

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

FRIDAY, OCTOBER 9, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 107

### HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

**THE SPEAKER (KEITH R. McCALL)  
PRESIDING**

#### PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

We give thanks unto You, O God, for You are good and Your mercy and Your truth endureth from everlasting to everlasting. Let Your loving hand be upon us today as we continue the budgetary process of the Commonwealth of Pennsylvania. We thank You, O God, for Your grace and for Your strength and for Your mercy, for You have kept us focused over 100 days of a difficult struggle. We could not have made it had it not been for You.

My prayer is that we will be able to feed the hungry, we will be able to take care of the sick and the needy and the widows and the children, as You have ordered us to do, for by doing this for them, we are also doing this unto You. Help us to be strong and of good courage, knowing that Your grace is sufficient and that Your love and Your mercy is with us as we walk humbly before You.

We ask all of these blessings in Your name. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Thursday, October 8, 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 gentleman from Greene County, the majority whip, who requests the following leaves of absence for: Representative DEASY from Allegheny County for the day; Representative DONATUCCI from Philadelphia County for the

day; Representative Matt SMITH from Allegheny County for the day; Representative WANSACZ from Lackawanna County for the day. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests the following leaves of absence for: Representative KILLION from Delaware County for the day; Representative John TAYLOR from Philadelphia County for the day; Representative SONNEY from Erie County for the day; Representative VEREB from Montgomery County for the day. Without objection, the leaves 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—193

Adolph	Evans, J.	Lentz	Rapp
Baker	Everett	Levdansky	Readshaw
Barbin	Fabrizio	Longiatti	Reed
Barrar	Fairchild	Maher	Reese
Bear	Farry	Mahoney	Reichley
Belfanti	Fleck	Major	Roae
Benninghoff	Frankel	Manderino	Rock
Beyer	Freeman	Mann	Roebuck
Bishop	Gabig	Markosek	Rohrer
Boback	Gabler	Marshall	Ross
Boyd	Galloway	Marsico	Sabatina
Boyle	Geist	Matzie	Sainato
Bradford	George	McGeehan	Samuelson
Brennan	Gerber	McI. Smith	Santarsiero
Briggs	Gergely	Melio	Santoni
Brooks	Gibbons	Mensch	Saylor
Brown	Gillespie	Metcalfe	Scavello
Burns	Gingrich	Metzgar	Schroder
Buxton	Godshall	Micozzie	Seip
Caltagirone	Goodman	Millard	Shapiro
Carroll	Grell	Miller	Siptroth
Casorio	Grove	Milne	Smith, K.
Causer	Grucela	Mirabito	Smith, S.
Christiana	Haluska	Moul	Solobay
Civera	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harper	Myers	Swanger
Costa, P.	Harris	O'Brien, D.	Tallman
Cox	Helm	O'Brien, M.	Taylor, R.
Creighton	Hennessey	O'Neill	Thomas
Cruz	Hess	Oberlander	True
Curry	Hickernell	Oliver	Turzai
Cutler	Hornaman	Pallone	Vitali
Daley	Houghton	Parker	Vulakovich
Dally	Hutchinson	Pashinski	Wagner

Day	Johnson	Payne	Walko
DeLozier	Josephs	Payton	Waters
DeLuca	Kauffman	Peifer	Watson
Denlinger	Keller, M.K.	Perzel	Wheatley
DePasquale	Keller, W.	Petrarca	White
Dermody	Kessler	Petri	Williams
DeWeese	Kirkland	Phillips	Youngblood
DiGirolamo	Knowles	Pickett	Yudichak
Drucker	Kortz	Preston	
Eachus	Kotik	Pyle	McCall,
Ellis	Krieger	Quigley	Speaker
Evans, D.	Kula	Quinn	

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—10

Deasy	Miccarelli	Sonney	Vereb
Donatucci	Perry	Taylor, J.	Wansacz
Killion	Smith, M.		

## LEAVES CANCELED—5

Deasy	Smith, M.	Taylor, J.	Wansacz
Donatucci			

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

## CALENDAR

## BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 196, PN 195**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prohibited acts and penalties.

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

\* \* \*

The House proceeded to second consideration of **SB 1095, PN 1417**, entitled:

An Act making an appropriation to the Lake Erie College of Osteopathic Medicine, Erie.

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

\* \* \*

The House proceeded to second consideration of **SB 1100, PN 1422**, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

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

## SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1468, PN 2745**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

2009 FALL SEMESTER  
LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER. The Chair would like the attention of the members to introduce some guests. Thank you.

It is the Speaker's pleasure to introduce our 2009 fall semester fellows. The Legislative Fellowship Program is sponsored by the House of Representatives through the Bipartisan Management Committee and the Office of the Chief Clerk. We have seven students from five different schools participating in this fall's 2009 semester program, which runs for 13 weeks.

Legislative fellows are assigned to either a committee chairman or a leadership office. The final requirement necessary to complete the fellowship is that each intern must draft, research, and present an original piece of legislation, complete with an oral defense, before an audience of friends, professors, House staff, and members. The final presentations are scheduled for Friday, December 11, and hopefully, many of the members here today will be able to attend that ceremony. Just for your information, to date over 310 students have successfully completed this program and many of them are currently working here in the House and Senate and the Governor's Office.

We welcome to the hall of the House today five of the fellows – there are seven, but five are attending today – who began their internships in September. Seated to the left of the rostrum are:

Acacia Bellamy, a student from Newburgh, New York, attending Penn State Harrisburg. She is assigned to the Education Committee under Representative Roebuck and supervised by Chris Wakeley.

Daniel Goldstein, a student from Scranton, Pennsylvania, attending Temple University. He is assigned to the Office of the Majority Caucus Chairman under Representative Mark Cohen and supervised by Mike Cassidy.

Tori Hilty, a student from Marion Center, Pennsylvania, attending Indiana University of Pennsylvania, assigned to the Veterans Affairs and Emergency Preparedness Committee under Representative Fairchild and supervised by Rick O'Leary.

Jordan Meehan, a student from Harrisburg, Pennsylvania, attending Penn State Harrisburg, assigned to the Local

Government Committee under Representative Freeman and supervised by Leon Rudy.

Daniel Walmer, a student from Palmyra, Pennsylvania, attending Lebanon Valley College, assigned to the Consumer Affairs Committee under Representative Godshall, supervised by Jake Smeltz.

The two other students:

Alyson Ledder, a student from Plymouth Meeting, Pennsylvania, attending Temple University, assigned to the Legislative Office of Research Liaison, supervised by Mike King and Guy Jensen.

Alyona Stakhovskaya – do not make me say that again – a student originally from Uzbekistan, now residing in Philadelphia, Pennsylvania, attending St. Joseph's University, assigned to the Professional Licensure Committee under Representative McGeehan and supervised by Marlene Tremmel.

Also seated with them is the program coordinator for the House of Representatives, Ray Whittaker. Welcome to the hall of the House, ladies and gentlemen.

Thank you, members, for your indulgence.

### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1095 be removed from the active calendar and recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2028** By Representatives HANNA, BRENNAN, CONKLIN, DENLINGER, EVERETT, HESS, HORNAMAN, KULA, LONGIETTI, MAJOR, SAINATO, SIPTROTH, SOLOBAY, STABACK and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for period of registration.

Referred to Committee on TRANSPORTATION, October 9, 2009.

**No. 2029** By Representatives M. SMITH, WHITE, BURNS, D. COSTA, DEASY, DeLUCA, DENLINGER, GIBBONS, HORNAMAN, HUTCHINSON, KORTZ, KULA, LONGIETTI, MARKOSEK, MARSHALL, MATZIE, McILVAINE SMITH, MELIO, MOUL, PALLONE, PAYNE, PETRARCA, PYLE, ROAE, SIPTROTH, STABACK, STEVENSON, SWANGER, TRUE and K. SMITH

An Act prohibiting disbursement of State funding and other activities relating to certain covered organizations.

Referred to Committee on STATE GOVERNMENT, October 9, 2009.

**No. 2030** By Representatives STEVENSON, LONGIETTI, BROOKS, ADOLPH, BAKER, BELFANTI, BENNINGHOFF, CALTAGIRONE, CAUSER, COHEN, D. COSTA, CREIGHTON, CUTLER, J. EVANS, EVERETT, FAIRCHILD, FLECK, GEORGE, GIBBONS, GINGRICH, GROVE, GRUCELLA, HARHAI, HARKINS, HARRIS, HELM, HESS, M. KELLER, KNOWLES, KORTZ, MAHONEY, MAJOR, MANN, MENSCH, MILLARD, MIRABITO, MOUL, MURPHY, MURT, OBERLANDER, O'NEILL, PALLONE, PAYNE, PEIFER, PHILLIPS, PICKETT, RAPP, READSHAW, REED, REESE, ROHRER, ROSS, SAINATO, SCAVELLO, SEIP, SIPTROTH, SONNEY, STERN, SWANGER, TALLMAN, TRUE, WATERS, REICHLEY, HARHART, ROCK, BEAR and K. SMITH

An Act designating U.S. Route 62 in Mercer County as the Mercer County Veterans Highway.

Referred to Committee on TRANSPORTATION, October 9, 2009.

**No. 2031** By Representatives ADOLPH, KILLION, STEVENSON, HENNESSEY, BOYD, BRIGGS, CLYMER, D. COSTA, EVERETT, FAIRCHILD, FARRY, GEIST, HARPER, HUTCHINSON, LEVDANSKY, PICKETT, QUINN, SAYLOR and SIPTROTH

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for eligibility of corporate officers deemed self-employed.

Referred to Committee on LABOR RELATIONS, October 9, 2009.

**No. 2032** By Representatives ADOLPH, GINGRICH, O'NEILL, WATSON, BRADFORD, JOSEPHS, KORTZ, MELIO, MURT, M. O'BRIEN, QUINN, READSHAW and SWANGER

An Act amending the act of December 15, 1971 (P.L.596, No.160), known as the Outdoor Advertising Control Act of 1971, further providing for permits.

Referred to Committee on TRANSPORTATION, October 9, 2009.

**No. 2034** By Representatives METCALFE, CREIGHTON, MUSTIO, BARRAR, BEAR, CLYMER, COX, CUTLER, DENLINGER, EVERETT, GROVE, HUTCHINSON, KRIEGER, MOUL, PHILLIPS, RAPP, READSHAW, ROCK, SCHRODER, SONNEY, STEVENSON, SWANGER and VULAKOVICH

An Act providing for sanctuary municipality financial penalties.

Referred to Committee on STATE GOVERNMENT, October 9, 2009.

**No. 2035** By Representatives METCALFE, CREIGHTON, MUSTIO, BARRAR, BEAR, CLYMER, COX, CUTLER, DENLINGER, GROVE, KRIEGER, MOUL, O'NEILL,

PHILLIPS, RAPP, READSHAW, ROCK, SCHRODER, SONNEY, STEVENSON, SWANGER and VULAKOVICH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in matters affecting government units, providing for exceptions to governmental immunity related to unauthorized aliens.

Referred to Committee on JUDICIARY, October 9, 2009.

**No. 2036** By Representatives MOUL, BELFANTI, BEYER, EVERETT, FAIRCHILD, FLECK, GOODMAN, HALUSKA, HUTCHINSON, KORTZ, MILLER, ROCK, SEIP and SONNEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in charter schools, further providing for funding for charter schools and for establishment of cyber charter schools.

Referred to Committee on EDUCATION, October 9, 2009.

**No. 2037** By Representatives CASORIO, McCALL, BOYD, CARROLL, CLYMER, D. COSTA, DeLUCA, FLECK, GEIST, GOODMAN, GRELL, GRUCELA, HARHAI, HARKINS, HESS, HORNAMAN, KOTIK, KULA, LONGIETTI, MAHONEY, MATZIE, MILNE, MOUL, MURT, O'NEILL, PALLONE, PETRARCA, READSHAW, REICHLEY, SIPROTH, STABACK, SWANGER, THOMAS, TRUE, VULAKOVICH and WATERS

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for schedules of controlled substances.

Referred to Committee on JUDICIARY, October 9, 2009.

### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1100 be removed from the active calendar and recommitted to the Committee on Appropriations.

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

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Philadelphia, Representative Donatucci, on the House floor. His name will be added to the master roll.

### APPROPRIATIONS AND RULES COMMITTEE MEETINGS

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus, for the purpose of an announcement.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members, we have a 2 o'clock Appropriations meeting in the majority caucus room. Rules

Committee will meet this afternoon. I will be calling the members of the Rules Committee and letting you know when that will be. There will be a Democratic caucus a little later this afternoon. If the members could be patient, I appreciate it. I hope to be back on the floor later to complete the Fiscal Code in our efforts to try and complete one of the last couple of bills in this year's budget.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the Appropriations Committee at 2 p.m. Members of the Rules Committee will be notified for a Rules Committee meeting. Democratic members will be notified of the time of their caucus.

### LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman from Allegheny County, Representative Gergely, rise?

Mr. GERGELY. Thank you, Mr. Speaker, for a committee meeting announcement.

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

Mr. GERGELY. Thank you.

At the call of the Chair there will be a meeting of the House Labor Relations Committee, 39 East Wing. The bill number is 1196, Representative Boyd.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

There will be a Labor Relations Committee meeting in room 39, East Wing at the call of the Chair.

### ANNOUNCEMENT BY MS. MAJOR

The SPEAKER. The Chair recognizes the Republican Caucus chair, the gentlelady from Susquehanna County, Representative Major.

Ms. MAJOR. Thank you, Mr. Speaker.

At this time there is no need for a Republican caucus until we know more about our schedule today and what bills that we are going to run. I will make an announcement at that time, but right now there is no need for a Republican caucus. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Any further announcements?

For the information of the House members, we are waiting for some Senate action, for legislation to come back over from the Senate. As soon as we have that information we will make sure the members are made aware of that information and the needs for caucus and time to be on the floor.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman from Philadelphia, Representative Mike O'Brien, rise?

Mr. M. O'BRIEN. For the purpose of an announcement, Mr. Speaker.

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

Mr. M. O'BRIEN. The State Government Committee will meet today at 1 o'clock in room 60, East Wing; State Government at 1 in 60 East Wing.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a State Government Committee meeting in room 60, East Wing at 1 p.m.

Are there any further announcements?

### RECESS

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

### AFTER RECESS

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

### BILL REREPORTED FROM COMMITTEE

**SB 973, PN 1447**

By Rep. D. EVANS

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, providing for the definition of "home improvement retailer"; and further providing for procedures for registration as a contractor and for prohibited acts.

### APPROPRIATIONS.

The SPEAKER. That bill will go to the House supplemental calendar.

### SENATE MESSAGE

#### HOUSE AMENDMENTS TO SENATE 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 the Senate amendments to **HB 1416, PN 2772**.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1614, PN 2782**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### 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 369, PN 1478**.

### 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 369, PN 1478**

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

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

### DEMOCRATIC AND REPUBLICAN CAUCUSES

The SPEAKER. For the information of the members, there is a Democratic caucus at 4 o'clock in the majority caucus room, a Republican caucus at 4:15 in the minority caucus room, and there will be an announcement for a Rules Committee meeting sometime later this evening. Members can expect to be on the floor voting this evening.

### RECESS

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

### AFTER RECESS

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

### SUPPLEMENTAL CALENDAR B

#### RESOLUTIONS PURSUANT TO RULE 35

Mr. MILLER called up **HR 497, PN 2783**, entitled:

A Resolution designating October 17, 2009, as "Military Family Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

**LEAVES OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence of the gentleman from Lackawanna County, Representative Wansacz, on the House floor. His name will be added to the master roll.

The Chair notes the presence of the gentleman from Allegheny County, Representative Deasy, on the House floor. His name will be added to the master roll.

**CONSIDERATION OF HR 497 CONTINUED**

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

The following roll call was recorded:

**YEAS—196**

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—7**

Killion	Perry	Sonney	Vereb
Miccarelli	Smith, M.	Taylor, J.	

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

\* \* \*

Mr. KORTZ called up **HR 501, PN 2796**, entitled:

A Resolution designating the month of November 2009 as "Alzheimer's Disease Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny County, Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, my colleague from Lehigh County and I rise to present HR 501 to the General Assembly this evening. This resolution designates the month of November as "Alzheimer's Disease Awareness Month" in Pennsylvania. Mr. Speaker, this disease has been a terrible scourge on our society. From 2000 through 2006 deaths caused by Alzheimer's rose by more than 47 percent. Mr. Speaker, there are nearly 400,000 Pennsylvanians living with Alzheimer's and related dementias. There are an estimated 1 million additional people – the loving caregivers, if you will – that take care of these afflicted.

Mr. Speaker, I have witnessed this terrible disease firsthand as I lost my mother to this terrible, insidious disease 4 years ago. I come before the Assembly tonight to ask for your positive consideration of this resolution.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence of the gentleman from Allegheny County, Representative Matt Smith, on the House floor. His name will be added to the master roll.

**CONSIDERATION OF HR 501 CONTINUED**

The SPEAKER. The Chair recognizes the gentleman from Lehigh County, Representative Reichley, on the question.

Mr. REICHLLEY. Thank you, Mr. Speaker.

I just want to join with the gentleman, Mr. Kortz. We are the cochairs of the Alzheimer's Caucus here within the House, and he is exactly right that what has really been both very surprising but gratifying is to see how many members have personal

situations in which a family member, a loved one, a friend has been afflicted with Alzheimer's, and I hope that the members will look favorably upon this resolution. Tomorrow morning is the Alzheimer's Memory Walk at Kutztown University. I am hoping to be able to be there, Mr. Speaker, but if any other members have similar events in their districts, I would certainly encourage you to get involved with your local Alzheimer's Association. It is a level of research that desperately needs our help. I thank the gentleman for allowing me to participate in the resolution.

Thank you, Mr. Speaker.

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Killion	Perry	Taylor, J.	Vereb
Miccarelli	Sonney		

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

\* \* \*

Mr. ADOLPH called up **HR 503, PN 2798**, entitled:

A Resolution designating the week of October 25 through 31, 2009, as "Respiratory Care Week" in Pennsylvania and commending respiratory therapists for their outstanding contributions to health care.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

DeLuca	Kauffman	Perzel	Watson
Denlinger	Keller, M.K.	Petrarca	Wheatley
DePasquale	Keller, W.	Petri	White
Dermody	Kessler	Phillips	Williams
DeWeese	Kirkland	Pickett	Youngblood
DiGirolamo	Knowles	Preston	Yudichak
Donatucci	Kortz	Pyle	
Drucker	Kotik	Quigley	McCall,
Eachus	Krieger	Quinn	Speaker
Ellis	Kula	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—6

Killion	Perry	Taylor, J.	Vereb
Miccarelli	Sonney		

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

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence of the gentleman from Philadelphia, Representative John Taylor, on the House floor. His name will be added to the master roll.

**BILLS ON CONCURRENCE REPORTED FROM COMMITTEE**

**HB 1468, PN 2745**

By Rep. EACHUS

An Act designating a portion of PA Route 378 in Bethlehem, Lehigh County, as the Fred B. Rooney Highway; and designating the bridge that carries State Route 1008, known as Henry Road, over Bushkill Creek in Bushkill Township, Northampton County, as the William Henry Atherton Bridge.

**HB 1614, PN 2799 (Amended) By Rep. EACHUS**

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for method of filing; further providing for the definition of "cigarettes"; providing for the definition of "little cigars"; establishing the independent fiscal office; further providing for notice and publication of lists of property subject to custody and control of the Commonwealth; providing for borrowing for capital facilities and for oil and gas wells; further providing for the State Workers' Insurance Board and for sunset provisions relating to State Workers' Insurance Fund investment authority; providing for Pennsylvania Gaming Economic Development and Tourism Fund and for Water and Sewer System Assistance Bond Fund; further providing for Department of Corrections, for Department of Education, for Department of Environmental Protection, for Pennsylvania State Police and for Pennsylvania Emergency Management Agency; providing for 2009-2010 budget implementation and for 2009-2010 restrictions on appropriations for funds and accounts; abolishing the Board of Trustees of the Scranton State School for the Deaf; and making related repeals.

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

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

**HB 276, PN 298 By Rep. JOSEPHS**

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in Treasury Department, providing for limitations on investment relationships and campaign contributions.

STATE GOVERNMENT.

**HB 1196, PN 1424 By Rep. BELFANTI**

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions and for administration and enforcement; and providing for applicability.

LABOR RELATIONS.

**RESOLUTIONS REPORTED FROM COMMITTEE**

**HR 426, PN 2800 (Amended) By Rep. JOSEPHS**

A Resolution requesting that the Attorney General investigate the Association of Community Organizations for Reform Now.

STATE GOVERNMENT.

**HR 490, PN 2753 By Rep. JOSEPHS**

A Resolution condemning racial intolerance and discrimination.

STATE GOVERNMENT.

**HR 491, PN 2754 By Rep. JOSEPHS**

A Resolution designating October 24, 2009, as "United Nations Day" in Pennsylvania.

STATE GOVERNMENT.

The SPEAKER. For the record, the Chair notes that the three resolutions the clerk read will go to the House calendar.

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 276 be recommitted to the Committee on Appropriations.

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



**HOUSE RESOLUTION  
INTRODUCED AND REFERRED**

**No. 502** By Representatives ADOLPH, BARRAR, BAKER, BROWN, CHRISTIANA, CUTLER, DIGIROLAMO, GINGRICH, GRUCELA, HARHART, HARPER, HICKERNELL, KILLION, KORTZ, MAJOR, MARKOSEK, MENSCH, MILLARD, PASHINSKI, PHILLIPS, READSHAW, ROSS, SEIP, SOLOBAY, SWANGER, YOUNGBLOOD and SCAVELLO

A Resolution designating the week of October 25 through 31, 2009, as "Respiratory Care Week" in Pennsylvania and commending respiratory therapists for their outstanding contributions to health care.

Referred to Committee on RULES, October 9, 2009.

**CALENDAR CONTINUED**

**RESOLUTION PURSUANT TO RULE 35**

Ms. BISHOP called up **HR 487, PN 2751**, entitled:

A Resolution designating the month of November 2009 as "Sarcoidosis Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—198**

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

Day	Hutchinson	Payne	Wagner
Deasy	Johnson	Payton	Walko
DeLozier	Josephs	Peifer	Wansacz
DeLuca	Kauffman	Perzel	Waters
Denlinger	Keller, M.K.	Petrarca	Watson
DePasquale	Keller, W.	Petri	Wheatley
Dermody	Kessler	Phillips	White
DeWeese	Kirkland	Pickett	Williams
DiGirolamo	Knowles	Preston	Youngblood
Donatucci	Kortz	Pyle	Yudichak
Drucker	Kotik	Quigley	
Eachus	Krieger	Quinn	McCall,
Ellis	Kula	Rapp	Speaker

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—5**

Killion	Perry	Sonney	Vereb
Miccarelli			

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

**RULE 21 SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman from Northumberland County, Representative Phillips, who moves to suspend rule 21 for the immediate consideration of SB 973, PN 1447.

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

The following roll call was recorded:

**YEAS—195**

Adolph	Evans, J.	Levdansky	Readshaw
Baker	Everett	Longietti	Reed
Barbin	Fabrizio	Maher	Reese
Barrar	Fairchild	Mahoney	Reichley
Bear	Farry	Major	Roae
Belfanti	Fleck	Manderino	Rock
Benninghoff	Frankel	Mann	Roebuck
Beyer	Freeman	Markosek	Rohrer
Bishop	Gabig	Marshall	Ross
Boback	Gabler	Marsico	Sabatina
Boyd	Galloway	Matzie	Sainato
Boyle	Geist	McGeehan	Santarsiero
Bradford	George	McI. Smith	Santoni
Brennan	Gerber	Melio	Saylor
Briggs	Gergely	Mensch	Scavello
Brooks	Gibbons	Metcalfe	Schroder
Brown	Gillespie	Metzgar	Seip
Burns	Gingrich	Micozzie	Shapiro
Buxton	Godshall	Millard	Siptroth
Caltagirone	Goodman	Miller	Smith, K.
Carroll	Grove	Milne	Smith, M.
Casorio	Grucela	Mirabito	Smith, S.
Causer	Haluska	Moul	Solobay
Christiana	Hanna	Mundy	Staback
Civera	Harhai	Murphy	Stern
Clymer	Harhart	Murt	Stevenson
Cohen	Harkins	Mustio	Sturla
Conklin	Harper	Myers	Swanger

Costa, D.	Harris	O'Brien, D.	Tallman
Costa, P.	Helm	O'Brien, M.	Taylor, J.
Cox	Hennessey	O'Neill	Taylor, R.
Creighton	Hess	Oberlander	Thomas
Cruz	Hickernell	Oliver	True
Curry	Hornaman	Pallone	Turzai
Daley	Houghton	Parker	Vitali
Dally	Hutchinson	Pashinski	Vulakovich
Day	Johnson	Payne	Wagner
Deasy	Josephs	Payton	Walko
Delozier	Kauffman	Peifer	Wansacz
DeLuca	Keller, M.K.	Perzel	Waters
Denlinger	Keller, W.	Petrarca	Watson
DePasquale	Kessler	Petri	Wheatley
Dermody	Kirkland	Phillips	White
DeWeese	Knowles	Pickett	Williams
DiGirolamo	Kortz	Preston	Youngblood
Donatucci	Kotik	Pyle	Yudichak
Drucker	Krieger	Quigley	
Eachus	Kula	Quinn	McCall,
Ellis	Lentz	Rapp	Speaker
Evans, D.			

NAYS-3

Cutler	Grell	Samuelson
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NOT VOTING-0

EXCUSED-5

Killion	Perry	Sonney	Vereb
Miccarelli			

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.

**SUPPLEMENTAL CALENDAR A**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 973, PN 1447**, entitled:

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, providing for the definition of "home improvement retailer"; and further providing for procedures for registration as a contractor and for prohibited acts.

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

**MOTION TO PROCEED TO CONSIDERATION UNDER RULE 21**

The SPEAKER. The Chair recognizes the majority leader, Representative Eachus, who moves that pursuant to rule 21(e) that the members have had sufficient time to review the language and that the House proceed with concurrence on HB 1614, PN 2799.

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

The following roll call was recorded:

YEAS-173

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

NAYS-25

Creighton	Grell	Keller, M.K.	Rapp
Cutler	Hanna	Maher	Roae
Day	Harper	Metcalfe	Rock
Denlinger	Hennessey	Metzgar	Rohrer
Farry	Hutchinson	Murt	Samuelson
Freeman	Kauffman	Oberlander	Schroder
Gillespie			

NOT VOTING-0

EXCUSED-5

Killion	Perry	Sonney	Vereb
Miccarelli			

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.

## SUPPLEMENTAL CALENDAR C

### BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1614, PN 2799**, as further amended by the House Rules Committee:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for method of filing; further providing for the definition of "cigarettes"; providing for the definition of "little cigars"; establishing the independent fiscal office; further providing for notice and publication of lists of property subject to custody and control of the Commonwealth; providing for borrowing for capital facilities and for oil and gas wells; further providing for the State Workers' Insurance Board and for sunset provisions relating to State Workers' Insurance Fund investment authority; providing for Pennsylvania Gaming Economic Development and Tourism Fund and for Water and Sewer System Assistance Bond Fund; further providing for Department of Corrections, for Department of Education, for Department of Environmental Protection, for Pennsylvania State Police and for Pennsylvania Emergency Management Agency; providing for 2009-2010 budget implementation and for 2009-2010 restrictions on appropriations for funds and accounts; abolishing the Board of Trustees of the Scranton State School for the Deaf; and making related repeals.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, with our motion that just passed, a motion to proceed, I was having an amendment drafted to this that I would have needed to suspend the rules for. Is there any way we could go over this, do other business until my amendment is drafted?

The SPEAKER. How about we leave that up to the members of the House?

It is a late-filed amendment that would require the suspension of the rules. This is the final vote of the evening.

Mr. BARRAR. Mr. Speaker, I think in the spirit of cooperation on this side of the aisle, we voted to move the process forward so we could continue. I would think it would only be fair to wait 5 minutes so that my amendment, hopefully, would be back from drafting. What is another 5 minutes after 100-and-some days here?

The SPEAKER. Your amendment on concurrence would require the suspension of the rules. If the gentleman would like to make that motion to suspend the rules, we would accept that motion.

Mr. BARRAR. Mr. Speaker, I think right now the— I am being told by members that the reprint of 1614 is not even on the computer as of yet. Can we clarify that?

The SPEAKER. We will debate the issue until the bill is on the computer.

Mr. BARRAR. What was that, Mr. Speaker?

The SPEAKER. There are a number of members that have asked for consideration to debate the bill.

Mr. BARRAR. Could we proceed with that and then I would be recognized once the bill is up on the computer then?

The SPEAKER. We will come back and recognize you at that point.

Mr. BARRAR. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Representative Taylor.

Mr. R. TAYLOR. Thank you, Mr. Speaker.

Today we are asked to vote on allowing leasing of State lands.

The SPEAKER. The gentleman will yield.

The House will come to order. Members will please take their seats. The House will come to order. The House will come to order.

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

Mr. R. TAYLOR. Thank you, Mr. Speaker.

As I was saying, today we are asked to vote to allow leasing of State lands, leasing by gas companies which will generate approximately \$60 million in revenue for our State. We need the budget. We need the revenue. There should no longer be any debate about that. Older Pennsylvanians, day cares, schools, and human services have suffered long. We need to take care of them. So today we need to get a budget, and the way to get a budget is we need to get revenue.

But it did not have to be this way. Several days ago in this chamber we had a debate on the taxing of severance of Marcellus Shale. That was the last clear chance to avoid the leasing of State lands. We had the opportunity to generate revenue, millions – possibly even billions – of dollars to fund critical programs, billions of dollars that could help protect our environment and to not, to not lease State lands for gas drilling.

In the Democratic Caucus, we took a stand—

### PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker? Mr. Speaker? What is the substance of the debate with HB 1614 on concurrence? As a parliamentary inquiry, is not the subject of the debate any changes that were made since that bill was last before this House?

The SPEAKER. The gentleman is correct.

Representative Taylor, confine your remarks to concurrence in Senate amendments.

Mr. R. TAYLOR. Yes. What I am urging here – I have reservations about this. I think the steps that we took are the best possible deal we can to take care of our citizens who are hurting. We need to get a budget to the Governor. We need to get all the pieces done to the Governor. Yes, there are parts that I do not care for, but we could have stopped that in the steps earlier. So what I am urging today is let us take care of our vulnerable citizens of Pennsylvania and vote affirmatively.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you very much, Mr. Speaker.

Mr. Speaker, would anyone stand for brief interrogation? This bill has been amended twice today and it is not on our screens.

The SPEAKER. We are informed that it will be about 5 more minutes until the legislation is on our screens. We could temporarily go over the bill, but there is other—

Ms. HARPER. Mr. Speaker, is there anyone on that side of the aisle who knows what is in this bill who would stand for brief interrogation?

The SPEAKER. I was referring to going over the bill until the language is on the screen, and then you can ask for someone to interrogate.

Ms. HARPER. Thank you very much, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will go over the bill temporarily.

SUPPLEMENTAL CALENDAR D

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 1468, PN 2745, entitled:

An Act designating a portion of PA Route 378 in Bethlehem, Lehigh County, as the Fred B. Rooney Highway; and designating the bridge that carries State Route 1008, known as Henry Road, over Bushkill Creek in Bushkill Township, Northampton County, as the William Henry Atherton Bridge.

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-198

Table listing names of members who voted 'YEAS' (198 total). Includes names like Adolph, Baker, Barbin, Barrar, Bear, Belfanti, Benninghoff, Beyer, Bishop, Boback, Boyd, Boyle, Bradford, Brennan, Briggs, Brooks, Brown, Burns, Buxton, Caltagirone, Carroll, Casorio, Causer, Christiana, Civera, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, Day, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Farry, Fleck, Frankel, Freeman, Gabig, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Lentz, Levdansky, Longietti, Maher, Mahoney, Major, Manderino, Mann, Markosek, Marshall, Marsico, Matzie, McGeehan, McI. Smith, Melio, Mensch, Metcalfe, Metzgar, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, Mustio, Myers, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Oliver, Pallone, Parker, Pashinski, Payne, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Staback, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, J., Taylor, R., Thomas, True, Turzai, Vitali, Vulakovich, Wagner.

Table listing names of members who voted 'NAYS' (0 total). Includes names like Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Drucker, Eachus, Ellis, Johnson, Josephs, Kauffman, Keller, M.K., Keller, W., Kessler, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Payton, Peifer, Perzel, Petrarca, Petri, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Youngblood, Yudichak, McCall, Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-5

Table listing names of members who were excused (5 total): Killion, Miccarelli, Perry, Sonney, Vereb.

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.

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 1468, PN 2745

An Act designating a portion of PA Route 378 in Bethlehem, Lehigh County, as the Fred B. Rooney Highway; and designating the bridge that carries State Route 1008, known as Henry Road, over Bushkill Creek in Bushkill Township, Northampton County, as the William Henry Atherton Bridge.

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

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. PALLONE called up HR 437, PN 2562, entitled:

A Resolution recognizing November 10, 2009, as "Marine Corps Day" in Pennsylvania in honor of the United States Marine Corps' 234th anniversary.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Table listing names of members who voted 'YEAS' (198 total). Includes names like Adolph, Baker, Barbin, Barrar, Bear, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Lentz, Levdansky, Longietti, Maher, Mahoney, Readshaw, Reed, Reese, Reichley, Roae.

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Killion	Perry	Sonney	Vereb
Miccarelli			

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

\* \* \*

Mr. SOLOBAY called up **HR 495, PN 2758**, entitled:

A Resolution recognizing the week of November 8 through 14, 2009, as "National Radiologic Technology Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Killion	Perry	Sonney	Vereb
Miccarelli			

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

**SUPPLEMENTAL CALENDAR C CONTINUED****CONSIDERATION OF HB 1614 CONTINUED**

The SPEAKER. Returning to supplemental calendar C, HB 1614 on concurrence in Senate amendments as amended by the House.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. On the question, the Chair recognizes the gentelady from Montgomery County, Representative Harper.

For the information of the members, it is on the PDF (portable document format) file on your screens.

The gentelady, Representative Harper, is recognized.

Ms. HARPER. Thank you, Mr. Speaker.

Is there someone who will stand for interrogation? And by the way, Mr. Speaker, it is not on our screens.

The SPEAKER. It is on your screen. It is on the PDF icon on your screen.

Ms. HARPER. Well, we have got rolling session on, Mr. Speaker, and we cannot find it, but if somebody over there knows what is in the bill, I would be happy to interrogate them and get my questions answered.

The SPEAKER. We are informed— Do not use rolling session. Go directly to the bill and click on the PDF.

The gentleman from Allegheny County, Representative Levdansky, indicates he will stand for interrogation on the legislation.

The gentelady, Ms. Harper, is in order and may proceed.

Ms. HARPER. Thank you very much, Mr. Speaker.

My questions relate to the leasing of our State forests, which are a State asset. I would like to know if the fiscal bill contains any limitation whatsoever on the leasing of our State forests – for drilling purposes, I am talking about, Mr. Speaker? Is there any limitation in the bill as currently written and currently amended that deals with drilling in our State forests?

Mr. Speaker, I am entitled to be heard and I cannot even hear myself.

The SPEAKER. The gentelady is absolutely correct. The House will come to order.

Ms. HARPER. Did the gentleman hear my question, Mr. Speaker?

The SPEAKER. The gentelady will yield. The gentleman will yield. The House will come to order.

The gentelady, Ms. Harper, is in order and may proceed.

Ms. HARPER. Thank you, Mr. Speaker.

Did Representative Levdansky hear my question?

Mr. LEVDANSKY. Yes, I understand the question. In answering the question, you first need to look at, historically, the authorization to drill on State forests and the decision regarding the acreage. That decision has always been vested in the administration through the Department of Conservation and Natural Resources. They have always had the discretion to decide where to lease, how much to lease, and what price to charge for the leases. That discretion has always been of the administration and nothing in this, nothing in the language in this bill changes that.

The one thing that this bill does do is it essentially provides for the preauthorized transfer of up to \$60 million to the General Fund from lease proceeds to be gained by leasing in the State forests in the coming fiscal year. That is a lot better than the original language which would have required leasing enough acres to generate \$240 million of revenue to the State over 2 years. So we have had a significant impact in terms of reducing the number of acres that will be required to meet that \$60 million revenue target.

Ms. HARPER. Mr. Speaker, may I continue?

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

Ms. HARPER. As this is the first time that the General Fund of the Commonwealth will rely on leasing our State forests for \$60 million, Mr. Speaker, in earlier versions of the Fiscal Code tied to this year's budget, there was a limitation on the amount of acreage that could be leased. Does the current version of the Fiscal Code tied to this year's budget contain any limitation on the amount of our State forests that can be leased for drilling?

Mr. LEVDANSKY. Before I answer the question, let me correct one fact, and that is that this \$60 million preauthorization for this fiscal year will not be the first time that we have transferred money from the Oil and Gas Lease Fund to the General Fund; it will be the second. The first time we did it was two nights ago when we transferred \$143 million in revenue out of the Oil and Gas Lease Fund into the General Fund to essentially help pass a balanced budget.

So with that clarification, I want to point out that HB 1470, which was a Fiscal Code bill that we considered yesterday, did have language in there that would have specifically limited the amount of acreage to be leased and put in a minimum bid requirement and a minimum royalty percentage. Unfortunately, we were not able to gather bipartisan support for that in this chamber. Had we, then perhaps we could have gotten the Senate to include that language in the Fiscal Code that they amended in the Senate.

Ms. HARPER. Mr. Speaker, I understand the gentleman's answer to be that the current bill that we are voting, having been amended twice today, does not have any limitation on the acres of our State forests that will be used for drilling to get \$60 million for the General Fund. Is that correct?

Mr. LEVDANSKY. There is no language in this bill at present that has any maximum or minimum acreage. It simply would authorize the department to engage in enough leasing to generate \$60 million in the coming fiscal year.

Ms. HARPER. Thank you, Mr. Speaker.

I have other questions. My next question is, an earlier version of the Fiscal Code had a minimum bid amount to make sure that we were not letting go of a very valuable asset in our State forests too cheaply. Is that language in this current Fiscal Code which we are being asked to vote on tonight?

Mr. LEVDANSKY. Mr. Speaker, the language that I have been working on over the last 3 weeks did in fact provide for these things. Unfortunately— And it was, fortunately, contained in the Fiscal Code bill that we considered and voted yesterday. Unfortunately, the language that came back from the Senate did not include those provisions, which I would have preferred.

Ms. HARPER. So as I understand the gentleman, Mr. Speaker, there is no limit on the amount of State forest that can be leased for drilling, and there is no minimum bid in this bill that we are being asked to vote on tonight.

My next question is whether there is even any language in this Fiscal Code that would require the Department of Conservation and Natural Resources to ensure that the lease land made available can be used for drilling in our State forests without adverse environmental impact to our State forests? Is there any such language in this bill?

Mr. LEVDANSKY. There has never been such language in any code relative to the drilling in State forests for as long as drilling has gone on in the State forests, for about 100 years. So that language has never been included in law and it is not included in this bill either.

Ms. HARPER. So that language is not in here either?

Mr. LEVDANSKY. It is not in present law and it is not in this bill.

Ms. HARPER. Thank you, Mr. Speaker. On the bill.

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

Ms. HARPER. Thank you very much.

This is the first time we are asking our State forests to bear the burden of \$60 million worth of oil and gas leasing. Sixty million dollars for the General Fund is a lot of money, and yet, although we have debated and discussed the advisability of putting a limit on the acreage that can be used for this purpose this year, the bill we are being asked to vote tonight has no limits, no limits on the drilling in our State forests.

In addition, the bill we are being asked to vote tonight has no language that would caution the Commonwealth not to do this if there would be an adverse environmental impact to the State forests. And most amazingly, although we all agreed that the current price for leasing land for Marcellus Shale oil drilling or gas drilling is \$5500 an acre, and this House had set a minimum bid of \$3,000 an acre, there is absolutely no minimum bid in this bill.

The State forests are an asset that belong to the people we represent. They are an asset above ground because they can be used for sustainable forestry as well as recreation, as well as keeping clean air and water for the Commonwealth. They have assets below the ground because they sit on a good geologic formation that holds natural gas and in the past has also held oil. How we use the assets that have been entrusted to us on behalf of the people we represent is an important part of our job.

We have debated limits and I believe the House approves of limits, but the bill we are being asked to vote on tonight puts the burden of \$60 million on our State forests with no limitations whatsoever with regard to the price we put them on the block for, the amount of land that we will use for this purpose, or whether we can do it in a sustainable fashion. Let me say that I believe it is possible to use the assets of our State forests in an environmentally sensitive way and in a sustainable way, but this bill does nothing to ensure that will happen – nothing at all.

We all come to Harrisburg for different reasons. Myself, I believe a commitment to the environment is one of the key reasons that I ran for and am a legislator today. Mr. Speaker, I understand as much as everybody else how badly we need to get the budget done. I did not object to including money in the General Fund from leasing our State forests, but I do object very strongly to the idea that we will open our State forests for uncontrolled drilling with no minimum bid price and no maximum acreage and no requirement that we do it in an environmentally safe way. That is a cavalier use of a resource that does not belong to the people in this room; it belongs to the 12 million people we represent.

Thank you, Mr. Speaker. I will be voting "no."

The SPEAKER. The Chair thanks the gentelady and recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of the Fiscal Code provisions with regard to oil and gas leasing. In the 17 years up here, I have learned the hard way that the perfect can be the enemy of the good. I share the Representative from Montgomery County's passion with regard to the environment generally and our State forests particularly, but I also know that all of the good work that has been done by the gentleman from Allegheny County and others has really brought this piece of legislation back from a position where our forests were at serious risk of overdevelopment with regard to oil and gas leasing to something very reasonable people feel we can live with.

Mr. Speaker, I have been dealing with program people from DCNR (Department of Conservation and Natural Resources) and other ex-DCNR people and others, and I am confident in speaking with them that we really have a proposal before us today in HB 1614 with regard to leasing that we can live with. No, it is not something we love, but it is a lot better than it could have been. I was privy to earlier versions of the Fiscal Code that had a requirement of 100,000 acres being required to be leased in 2009 – a full 100,000 acres in 2009 and another 100,000 contemplated for 2010, or 200,000 acres out there.

Now, I am told by reliable sources in DCNR that this figure, this \$60 million figure, can be hit by about 15 to 30,000 acres. So you are dealing with something where we were exposed to several hundred thousand acres of development, and we have brought that back due to the good work, again, of the gentleman from Allegheny County and others to something we can live with. I have also seen versions of the Fiscal Code, most recently, frankly, SB 1042, which came back as recently as, I believe it was yesterday, that required not only \$60 million in revenues from leasing in 2009, but \$180 million, \$180 million in revenues in 2010. Through the good work of some of the environmental people and the hunting people and others who have been – I will say it, the Green Dogs and the Hunting Dogs – due to their good work, we have eliminated that \$180 million requirement.

Yes, I believe as the lady from Montgomery County believes that it should be DCNR at its sole discretion who should make that decision, but not all of us feel that way. What we have here is a compromise. There has been pushback from the other chamber on this issue. We have gotten the best deal we feel that we can. So for those reasons, although if I could write it all, no, this is not what I would have written, I do believe that getting out of town with this agreement is something that we can live with, so I support those provisions of the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Representative Lentz.

Mr. LENTZ. Thank you, Mr. Speaker.

There has been reference on the floor this evening to no limits, no limits, that there are no limits on the leasing of State lands. Well, that is not true, but I will tell you what there are no limits to: There are no limits to the hypocrisy of those that vote against the severance tax and then stand on the floor and decry the leasing of State lands. There are no limits to the hypocrisy of those that argue day in and day out for a Republican budget that cut \$700,000 from the Department of Conservation, a

12-percent cut, the largest cut of any budget proposed in this chamber, in this Capitol.

So what are we really saying? Are we really standing up tonight and saying, undo this budget agreement, undo this budget deal because of the leasing of State lands? A result that came from your opposition to other sources of revenue like the taxing of Marcellus Shale. The truth is, the truth is that if the Republican Party had gotten its way—

Mr. S. SMITH. Mr. Speaker?

Mr. LENTZ. The truth is, if the Republican Party had gotten its way, we would not have the State forests here that we have in the—

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The gentleman will yield. The gentleman will yield.

The gentleman, Mr. Smith.

Mr. S. SMITH. I just would ask the Speaker to keep the debate on the subject that is before the House.

The SPEAKER. The gentleman, Mr. Lentz, will keep his remarks to the amended version of the bill, concurrence in the amendments inserted by the Senate.

Mr. LENTZ. Yes, sir.

The amended version of the bill is the best version that has come up for a vote, and it is the best version because the members of this caucus, the Democratic Caucus led by Representative Levdansky, demanded that the DCNR retain control of this process and demanded that there be no obligation for revenue in the second year. We got the best result of a bad situation, and anyone that stands up and acts like they are the champion of the forest here this evening is denying reality. Vote for concurrence.

The SPEAKER. The Chair recognizes the gentlelady from Chester County, Representative McIlvaine Smith.

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

I rise tonight to support concurrence on HB 1614. We all just received an e-mail from PennFuture, and PennFuture urges us to vote for this bill, and I want to just tell you two things why. While the drilling language in HB 1614 is not perfect – because we really did have good language that we sent over to the Senate. They did not agree with our language, but this deal that they sent back is the best deal that we can get at this moment in time and we will live for another day to fight this. But the bill does not dictate to DCNR how they should lease it or manage the forests because they are the professionals. HB 1614 also protects the Oil and Gas Lease Fund, which was critical in this fight.

I urge all of my colleagues to support the concurrence of HB 1614. This is the vote of our entire century as far as I am concerned.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Representative Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

I rise to support concurrence on HB 1614, and to be honest, I had not intended to rise to speak on this matter tonight, but hearing some of the comments that were made earlier, I felt it necessary to stand and say the following: I and a number of other members of our caucus have worked over the last 6 weeks to try to limit any attempt to drill on our State lands for the purpose of plugging a gap in our budget deficit this year. The

compromise that we are going to be voting on tonight that is contained in HB 1614 on that issue represents a victory for protecting our State forests, and it does so for a number of reasons.

First of all— Mr. Speaker, if I could have order, please?

The SPEAKER. The House will come to order.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will yield. Members will please take their seats. The conferences to the right of the Speaker will break up. Conferences to the right of the Speaker, please break up.

The gentleman from Bucks may proceed.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

As I was saying, it represents a victory in the fight to try to limit drilling on our State lands for a number of reasons. First of all, one of the main goals that we had at the outset of this process was ensuring that DNCR's authority to be able to control the leasing of land and to be able to protect the environment as good environmental stewards be maintained. The language that we are going to vote on tonight retains that authority in DCNR. Secondly, we were concerned that the proposed bill would attempt to foist an obligation to lease additional lands in the next fiscal year by setting a \$180 million budgetary requirement that would be transferred to the General Fund. The language that we are considering tonight has deleted that language. As recently as 12 hours ago the Senate was insisting not only on \$60 million being generated this year but that \$180 million be generated next year, and our concern was that that would foist an unreasonable burden on DCNR in requiring additional lands to be leased. That language has now been removed.

Now, the previous speaker, the gentlelady from Montgomery County, mentioned – asserted, I should say – that there is no statutory limitation in this bill on the amount of land that can be leased, and I think the gentleman, Mr. Levdansky, rightly responded by saying that the limitation exists in DCNR's ability to control the leasing. But we cannot forget the fact that language that we voted on just yesterday as an amendment to HB 1407 would have had a limitation on the amount of land to be leased this year and next year, and the gentlelady from Montgomery County voted against that measure. Similarly, many of us supported a gas severance tax in lieu of any leasing in an attempt to help resolve our budget crisis. Again, the gentlelady from Montgomery County voted against that measure.

Mr. Speaker, we have a lot of work before us in order to ensure, long-term, that our State forests are protected. This is only the first step in doing that.

The SPEAKER. The gentleman will yield.

### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentlelady, Representative Harper, rise?

Ms. HARPER. Parliamentary inquiry, Mr. Speaker.

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

Ms. HARPER. The speaker just said that I voted "no" on the Marcellus Shale tax. I do not think that was ever voted in this House.



Mr. SANTARSIERO. Mr. Speaker?

The SPEAKER. The gentleman will yield.

The gentleman, Mr. Santarsiero, may proceed.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

What is important for this chamber right now and what I would like to make clear on the record is that as we vote to concur in HB 1614, and thereby adopt the language that deals with the leasing for this coming fiscal year, we make it clear that our intent to do so is based in part on our expectation that this administration and DCNR will exercise responsible, both environmental and fiscal, stewardship. Environmental in that it will continue to protect sensitive State lands in the process of determining any leasing applications, and fiscal responsibility and stewardship in that DCNR will require that the leasing is done at fair market value and not at bargain basement prices. It is that intent of the legislature, I believe, that we need to make clear as we vote on this measure tonight. But with those two things in mind, the deal that we have and that the Senate has agreed to in this bill enables us to limit the amount of land that will be leased this year, takes away any pressure to lease lands next year, which would have been in the original Senate bill, and enables us to continue to fight to preserve State forest lands on a going-forward basis. So I would dispute the comments that were made earlier about this particular bill opening up lands for further drilling in an irresponsible way.

The last thing I would like to do, Mr. Speaker, is to acknowledge the work that both Representative Levdansky and Representative George have undertaken in getting us to this point in what is the most responsible arrangement that we can come to in limiting the amount of land that will be leased for the purposes of Marcellus Shale drilling. I want to thank them for their work in this regard, and I want to urge all members to vote to concur in HB 1614 for the reasons I just cited.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. Thank you very much, Mr. Speaker; on this Fiscal Code bill.

HB 1614 was originally a bill that amended the Fiscal Code to do a very discreet task. It merely allowed the State Workers' Insurance Fund, otherwise known as SWIF, to invest up to 20 percent of its assets in equities or up to 7.5 percent if the surplus was less than 7.5 percent. It is a particular fund that deals with workers' compensation. Many of us voted for the original HB 1614 because it was very discreet and dealt with how moneys in this fund could be invested. Well, it has been significantly amended with Fiscal Code language that we talked about yesterday on another House bill. This language is, to be short about it, a very strong usurpation of power for a Fiscal Code bill. I think that it is important that the public knows that the amendments to this simple bill now will allow the raiding, the taking of available moneys in certain accounts that were put there by taxpayers and their hard-earned dollars. These accounts had specific purposes and now the moneys are going to be taken from those accounts in full, in full, a raiding of those accounts in addition to the billion-plus tax increase that our caucus voted against.

Let me enumerate the raiding of those accounts. It is going to take \$100 million from the Mcare (Medical Care Availability and Reduction of Error) account, which was designed to help physicians stay in Pennsylvania to practice. It is going to take

\$700 million from the Health Care Provider Retention Account, all in one stroke, which was originally designed to do the same as the Mcare account: to help physicians stay in Pennsylvania. It is taking all of that and putting it into the General Fund to spend. It is going to for the first time take money from the Tobacco Settlement account, which was designed for medical research, health-care research, smoking cessation, smoking prevention. It is going to touch the principal out of that account, which was negotiated by Attorney General Fisher for the benefit of our citizens in a particular area, and it is going to take all \$800 million from the Rainy Day Fund and use it in one singular year as opposed to a 2- or 3-year outlook.

That, Mr. Speaker, is nearing \$2 billion worth of money. I am not even mentioning some other accounts that are smaller, but that is nearing \$2 billion worth of money that is being taken out and being used in a singular year. This in addition to a billion dollar tax increase? Well, Mr. Speaker, we oppose the raiding of all those accounts in a singular year and feel that many of those accounts should have been left alone, like the Mcare account – not to be touched. It is wrong. We think it is wrong, and I want and I must point out why it is being done.

Yes, there is an economic recession, but, Mr. Speaker, if we would have kept spending in this Commonwealth over the last 6 years under this administration to at or beneath the rate of growth, we would have a surplus today despite the recession. This administration has spent too much, it has borrowed too much, and it has previously taxed too much, and now we are facing the piper. Raiding these accounts is not the right answer. Increasing taxes by \$1 billion is not the right answer.

I must say, and I will end on this note, I find it ironic, I find it quite ironic how many of the House Democratic colleagues today have gotten up to take a stand in favor of this Fiscal Code bill without ever addressing the raiding of these accounts, ignoring the raiding of these accounts, and backing an environmental policy that up to a day ago they opposed. It is amazing how far many of the colleagues on the other side of the aisle will go to accommodate this Governor's agenda and what I would contend is a pretty disastrous legacy.

We have been consistent on our side of the aisle. We have said we need to live within our means, we have to tighten our belts, we have to make fiscally responsible, tough decisions, and we have stood firm all the way through. Opposing this Fiscal Code bill is consistent with that position.

Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, who was it who said, that is like putting lipstick on a pig? Oh, yes. It was our Nobel Prize-winning President, I believe, who said that, and he very well could have been talking about the arguments all of you are making tonight to justify your changed position on drilling in our State forests.

Mr. Speaker, as the previous speaker just said, it is amazing that one day we would have solid opposition to that only in order to fulfill the ravenous spending that is required to pass this budget to change one's position so quickly.

And let us not forget, Mr. Speaker, this drilling is not being done to meet the State's energy needs. This is being done for the sole reason to bring revenue into the Commonwealth. That is why this is being done and that is why this is so bad. So now we will have unrestricted pillaging of our State forests, courtesy of the natural gas drillers, and the gentleman from Delaware

County is dead wrong when he sets up the false choice of saying you either have to be for Marcellus Shale tax or you have to be for drilling. Mr. Speaker, you can be against both, and that is what I intend to do.

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Representative Petri. The gentleman waives off.

The Chair recognizes the gentleman from Allegheny County, Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, 3 or 4 weeks ago – and to be honest with you, days and weeks are starting to blur here – but 3 or 4 weeks ago I heard talk of hundreds of thousands of acres of Pennsylvania forests being available to those Texas drillers, and heck, I thought Sarah Palin had come to Pennsylvania and set her designs on our State forests.

In fact, Mr. Speaker, the oil and gas lobby had their sights set on our State forest system. We were about to place private profit – private profit was about to triumph over the public interest of protecting the forest, but a funny thing happened. We were able to put together a good coalition of conservationists from the environment, conservation, and sportsmen's communities—

The SPEAKER. Will the gentleman yield.

### PARLIAMENTARY INQUIRY

The SPEAKER. Is the gentleman, Mr. Pyle, rising for a point of order?

Mr. PYLE. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PYLE. I got confused somewhere in there. Are we still on concurrence?

The SPEAKER. The gentleman, Mr. Levdansky, will keep his remarks to concurrence in Senate amendments to HB 1614.

Mr. PYLE. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

So, Mr. Speaker, we have accomplished some significant things in HB 1614. The language in this bill reflects the following: It eliminated the mandating of DCNR to raise \$180 million in the next fiscal year regardless of the environmental risk and consequence of doing so.

This legislation also reflected our priority that the Oil and Gas Lease Fund, which supports the operation, the maintenance, and the acquisition of State forests and State park land, will not be bifurcated, will not be divided, and its funds will not be redirected for other purposes in the future.

Mr. Speaker, this legislation also enables DCNR to continue to be guided by scientific and sustainable management practices, not some legislative fiscal mandate.

Mr. Speaker, what this legislation also does is it keeps alive the discussion about the severance tax. It is live, it is on the table, and it is priority one of myself and many of my colleagues when we return again back here in session. I believe that if we had passed the gas severance tax, it would have

resulted in us either leasing no or significantly reduced the amount of land needed to raise the \$60 million to subsidize the General Fund in the first place.

Mr. Speaker, we stopped the proposed raid of the State forest dead in its tracks, but the fight to protect the State forest continues.

Mr. Speaker, we expect, without question, that the Governor will be a responsible environmental steward as well as a responsible fiscal steward with regard to the State forest as we move forward. Not only should it be the Governor's first priority to lease the fewest amount of acres possible, but we expect DCNR to lease that acreage to the highest possible bid amounts. There is no need to lease even one additional acre of State forest once the Governor has raised the \$60 million needed to fund this year's budget. With the understanding that the Department of Conservation and Natural Resources and Governor Rendell will use proper discretion, we want to be very clear that we will be watching the actions of the administration as we move forward.

Mr. Speaker, the oil and gas lobby and their drilling compatriots from Texas have protected their financial interest in this process. Now it is our duty to protect the forests for all present and future generations of Pennsylvanians who cherish the best State park and State forest system in the United States.

I urge concurrence with amendments to HB 1614.

### MOTION TO SUSPEND RULES

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware County, who wishes to suspend the rules for the immediate consideration of amendment A04520.

On the question,

Will the House agree to the motion?

The SPEAKER. Under rule 77, the gentleman is entitled to a brief – and that is the rule – a brief description of the underlying amendment.

The gentleman from Delaware is recognized for that purpose, on the suspension of the rules.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, this is the amendment that I offered the other day that would prohibit funding to certain nonprofit organizations. I went down the criteria of who cannot receive that: if they are under indictment for a conviction of State or Federal law or not in compliance with State or Federal lobbying laws and have an indictment or a conviction of a related offense.

Mr. Speaker, some new evidence has come out today that was e-mailed to me that a lot of the DCED grants that were given to ACORN (Association of Community Organizations for Reform Now) were for tax preparations for their volunteer tax preparation work and also for disseminating information about the earned income tax credit. I checked with the Department of Community and—

The SPEAKER. The gentleman, Representative Barrar, that is a good enough description.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—100

Adolph	Farry	Marshall	Quinn
Baker	Fleck	Marsico	Rapp
Barrar	Gabig	Mensch	Reed
Bear	Gabler	Metcalfe	Reese
Benninghoff	Geist	Metzgar	Reichley
Beyer	Gillespie	Micozzie	Roae
Boback	Gingrich	Millard	Rock
Boyd	Godshall	Miller	Rohrer
Bradford	Grell	Milne	Ross
Brooks	Grove	Mirabito	Saylor
Causar	Hanna	Moul	Scavello
Christiana	Harhart	Murt	Schroder
Civera	Harper	Mustio	Smith, M.
Clymer	Harris	O'Brien, D.	Smith, S.
Cox	Helm	O'Neill	Solobay
Creighton	Hennessey	Oberlander	Stern
Dally	Hess	Pallone	Stevenson
Day	Hickernell	Payne	Swanger
Delozier	Houghton	Peifer	Tallman
Denlinger	Hutchinson	Perzel	Taylor, J.
DiGiroloamo	Kauffman	Petri	Taylor, R.
Ellis	Keller, M.K.	Phillips	True
Evans, J.	Knowles	Pickett	Turzai
Everett	Krieger	Pyle	Vulakovich
Fairchild	Major	Quigley	Watson

## NAYS—98

Barbin	Donatucci	Kula	Sabatina
Belfanti	Drucker	Lentz	Sainato
Bishop	Eachus	Levdansky	Samuelson
Boyle	Evans, D.	Longietti	Santarsiero
Brennan	Fabrizio	Maher	Santoni
Briggs	Frankel	Mahoney	Seip
Brown	Freeman	Manderino	Shapiro
Burns	Galloway	Mann	Siptroth
Buxton	George	Markosek	Smith, K.
Caltagirone	Gerber	Matzie	Staback
Carroll	Gergely	McGeehan	Sturla
Casorio	Gibbons	McI. Smith	Thomas
Cohen	Goodman	Melio	Vitali
Conklin	Grucela	Mundy	Wagner
Costa, D.	Haluska	Murphy	Walko
Costa, P.	Harhai	Myers	Wansacz
Cruz	Harkins	O'Brien, M.	Waters
Curry	Hornaman	Oliver	Wheatley
Cutler	Johnson	Parker	White
Daley	Josephs	Pashinski	Williams
Deasy	Keller, W.	Payton	Youngblood
DeLuca	Kessler	Petrarca	Yudichak
DePasquale	Kirkland	Preston	
Dermody	Kortz	Readshaw	McCall,
DeWeese	Kotik	Roebuck	Speaker

## NOT VOTING—0

## EXCUSED—5

Killion	Perry	Sonney	Vereb
Miccarelli			

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

## YEAS—106

Barbin	Drucker	Lentz	Sainato
Belfanti	Eachus	Levdansky	Samuelson
Beyer	Evans, D.	Longietti	Santarsiero
Bishop	Fabrizio	Mahoney	Santoni
Boyle	Frankel	Manderino	Seip
Bradford	Freeman	Mann	Shapiro
Brennan	Galloway	Markosek	Siptroth
Briggs	George	Matzie	Smith, K.
Brown	Gerber	McGeehan	Smith, M.
Burns	Gergely	McI. Smith	Solobay
Buxton	Gibbons	Melio	Staback
Caltagirone	Goodman	Mirabito	Sturla
Carroll	Grucela	Mundy	Taylor, R.
Casorio	Haluska	Murphy	Thomas
Cohen	Hanna	Myers	Vitali
Conklin	Harhai	O'Brien, D.	Wagner
Costa, D.	Harkins	O'Brien, M.	Walko
Costa, P.	Hornaman	Oliver	Wansacz
Cruz	Houghton	Pallone	Waters
Curry	Johnson	Parker	Wheatley
Daley	Josephs	Pashinski	White
Deasy	Keller, W.	Payton	Williams
DeLuca	Kessler	Petrarca	Youngblood
DePasquale	Kirkland	Preston	Yudichak
Dermody	Kortz	Readshaw	
DeWeese	Kotik	Roebuck	McCall,
Donatucci	Kula	Sabatina	Speaker

## NAYS—92

Adolph	Fairchild	Maher	Quigley
Baker	Farry	Major	Quinn
Barrar	Fleck	Marshall	Rapp
Bear	Gabig	Marsico	Reed
Benninghoff	Gabler	Mensch	Reese
Boback	Geist	Metcalfe	Reichley
Boyd	Gillespie	Metzgar	Roae
Brooks	Gingrich	Micozzie	Rock
Causar	Godshall	Millard	Rohrer
Christiana	Grell	Miller	Ross
Civera	Grove	Milne	Saylor
Clymer	Harhart	Moul	Scavello
Cox	Harper	Murt	Schroder
Creighton	Harris	Mustio	Smith, S.
Cutler	Helm	O'Neill	Stern
Dally	Hennessey	Oberlander	Stevenson
Day	Hess	Payne	Swanger
Delozier	Hickernell	Peifer	Tallman
Denlinger	Hutchinson	Perzel	Taylor, J.
DiGiroloamo	Kauffman	Petri	True
Ellis	Keller, M.K.	Phillips	Turzai
Evans, J.	Knowles	Pickett	Vulakovich
Everett	Krieger	Pyle	Watson

## NOT VOTING—0

## EXCUSED—5

Killion	Perry	Sonney	Vereb
Miccarelli			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

### STATEMENT BY MR. DePASQUALE

The SPEAKER. For what purpose does the gentleman from York, Representative DePasquale, rise?

Mr. DePASQUALE. Mr. Speaker, under unanimous consent.

The SPEAKER. The gentleman is recognized under unanimous consent, without objection.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I am sure my son is tortured by watching PCN (Pennsylvania Cable Network) for even a few minutes, but I understand he is watching it now from my wife.

Time flies. Happy 10th birthday, Ben. I love you. Sorry I am not there, but I am on my way home.

I am not singing. That would really sink me in the district.

Ben, Mommy is now wireless, so if you misbehave with the boys until I get there, I will find out.

The SPEAKER. The Chair thanks the gentleman.

### ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus.

Mr. EACHUS. For the information of the members, for the information of the members, please? There will be no Democratic caucus tomorrow, no Appropriations, and no Rules Committee tomorrow. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Any further announcements?

The SPEAKER. The Chair recognizes the gentleman, the minority leader, Representative Smith.

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

Mr. Speaker, would it be possible, just for the benefit of the members, do we have an idea of when we will be adjourning to or what point in time we are coming back to session?

The SPEAKER. We are still negotiating the gaming legislation. As soon as that is negotiated, we will call the members back for a vote on that legislation. We will try to do that ASAP, tonight if need be, but we do not have that information. As soon as we have that information, we will get it out to the members as soon as possible.

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

The SPEAKER. The Chair thanks the gentleman.

### RECESS

The SPEAKER. This House will stand in recess to the call of the Chair.

### AFTER RECESS

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

### SENATE MESSAGE

#### HOUSE AMENDMENTS TO SENATE 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 the Senate amendments to **HB 1614, PN 2799**.

### 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 1416, PN 2772**

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 Aviation Restricted Revenue Account, 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.

#### **HB 1614, PN 2799**

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for method of filing; further providing for the definition of "cigarettes"; providing for the definition of "little cigars"; establishing the independent fiscal office; further providing for notice and publication of lists of property subject to custody and control of the Commonwealth; providing for borrowing for capital facilities and for oil and gas wells; further providing for the State Workers' Insurance Board and for sunset provisions relating to State Workers' Insurance Fund investment authority; providing for

Pennsylvania Gaming Economic Development and Tourism Fund and for Water and Sewer System Assistance Bond Fund; further providing for Department of Corrections, for Department of Education, for Department of Environmental Protection, for Pennsylvania State Police and for Pennsylvania Emergency Management Agency; providing for 2009-2010 budget implementation and for 2009-2010 restrictions on appropriations for funds and accounts; abolishing the Board of Trustees of the Scranton State School for the Deaf; and making related repeals.

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

### **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.

Any further business to come before the House of Representatives?

### **RECESS**

The SPEAKER. This House does stand in recess to the call of the Chair.