes-Barre, Luzerne County, which also had previously passed this House. The fourth one is in the borough of Old Forge, Lackawanna County, which is new to this House, and that authorizes the release of Project 70 restrictions and the sale

of lands owned by the borough of Old Forge, Lackawanna County, at market value, proceeds of the sale to be deposited in the borough of Old Forge's special account for use of maintenance, improvement, and development of Pagnotti Park.

And I suspect if there are any questions on that, Representative Wansacz may be better to ask them, but those were the changes made by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Kula	Reese
Baker	Evans, J.	Levdansky	Reichley
Barbin	Everett	Longiatti	Roae
Barrar	Fabrizio	Maher	Rock
Bear	Fairchild	Mahoney	Roebuck
Belfanti	Farry	Major	Rohrer
Benninghoff	Fleck	Manderino	Ross
Beyer	Frankel	Mann	Sabatina
Bishop	Freeman	Markosek	Sainato
Boback	Gabig	Marshall	Samuelson
Boyd	Gabler	Marsico	Santarsiero
Boyle	Galloway	Matzie	Santoni
Bradford	Geist	McGeehan	Saylor
Brennan	George	McI. Smith	Scavello
Briggs	Gerber	Melio	Schroder
Brooks	Gergely	Mensch	Seip
Brown	Gibbons	Metcalfe	Shapiro
Burns	Gillespie	Metzgar	Siptroth
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Smith, S.
Casorio	Grell	Milne	Solobay
Causar	Grove	Mirabito	Sonney
Christiana	Grucela	Moul	Staback
Civera	Haluska	Mundy	Stern
Clymer	Hanna	Murphy	Stevenson
Cohen	Harhai	Murt	Sturla
Conklin	Harhart	Mustio	Swanger
Costa, D.	Harkins	O'Brien, D.	Tallman
Costa, P.	Harper	O'Brien, M.	Taylor, J.
Cox	Harris	O'Neill	Taylor, R.
Creighton	Helm	Oberlander	Thomas
Cruz	Hennessey	Oliver	True
Curry	Hess	Pallone	Turzai
Cutler	Hickernell	Parker	Vereb
Daley	Hornaman	Pashinski	Vitali
Dally	Houghton	Payne	Vulakovich
Day	Hutchinson	Payton	Walko
Deasy	Johnson	Peifer	Wansacz
Delozier	Josephs	Perzel	Waters
DeLuca	Kauffman	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Wheatley
DePasquale	Keller, W.	Pickett	White
Dermody	Kessler	Preston	Williams
DeWeese	Killion	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	Yudichak
Donatucci	Knowles	Quinn	
Drucker	Kortz	Rapp	McCall,
Eachus	Kotik	Readshaw	Speaker
Ellis	Krieger	Reed	

NAYS—0

NOT VOTING—0

EXCUSED—6

Lentz	Myers	Phillips	Wagner
Miccarelli	Perry		

The majority 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.

BILL SIGNED BY SPEAKER

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

HB 109, PN 2417

An Act authorizing Lower Merion Township, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, in return for the imposition of Project 70 restrictions on other land to be acquired by the township; authorizing the City of Warren, Warren County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing the City of Wilkes-Barre, Luzerne County, to convey a fee interest in certain Project 70 lands free of restrictions imposed under the Project 70 Land Acquisition and Borrowing Act; and authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

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

CALENDAR CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 262, PN 1776**, entitled:

An Act regulating prescribed burning practices; providing for the powers and duties of the Department of Conservation and Natural Resources and the Department of Environmental Protection; and establishing certain immunities.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Kula	Reese
Baker	Evans, J.	Levdansky	Reichley
Barbin	Everett	Longiatti	Roae
Barrar	Fabrizio	Maher	Rock
Bear	Fairchild	Mahoney	Roebuck
Belfanti	Farry	Major	Rohrer
Benninghoff	Fleck	Manderino	Ross
Beyer	Frankel	Mann	Sabatina

Bishop	Freeman	Markosek	Sainato
Boback	Gabig	Marshall	Samuelson
Boyd	Gabler	Marsico	Santarsiero
Boyle	Galloway	Matzie	Santoni
Bradford	Geist	McGeehan	Saylor
Brennan	George	McI. Smith	Scavello
Briggs	Gerber	Melio	Schroder
Brooks	Gergely	Mensch	Seip
Brown	Gibbons	Metcalfe	Shapiro
Burns	Gillespie	Metzgar	Siptroth
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Smith, S.
Casorio	Grell	Milne	Solobay
Causer	Grove	Mirabito	Sonney
Christiana	Grucela	Moul	Staback
Civera	Haluska	Mundy	Stern
Clymer	Hanna	Murphy	Stevenson
Cohen	Harhai	Murt	Sturla
Conklin	Harhart	Mustio	Swanger
Costa, D.	Harkins	O'Brien, D.	Tallman
Costa, P.	Harper	O'Brien, M.	Taylor, J.
Cox	Harris	O'Neill	Taylor, R.
Creighton	Helm	Oberlander	Thomas
Cruz	Hennessey	Oliver	True
Curry	Hess	Pallone	Turzai
Cutler	Hickernell	Parker	Vereb
Daley	Hornaman	Pashinski	Vitali
Dally	Houghton	Payne	Vulakovich
Day	Hutchinson	Payton	Walko
Deasy	Johnson	Peifer	Wansacz
DeLozier	Josephs	Perzel	Waters
DeLuca	Kauffman	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Wheatley
DePasquale	Keller, W.	Pickett	White
Dermody	Kessler	Preston	Williams
DeWeese	Killion	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	Yudichak
Donatucci	Knowles	Quinn	
Drucker	Kortz	Rapp	McCall,
Eachus	Kotik	Readshaw	Speaker
Ellis	Krieger	Reed	

NAYS—0

NOT VOTING—0

EXCUSED—6

Lentz	Myers	Phillips	Wagner
Miccarelli	Perry		

The majority 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.

BILL SIGNED BY SPEAKER

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

HB 262, PN 1776

An Act regulating prescribed burning practices; providing for the powers and duties of the Department of Conservation and Natural Resources and the Department of Environmental Protection; and establishing certain immunities.

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 270, PN 2181**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—187

Adolph	Evans, D.	Levdansky	Reese
Baker	Evans, J.	Longietti	Reichley
Barbin	Everett	Maher	Rock
Barrar	Fabrizio	Mahoney	Roebuck
Bear	Fairchild	Major	Rohrer
Belfanti	Farry	Manderino	Ross
Benninghoff	Fleck	Mann	Sabatina
Beyer	Frankel	Markosek	Sainato
Bishop	Freeman	Marshall	Samuelson
Boback	Gabler	Marsico	Santarsiero
Boyd	Galloway	Matzie	Santoni
Boyle	Geist	McGeehan	Saylor
Bradford	George	McI. Smith	Scavello
Brennan	Gerber	Melio	Schroder
Briggs	Gergely	Mensch	Seip
Brooks	Gibbons	Metzgar	Shapiro
Brown	Gillespie	Micozzie	Siptroth
Burns	Gingrich	Millard	Smith, K.
Buxton	Goodman	Miller	Smith, M.
Caltagirone	Grove	Milne	Smith, S.
Carroll	Grucela	Mirabito	Solobay
Casorio	Haluska	Moul	Sonney
Christiana	Hanna	Mundy	Staback
Civera	Harhai	Murphy	Stern
Clymer	Harhart	Murt	Stevenson
Cohen	Harkins	Mustio	Sturla
Conklin	Harper	O'Brien, D.	Tallman
Costa, D.	Harris	O'Brien, M.	Taylor, J.
Costa, P.	Helm	O'Neill	Taylor, R.
Cox	Hennessey	Oberlander	Thomas
Creighton	Hess	Oliver	True
Cruz	Hickernell	Pallone	Turzai
Curry	Hornaman	Parker	Vereb
Cutler	Houghton	Pashinski	Vitali
Daley	Johnson	Payne	Vulakovich
Dally	Josephs	Payton	Walko
Day	Kauffman	Peifer	Wansacz
Deasy	Keller, M.K.	Perzel	Waters
DeLuca	Keller, W.	Petrarca	Watson
Denlinger	Kessler	Petri	Wheatley
DePasquale	Killion	Pickett	White
Dermody	Kirkland	Preston	Williams
DeWeese	Knowles	Pyle	Youngblood
DiGirolamo	Kortz	Quigley	Yudichak
Donatucci	Kotik	Quinn	
Drucker	Krieger	Readshaw	McCall,
Eachus	Kula	Reed	Speaker
Ellis			

NAYS—10

Causer	Godshall	Metcalf	Roae
Delozier	Grell	Rapp	Swanger
Gabig	Hutchinson		

NOT VOTING—0

EXCUSED—6

Lentz	Myers	Phillips	Wagner
Miccarelli	Perry		

The majority 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.

BILL SIGNED BY SPEAKER

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

HB 270, PN 2181

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

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

RESOLUTION

Mr. CUTLER called up **HR 294, PN 2293**, entitled:

A Resolution designating July 4, 2009, as "Amyotrophic Lateral Sclerosis Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly—

The SPEAKER. Will the gentleman yield.

The House will come to order.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, this resolution simply recognizes that on July 4 not just the Commonwealth but all across the nation baseball players united to strike out ALS (Amyotrophic Lateral Sclerosis) and recognized that ALS was not only a disease that took down a great baseball star, Lou Gehrig, but strikes many Americans. As many of you know, this is a very personal fight for me in that I lost both of my parents at a very young age.

Mr. Speaker, ALS is a tragic disease not just because of how it affects the individuals themselves on a physical level, but the fact that it really imprisons the individuals in their body, and they are completely mentally aware the entire time while their physical body wastes away around them.

Mr. Speaker, we need to recognize that these individuals oftentimes lose complete control of everything in their lives. As they go forward, they lose control of their ability to work, their ability to speak, and their ability to have a meaningful impact on those around them, and ultimately, they will not only succumb to the disease, Mr. Speaker, but also they have to watch those around them as they go through this.

Mr. Speaker, I know that as we have gone through this budgetary process, many of them have been here and they have lobbied on behalf of the organization for additional funding. I know that it has been a very tough budget year, and I just wanted to personally thank each and every one of you who have taken time out of your very busy schedules to open your hearts and your minds and, most importantly, your schedule, Mr. Speaker, just to give them the ability to come up and plead their case. I think we all recognize that it would not necessarily be the best year for them to be advocating for additional funding for research and respite care, Mr. Speaker, but I know that I personally, as someone who has suffered with this disease in my own family, think I can say quite confidently on their behalf that they are appreciative of the fact that each and every one, particularly the leaders on both sides of the budgetary process, were very gracious with their time.

I just wanted to personally thank you as well as memorialize that July 4 was "strike out ALS" day, and I just wanted to thank everyone for their efforts on their behalf. So thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery County, Representative Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, just briefly, I would like to add my voice to that of the previous speaker and thank him for his leadership on this issue.

I know, Mr. Speaker, that this is just a routine resolution, one of the many that we do here in the chamber, but this resolution is particularly important to me because there really are two people who have opened up my eyes to the importance of this chamber, the importance, hopefully, one day of this State government standing up and trying to stamp out ALS, and that is the former speaker, Representative Cutler, as well as a gentleman from my district named Wes Rose. Wes is nearly the same age as I. Wes has children nearly the same age as mine. They play in a local sports league together. And, Mr. Speaker, 2 years ago Wes was diagnosed with ALS, but Wes pursues. He goes forward. He comes and speaks to the members here about the importance of just understanding ALS and hopefully this House one day standing up and funding what will hopefully be an effort toward a cure for ALS.

So I just want to thank Wes, I want to thank Representative Cutler, and, Mr. Speaker, I want to thank our colleagues hopefully for their affirmative vote on HR 294. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Kula	Reese
Baker	Evans, J.	Levdansky	Reichley

Barbin	Everett	Longietti	Roae
Barrar	Fabrizio	Maher	Rock
Bear	Fairchild	Mahoney	Roebuck
Belfanti	Farry	Major	Rohrer
Benninghoff	Fleck	Manderino	Ross
Beyer	Frankel	Mann	Sabatina
Bishop	Freeman	Markosek	Sainato
Boback	Gabig	Marshall	Samuelson
Boyd	Gabler	Marsico	Santarsiero
Boyle	Galloway	Matzie	Santoni
Bradford	Geist	McGeehan	Saylor
Brennan	George	McI. Smith	Scavello
Briggs	Gerber	Melio	Schroder
Brooks	Gergely	Mensch	Seip
Brown	Gibbons	Metcalfe	Shapiro
Burns	Gillespie	Metzgar	Siproth
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Smith, S.
Casorio	Grell	Milne	Solobay
Causer	Grove	Mirabito	Sonney
Christiana	Grucela	Moul	Staback
Civera	Haluska	Mundy	Stern
Clymer	Hanna	Murphy	Stevenson
Cohen	Harhai	Murt	Sturla
Conklin	Harhart	Mustio	Swanger
Costa, D.	Harkins	O'Brien, D.	Tallman
Costa, P.	Harper	O'Brien, M.	Taylor, J.
Cox	Harris	O'Neill	Taylor, R.
Creighton	Helm	Oberlander	Thomas
Cruz	Hennessey	Oliver	True
Curry	Hess	Pallone	Turzai
Cutler	Hickernell	Parker	Vereb
Daley	Hornaman	Pashinski	Vitali
Dally	Houghton	Payne	Vulakovich
Day	Hutchinson	Payton	Walko
Deasy	Johnson	Peifer	Wansacz
Delozier	Josephs	Perzel	Waters
DeLuca	Kauffman	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Wheatley
DePasquale	Keller, W.	Pickett	White
Dermody	Kessler	Preston	Williams
DeWeese	Killion	Pyle	Youngblood
DiGirolamo	Kirkland	Quigley	Yudichak
Donatucci	Knowles	Quinn	
Drucker	Kortz	Rapp	McCall,
Eachus	Kotik	Readshaw	Speaker
Ellis	Krieger	Reed	

NAYS—0

NOT VOTING—0

EXCUSED—6

Lentz	Myers	Phillips	Wagner
Miccarelli	Perry		

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

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

HB 965, PN 2435 (Amended) By Rep. STABACK

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

GAME AND FISHERIES.

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

SB 574, PN 945

By Rep. STABACK

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in special licenses and permits, further providing for Lake Erie fishing permits.

GAME AND FISHERIES.

BILLS REMOVED FROM TABLE

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

SB 48;
SB 366;
SB 383;
SB 488;
SB 936; and
SB 958.

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:

SB 48;
SB 366;
SB 383;
SB 488;
SB 936; and
SB 958.

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

RESOLUTION

Mr. EACHUS called up **HR 34, PN 162**, entitled:

A Resolution establishing a select committee to investigate and review the policies, procedures and practices in place by the various Commonwealth agencies, authorities, boards, commissions, councils, departments and offices and the entities they license or regulate to protect the personal health, financial and other sensitive data of the citizens of this Commonwealth.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 34 be removed from the active calendar and placed on the tabled bill calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 34 be removed from the tabled calendar and placed on the active calendar.

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

ANNOUNCEMENT BY MR. CHRISTIANA

The SPEAKER. For what purpose does the gentleman from Beaver County, Representative Christiana, rise?

Mr. CHRISTIANA. Point of order, Mr. Speaker.

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

Mr. CHRISTIANA. I just want to give notice to the House, Mr. Speaker, that I intend to call up Discharge Resolution No. 3 tomorrow or any subsequent day thereafter.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Are there any announcements?

There will be no further votes for this evening.

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER. This House stands in recess until the call of the Chair.