

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JANUARY 5, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 1

HOUSE OF REPRESENTATIVES

The House convened at 12 m., e.s.t.

THE SPEAKER (KEITH R. McCALL)
PRESIDING

CALL TO ORDER

The SPEAKER. This being the day and hour set forth in Article II, section 4, of the Constitution of the Commonwealth of Pennsylvania for the meeting of the General Assembly, this House will come to order.

PRAYER

HON. GORDON DENLINGER, member of the House of Representatives, offered the following prayer:

Would you please bow with me in prayer:

Father of all creation, as we come before You on this, the first day of session in a new year and a new decade, we come in prayer mindful of Your faithfulness and goodness to us in times past and in times of challenge and difficulty. Father, thank You for sustaining us through the year just ended and for Your love and goodness to each of us. Thank You for Your blessings in so many areas, in our families and in our communities. Father, while our world changes all around us, sometimes too fast to fathom, Father, we praise You as the God who does not change. Truly, You are the rock of ages and we hold fast to faith in You.

We praise You today as the God of new beginnings – new beginnings for each one, personally and for us collectively as a Commonwealth. And as we begin again today, help us to let go of those hurts and bitter feelings of the past. Help us to live within the spirit of Your forgiveness even as we forgive those who are around us. Father, help us to strive in this new year, to reach out to that one in our midst who is struggling through illness, sorrow, or perhaps a broken spirit. Strengthen us to be ministers of Your grace within our families and to our friends and neighbors and also to strangers and new people we meet along the way.

As we approach the business of the State House today, keep us ever mindful of our dependence on You. Help us to do our work in a spirit of humility and with charity so that when we look back over our time here, we will feel that as William Penn wrote so many years ago, we will have done that thing which is truly right and just. Father, thank You again for the opportunity to serve here.

We offer these, our prayers, in Your most holy name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Thursday, December 17, 2009, will be postponed until printed. The Chair hears no objection.

Members will please report to the floor.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2130 By Representatives SHAPIRO, JOSEPHS, BRIGGS, CARROLL, CREIGHTON, DEASY, DePASQUALE, DeWEESE, FRANKEL, FREEMAN and GIBBONS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for definitions; providing for limitations on contributions; further providing for reporting by candidate and political committees and other persons, for annual reports by political committees and candidates and for late contributions and independent expenditures; and providing for restrictions on contributions by certain contracting parties and for voters' right to disclosure.

Referred to Committee on STATE GOVERNMENT, December 18, 2009.

No. 2134 By Representatives VEREB, HUTCHINSON, SHAPIRO, TURZAI, BEYER, CAUSER, CONKLIN, CREIGHTON, EVERETT, GABLER, KAUFFMAN, MOUL, REED, REICHLEY, SAYLOR, SCHRODER, SONNEY, STEVENSON, TALLMAN, DENLINGER and CHRISTIANA

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Bureau of Toll Administration within the Department of Transportation; providing for the assumption by the Department of Transportation of the functions of the Pennsylvania Turnpike Commission, for assumption by the Commonwealth of the financing functions of the commission, for transfer to the Department of Transportation and State Treasurer of land, buildings, personal property and employees of the commission, for the abolition of the commission and the offices of Turnpike Commissioner; and making an inconsistent repeal of various acts relating to the Pennsylvania Turnpike.

Referred to Committee on TRANSPORTATION, January 5, 2010.

No. 2183 By Representatives CONKLIN, DeWEESE, HOUGHTON, CALTAGIRONE, STABACK, MUNDY, KORTZ, HORNAMAN, GEORGE, YOUNGBLOOD, MURT, GOODMAN and BRADFORD

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for well permits.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 18, 2009.

No. 2184 By Representatives CONKLIN, DeWEESE, HOUGHTON, CALTAGIRONE, STABACK, MUNDY, KORTZ, HORNAMAN, GEORGE, YOUNGBLOOD, MURT, GOODMAN and BRADFORD

An Act amending the act of July 25, 1961 (P.L.825, No.359), known as the Oil and Gas Conservation Law, further providing for drilling permits and for well spacing.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 18, 2009.

No. 2185 By Representatives DeLUCA, BELFANTI, BISHOP, BRADFORD, BRIGGS, CALTAGIRONE, CARROLL, COHEN, D. COSTA, CREIGHTON, DERMODY, DONATUCCI, DRUCKER, GEORGE, GOODMAN, GRUCELA, HARHAI, HARKINS, HORNAMAN, JOSEPHS, W. KELLER, MAHONEY, MANN, MATZIE, MICOZZIE, MILLARD, MILNE, MUNDY, D. O'BRIEN, READSHAW, SANTONI, SIPTROTH, K. SMITH, SOLOBAY, STURLA, R. TAYLOR, VULAKOVICH, WAGNER, WATERS, WHITE, YOUNGBLOOD, YUDICHAK, SWANGER and MANDERINO

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in children's health care, repealing expiration of certain provisions.

Referred to Committee on INSURANCE, December 18, 2009.

No. 2186 By Representatives SCAVELLO, BAKER, D. COSTA, DeLUCA, FRANKEL, GINGRICH, GODSHALL, GOODMAN, HENNESSEY, KNOWLES, KOTIK, LONGIETTI, MILLARD, MURT, OBERLANDER, O'NEILL, ROSS, SIPTROTH, SWANGER, VULAKOVICH, WHEATLEY and YOUNGBLOOD

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, providing for assisted outpatient treatment programs.

Referred to Committee on HEALTH AND HUMAN SERVICES, January 5, 2010.

No. 2188 By Representatives FRANKEL, DeLUCA, MUSTIO, McILVAINE SMITH, BELFANTI, BRADFORD, D. COSTA, GERGELY, HALUSKA, JOSEPHS, KORTZ, MATZIE, MUNDY, PASHINSKI, PAYTON, SIPTROTH, M. SMITH, STABACK and YOUNGBLOOD

An Act amending the act of July 4, 2002 (P.L.699, No.107), known as the Viatical Settlements Act, further providing for definitions, for reporting requirements and confidentiality and for disclosure; providing for disclosure to insurer; further providing for general rules and for prohibited practices; and providing for additional prohibited practices and conflicts of interest.

Referred to Committee on INSURANCE, January 5, 2010.

No. 2189 By Representatives GROVE, QUINN, BAKER, BEAR, BOYD, CARROLL, CLYMER, D. COSTA, CUTLER, GEIST, GINGRICH, GOODMAN, KAUFFMAN, MAHONEY, MOUL, MURT, READSHAW, SIPTROTH, TRUE, WATERS, YOUNGBLOOD and MAJOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of dissemination of prohibited materials by minors via electronic communications.

Referred to Committee on JUDICIARY, January 5, 2010.

No. 2190 By Representatives PICKETT, DiGIROLAMO, FLECK, GEIST, GINGRICH, HENNESSEY, HORNAMAN, MILLER, MURT, SIPTROTH and STEVENSON

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

Referred to Committee on LABOR RELATIONS, January 5, 2010.

No. 2191 By Representatives COHEN, BOBACK, BELFANTI, GEORGE, JOSEPHS, CALTAGIRONE, BEAR, CASORIO, CREIGHTON, EVERETT, GEIST, GOODMAN, HARHAI, HARKINS, HENNESSEY, HORNAMAN, MAHONEY, MIRABITO, MURT, SIPTROTH, K. SMITH, SOLOBAY, VULAKOVICH, WATERS, YOUNGBLOOD and KILLION

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for right to dispose of a decedent's remains.

Referred to Committee on JUDICIARY, January 5, 2010.

No. 2192 By Representatives SOLOBAY, BUXTON, CALTAGIRONE, DEASY, HORNAMAN, SIPTROTH, THOMAS, WHITE and YOUNGBLOOD

An Act amending the act of November 26, 1997 (P.L.508, No.55), known as the Institutions of Purely Public Charity Act, further providing for legislative findings; and providing for the definition of "governing body," for other contributions and for partial property tax exemption.

Referred to Committee on FINANCE, January 5, 2010.

RESIGNATION OF MEMBER

The SPEAKER. The Speaker is in receipt of the following communication, which the clerk will read.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

December 17, 2009

The Honorable Keith McCall
Speaker
PA House of Representatives
139 Main Capitol Building
Harrisburg, PA 17120

Dear Speaker McCall:

I hereby resign from the position of Representative in the General Assembly effective January 3, 2010.

It has been a great honor to serve with you. The people of Pennsylvania should be proud of you because you are a tremendous Speaker.

Thank you.

All the best,
Don Walko

RESIGNATION OF MEMBER

The SPEAKER. The Speaker is in receipt of the following communication, which the clerk will read.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

December 16, 2009

The Honorable Keith McCall, Speaker
Pennsylvania House of Representatives
Room 139, Main Capitol
Harrisburg, PA 17120

Dear Speaker McCall:

This letter is to advise you that I will be resigning my position as a member of the Pennsylvania House of Representatives, representing the 138th Legislative District, upon the taking of my oath as Judge for the Court of Common Pleas, Third Judicial District, on Monday, January 4, 2010. It has been a distinct honor to represent the citizens of the 138th Legislative District for the past 13 years.

I extend my best wishes to you and the other members of this incredible institution as you continue your work on behalf of the people of Pennsylvania.

Very truly yours,
Craig A. Dally
State Representative
138th Legislative District

COMMUNICATIONS

The SPEAKER. The Speaker is in receipt of the following communications, which the clerk will read.

The following communications were read:

A communication dated November 2009 from the Consumer Advocate, providing a copy of the office's annual report for fiscal year 2008-2009.

A communication dated November 19, 2009, from the Secretary of the Department of Public Welfare, providing a copy of the department's 2005 Autism Census Project Final Report.

A communication dated November 23, 2009, from the Pennsylvania Supreme Court, providing a copy of its annual report regarding the Wiretapping and Electronic Surveillance Control Act.

A communication dated November 23, 2009, from the Philadelphia Parking Authority, providing a copy of its fiscal year 2009 audit report.

A communication dated November 25, 2009, from the Department of Environmental Protection, providing a copy of its Small Business Environmental Assistance Report for fiscal year 2008-2009.

A communication dated November 30, 2009, from the Office of Attorney General, providing a copy of the office's report regarding its efforts to protect consumers under the Telemarketer Registration Act.

A communication dated December 10, 2009, from the Judicial Conduct Board, providing a copy of its annual report outlining the activities of the board during calendar year 2008.

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

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Dermody, the majority whip, who requests a leave of absence for: Representative MUNDY from Luzerne County for the week; Representative SABATINA from Philadelphia County for the week; Representative PALLONE from Westmoreland County for the day. Without objection, the leaves will be granted.

The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai, who requests leaves of absence for: Representative MUSTIO from Allegheny County for the day; Representative ROSS from Chester County

for the day; Representative TALLMAN from Adams County for the day; Representative TRUE from Lancaster County for the day; Representative ADOLPH from Delaware County for the week; Representative HICKERNELL from Lancaster County for the week. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—190

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—10

Adolph	Mustio	Ross	Tallman
Hickernell	Pallone	Sabatina	True
Mundy	Perry		

LEAVES ADDED—1

Maher

LEAVES CANCELED—2

Pallone

Ross

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1247, PN 3055 (Amended)

By Rep. OLIVER

An Act establishing a bill of rights for individuals with intellectual and developmental disabilities; and conferring powers and duties on the Department of Public Welfare.

HEALTH AND HUMAN SERVICES.

RESOLUTION REPORTED FROM COMMITTEE

HR 562, PN 2989

By Rep. OLIVER

A Resolution memorializing the Congress of the United States in its health care reform decisions to apply the American Cancer Society's guidelines for breast cancer screening.

HEALTH AND HUMAN SERVICES.

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

SUPPLEMENTAL CALENDAR A

RESOLUTION

Ms. BOBACK called up **HR 562, PN 2989**, entitled:

A Resolution memorializing the Congress of the United States in its health care reform decisions to apply the American Cancer Society's guidelines for breast cancer screening.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentlelady from Luzerne County, Representative Boback. Will the gentlelady yield. The House will come to order. The House will come to order. The House will come to order. The House will come to order.

On the resolution, the Chair recognizes the gentlelady from Luzerne County, Representative Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

In November, the United States Preventive Services Task Force released new recommendations for breast cancer screening that are regressive and detrimental to the health of women. This task force recommended delaying a woman's first mammogram for a decade and suggests that less screening for breast cancer is necessary. Several States, including California and New York, have already begun following these recommendations and have ceased providing mammograms for women under the age of 50 in their State-sponsored breast cancer screening programs for low-income women.

As we speak, Congress is putting the finishing touches on a revolutionary overhaul of our nation's health-care system. As they consider points both fine and broad, it is imperative that we bring to their attention the importance of mammogram screenings for women starting at age 40. Early detection of breast cancer saves lives, and mammograms are the best early detection method available today.

Over the past few weeks, I have spoken to many women who have been touched by breast cancer. Many of them recounted stories of how a mammogram and mammogram screening during their forties found cancer. The early detection of their cancer gave them greater treatment options and greater hope for long-term survival. These brave women shared their experiences with me in anticipation that other women might be spared, if we act now against the task force's suggestions.

That is why I am asking you to join with me in urging Congress to employ the American Cancer Society guidelines for breast cancer screening. These guidelines state that women should start annual mammograms at age 40.

It is easy to use statistics to validate the task force's desire to lower health-care costs, but at what price? The price of even one woman's life is much too high. Women are not statistics. They are our mothers, our sisters, our daughters, our wives, our friends, and they deserve to live without the fear of breast cancer. They must live without the fear that breast cancer will go undetected until it is too late.

Please join me in the fight for women's health. Please vote in support of this resolution.

Thank you. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—190

Baker	Evans, D.	Krieger	Rapp
Barbin	Evans, J.	Kula	Readshaw
Barrar	Everett	Lentz	Reed
Bear	Fabrizio	Levdansky	Reese
Belfanti	Fairchild	Longiatti	Reichley
Benninghoff	Farry	Maher	Roae
Beyer	Fleck	Mahoney	Rock
Bishop	Frankel	Major	Roebuck
Boback	Freeman	Manderino	Rohrer
Boyd	Gabig	Mann	Sainato
Boyle	Gabler	Markosek	Samuelson
Bradford	Galloway	Marshall	Santarsiero
Brennan	Geist	Marsico	Santoni
Briggs	George	Matzie	Saylor

Brooks	Gerber	McGeehan	Scavello
Brown	Gergely	McI. Smith	Schroder
Burns	Gibbons	Melio	Seip
Buxton	Gillespie	Metcalfe	Shapiro
Caltagirone	Gingrich	Metzgar	Siproth
Carroll	Godshall	Miccarelli	Smith, K.
Casorio	Goodman	Micozzie	Smith, M.
Causser	Grell	Millard	Smith, S.
Christiana	Grove	Miller	Solobay
Civera	Grucela	Milne	Sonney
Clymer	Haluska	Mirabito	Staback
Cohen	Hanna	Moul	Stern
Conklin	Harhai	Murphy	Stevenson
Costa, D.	Harhart	Murt	Sturla
Costa, P.	Harkins	Myers	Swanger
Cox	Harper	O'Brien, D.	Taylor, J.
Creighton	Harris	O'Brien, M.	Taylor, R.
Cruz	Helm	O'Neill	Thomas
Curry	Hennessey	Oberlander	Turzai
Cutler	Hess	Oliver	Vereb
Daley	Hornaman	Parker	Vitali
Day	Houghton	Pashinski	Vulakovich
Deasy	Hutchinson	Payne	Wagner
Delozier	Johnson	Payton	Wansacz
DeLuca	Josephs	Peifer	Waters
Denlinger	Kauffman	Perzel	Watson
DePasquale	Keller, M.K.	Petrarca	Wheatley
Dermody	Keller, W.	Petri	White
DeWeese	Kessler	Phillips	Williams
DiGirolamo	Killion	Pickett	Youngblood
Donatucci	Kirkland	Preston	Yudichak
Drucker	Knowles	Pyle	
Eachus	Kortz	Quigley	McCall,
Ellis	Kotik	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Adolph	Mustio	Ross	Tallman
Hickernell	Pallone	Sabatina	True
Mundy	Perry		

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

GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair would like to welcome Matthew and Landy Besson. They are the guests of Mike Sturla. Welcome to the hall of the House. Would the guests please rise. Welcome to the hall of the House.

DEMOCRATIC CAUCUS

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative Cohen, for the purpose of an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am calling an immediate meeting of the House Democratic Caucus. We will have a 1 p.m. Rules Committee meeting in the majority caucus room, and we will be back to the floor at 1:15.

The SPEAKER. The Chair thanks the gentleman.

There will be a Rules Committee meeting at 1 p.m. in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna County, the minority caucus chairwoman, Representative Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican Caucus immediately at the call of the recess. I would ask Republicans to please report to our caucus room. Thank you.

The SPEAKER. The Chair thanks the lady.

Are there any further announcements?

RECESS

The SPEAKER. This House will stand in recess until 1:15 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILL ON CONCURRENCE REREPORTED FROM COMMITTEE

SB 711, PN 1563

By Rep. EACHUS

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, making extensive revisions to provisions on gaming, in the areas of legislative intent, definitions, the Pennsylvania Gaming Control Board, applicability of other statutes, powers of the board, code of conduct, expenses of regulatory agencies, licensed gaming entity application appeals from board, license or permit application hearing process and public hearings, board minutes and records, regulatory authority, collection of fees and fines, slot machine license fee, number of slot machines, reports of board, diversity goals of board, license or permit prohibition, specific authority to suspend slot machine license, Category 2 slot machine license, Category 3 slot machine license, applications for license or permit, slot machine license application, slot machine license application character requirements, supplier licenses, manufacturer licenses, gaming service provider, occupation permit application, alternative manufacturer licensing standards, alternative supplier licensing standards, additional licenses and permits and approval of agreements, license renewals, change in ownership or control of slot machine licensee, nonportability of slot machine license, appointment of trustee, table games, slot machine licensee deposits, gross terminal revenue deductions, itemized budget reporting, establishment of State Gaming Fund and net slot machine revenue distribution, distributions from Pennsylvania Race Horse Development Fund, Pennsylvania Gaming Economic Development and Tourism Fund, transfers from State Gaming Fund, responsibility and authority of Department of Revenue, wagering on credit, eminent domain authority, compulsive and problem gambling program, drug and alcohol treatment, labor hiring preferences, declaration of exemption from Federal laws prohibiting slot machines, financial and employment interests, additional restrictions, political influence, regulation requiring exclusion of certain persons, prosecutorial and adjudicative functions, investigations and enforcement, conduct of public officials and employees, prohibited acts and penalties, report of suspicious transactions, applicability of Clean Indoor Air Act, liquor licenses at licensed

facilities, interception of oral communications, electronic funds transfer terminals, junkets, gaming schools, appropriations and Commonwealth Financing Authority; and making related repeals.

RULES.

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

LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Turzai, the minority whip, who requests a leave of absence for Representative MAHER from Allegheny County for the day. Without objection, the leave will be granted.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 711, PN 1563**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, making extensive revisions to provisions on gaming, in the areas of legislative intent, definitions, the Pennsylvania Gaming Control Board, applicability of other statutes, powers of the board, code of conduct, expenses of regulatory agencies, licensed gaming entity application appeals from board, license or permit application hearing process and public hearings, board minutes and records, regulatory authority, collection of fees and fines, slot machine license fee, number of slot machines, reports of board, diversity goals of board, license or permit prohibition, specific authority to suspend slot machine license, Category 2 slot machine license, Category 3 slot machine license, number of slot machine licenses, applications for license or permit, slot machine license application, slot machine license application character requirements, supplier licenses, manufacturer licenses, gaming service provider, occupation permit application, alternative manufacturer licensing standards, alternative supplier licensing standards, additional licenses and permits and approval of agreements, license renewals, change in ownership or control of slot machine licensee, nonportability of slot machine license, appointment of trustee, table games, slot machine licensee deposits, gross terminal revenue deductions, itemized budget reporting, establishment of State Gaming Fund and net slot machine revenue distribution, distributions from Pennsylvania Race Horse Development Fund, Pennsylvania Gaming Economic Development and Tourism Fund, transfers from State Gaming Fund, responsibility and authority of Department of Revenue, wagering on credit, eminent domain authority, compulsive and problem gambling program, drug and alcohol treatment, labor hiring preferences, declaration of exemption from Federal laws prohibiting slot machines, financial and employment interests, additional restrictions, political influence, regulation requiring exclusion of certain persons, prosecutorial and adjudicative functions, investigations and enforcement, conduct of public officials and employees, prohibited acts and penalties, report of suspicious transactions, applicability of Clean Indoor Air Act, liquor licenses at licensed facilities, interception of oral communications, electronic funds transfer terminals, junkets, gaming schools, appropriations and Commonwealth Financing Authority; and making related repeals.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, is there someone that can stand for brief interrogation?

The SPEAKER. Will the gentleman, Mr. Clymer, yield.

There are a number of amendments that are filed to the bill. The order would be to recognize those members before we recognize you on concurrence. Will the gentleman yield for a moment.

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman from Philadelphia County, Representative O'Brien, does he wish to suspend the rules to offer amendment A05293?

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

Yes, I would like to seek an immediate suspension for consideration of amendment A5293.

The SPEAKER. The gentleman from Philadelphia County, Representative Mike O'Brien, makes a motion that the House do suspend its rules for the immediate consideration of amendment A05293.

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

The SPEAKER. On that question, on the motion to suspend the rules, the Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, can I have order in the chamber, please?

The SPEAKER. The gentleman is correct. The House will come to order. The House will come to order. Members will please take their seats.

On the question of suspension of the rules, the Chair recognizes the gentleman from Luzerne County, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I rise respectfully to oppose the gentleman's amendment from Philadelphia. I have the highest regard for the gentleman. I understand he has a particular concern with this legislation, but I respectfully oppose the motion to suspend.

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Representative O'Brien, Mike O'Brien.

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

Mr. Speaker, this amendment puts back language into the bill that would prohibit an extension of time for licenses to be up and operating. Now, this deals with an awarded license, and if we track this back through the process, it speaks to one license only. It speaks to the Foxwoods license in Philadelphia County and no other. It seems to me that it is reprehensible that the language that is currently in the bill would benefit one licensee who has made minimal attempts to be up and operating in the appointed amount of time.

Now, if we stand here today and if we say we need to get this done, we need to get this done right away, we need to get this done immediately, because we need money, how do we derive revenue by allowing a licensee who has not acted prudently an additional 2 years?

Let us get this done. Let us get revenue flowing. Let us fulfill our budgetary commitments, and I would ask for a "yes."

The SPEAKER. On the question before the House, shall the House suspend the rules for the immediate consideration of amendment A05293?

On that question, those in favor of suspending the rules will vote "aye";— For what purpose does the gentleman from Dauphin County, Representative Payne, rise?

Mr. PAYNE. Thank you, Mr. Speaker.

With all due respect, Mr. Speaker, it is not on the system. We did not get a hard copy in caucus. We have not caucused on this. We do not even know what it is that the gentleman is proposing.

The SPEAKER. The Chair thanks the gentleman.

We are not yet at the substance of the amendment. We are just on the motion to suspend the rules for consideration of the amendment. If the motion passes, we would wait for it to come on the system.

On the question, will the House suspend the rules? On that question, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman will yield.

The motion to suspend is only debatable by the leaders and the maker of the motion.

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

The following roll call was recorded:

YEAS—58

Baker	Fairchild	Major	Petri
Barrar	Farry	Marshall	Phillips
Bear	Fleck	Melio	Pyle
Benninghoff	Gabig	Metcalfe	Quinn
Beyer	Geist	Micozzie	Rapp
Boback	Godshall	Millard	Reese
Boyd	Harper	Miller	Rohrer
Causer	Helm	Murt	Scavello
Clymer	Hennessey	O'Brien, D.	Schroder
Costa, P.	Hess	O'Brien, M.	Sonney
Cox	Hutchinson	O'Neill	Stern
Creighton	Josephs	Oberlander	Taylor, J.
Cruz	Keller, W.	Payne	Thomas
Denlinger	Killion	Perzel	Watson
Everett	Krieger		

NAYS—131

Barbin	Evans, D.	Kula	Roebuck
Belfanti	Evans, J.	Lentz	Sainato
Bishop	Fabrizio	Levdansky	Samuelson
Boyle	Frankel	Longiatti	Santarsiero
Bradford	Freeman	Mahoney	Santoni
Brennan	Gabler	Manderino	Saylor
Briggs	Galloway	Mann	Seip
Brooks	George	Markosek	Shapiro

Brown	Gerber	Marsico	Siptroth
Burns	Gergely	Matzie	Smith, K.
Buxton	Gibbons	McGeehan	Smith, M.
Caltagirone	Gillespie	McI. Smith	Smith, S.
Carroll	Gingrich	Metzgar	Solobay
Casorio	Goodman	Miccarelli	Staback
Christiana	Grell	Milne	Stevenson
Civera	Grove	Mirabito	Sturla
Cohen	Grucela	Moul	Swanger
Conklin	Haluska	Murphy	Taylor, R.
Costa, D.	Hanna	Myers	Turzai
Curry	Harhai	Oliver	Vereb
Cutler	Harhart	Parker	Vitali
Daley	Harkins	Pashinski	Vulakovich
Day	Harris	Payton	Wagner
Deasy	Hornaman	Peifer	Wansacz
DeLozier	Houghton	Petrarca	Waters
DeLuca	Johnson	Pickett	Wheatley
DePasquale	Kauffman	Preston	White
Dermody	Keller, M.K.	Quigley	Williams
DeWeese	Kessler	Readshaw	Youngblood
DiGirolamo	Kirkland	Reed	Yudichak
Donatucci	Knowles	Reichley	
Drucker	Kortz	Roae	McCall,
Eachus	Kotik	Rock	Speaker
Ellis			

NOT VOTING—0

EXCUSED—11

Adolph	Mundy	Perry	Tallman
Hickernell	Mustio	Ross	True
Maher	Pallone	Sabatina	

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 to House amendments?

The SPEAKER. Does the gentleman have any other amendments?

Mr. M. O'BRIEN. Mr. Speaker, having had the benefit in my youth to have sailed on tall ships, I understand a very fundamental truth: You do not spit into the wind. By virtue of that vote, I understand the will of this chamber to move forward. Therefore, I would like to withdraw amendment 5294 and amendment 5295, and I certainly would hope that the conferees view these issues with a positive light.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

It is the Chair's understanding that the gentleman from Philadelphia County, Representative Payton, is withdrawing his amendment. The amendment is withdrawn. The Chair thanks the gentleman.

It is the Chair's understanding the gentleman from Bucks County, Representative Petri, is withdrawing his amendment. The Chair thanks the gentleman.

MOTION TO SUSPEND RULES

The SPEAKER. Does the gentleman, Representative Thomas, from Philadelphia County wish to suspend the rules?

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me first say happy New Year to everyone from both sides of the aisle. I am looking for great things to happen this year, and I want to start out, I want to start out by standing up for the community, and what my amendment does is says that we have taken care of everybody else; now it is time to take care of the community by allowing this 2 percent to be set aside to improve neighborhoods. So on January the 5th, the first day of session of this great year, 2010, I am standing for neighborhoods, and I ask for your support in suspending the rules so we can start out with supporting neighborhoods.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Philadelphia County, Representative Thomas, moves to suspend the rules for immediate consideration of amendment A05302.

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

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

Mr. EACHUS. Thank you, Mr. Speaker.

I respect the gentleman's passion for what he is trying to achieve, but I respectfully oppose the suspension.

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

The following roll call was recorded:

YEAS—27

Benninghoff	Godshall	O'Brien, D.	Schroder
Beyer	Harper	O'Brien, M.	Stern
Costa, P.	Hennessey	Oliver	Taylor, J.
Cruz	Hess	Perzel	Thomas
Donatucci	Josephs	Phillips	Waters
Gabig	Keller, W.	Roebuck	Youngblood
Geist	Murt	Scavello	

NAYS—162

Baker	Eachus	Kotik	Quinn
Barbin	Ellis	Krieger	Rapp
Barrar	Evans, D.	Kula	Readshaw
Bear	Evans, J.	Lentz	Reed
Belfanti	Everett	Levdansky	Reese
Bishop	Fabrizio	Longietti	Reichley
Boback	Fairchild	Mahoney	Roae
Boyd	Farry	Major	Rock
Boyle	Fleck	Manderino	Rohrer
Bradford	Frankel	Mann	Sainato
Brennan	Freeman	Markosek	Samuelson
Briggs	Gabler	Marshall	Santarsiero
Brooks	Galloway	Marsico	Santoni
Brown	George	Matzie	Saylor
Burns	Gerber	McGeehan	Seip
Buxton	Gergely	McI. Smith	Shapiro
Caltagirone	Gibbons	Melio	Siptroth
Carroll	Gillespie	Metcalfe	Smith, K.
Casorio	Gingrich	Metzgar	Smith, M.
Causer	Goodman	Miccarelli	Smith, S.
Christiana	Grell	Micozzie	Solobay
Civera	Grove	Millard	Sonney
Clymer	Grucela	Miller	Staback

Cohen	Haluska	Milne	Stevenson
Conklin	Hanna	Mirabito	Sturla
Costa, D.	Harhai	Moul	Swanger
Cox	Harhart	Murphy	Taylor, R.
Creighton	Harkins	Myers	Turzai
Curry	Harris	O'Neill	Vereb
Cutler	Helm	Oberlander	Vitali
Daley	Hornaman	Parker	Vulakovich
Day	Houghton	Pashinski	Wagner
Deasy	Hutchinson	Payne	Wansacz
Delozier	Johnson	Payton	Watson
DeLuca	Kauffman	Peifer	Wheatley
Denlinger	Keller, M.K.	Petrarca	White
DePasquale	Kessler	Petri	Williams
Dermody	Killion	Pickett	Yudichak
DeWeese	Kirkland	Preston	
DiGirolamo	Knowles	Pyle	McCall,
Drucker	Kortz	Quigley	Speaker

NOT VOTING—0

EXCUSED—11

Adolph	Mundy	Perry	Tallman
Hickernell	Mustio	Ross	True
Maher	Pallone	Sabatina	

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 to House amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Where I left off a few minutes ago, if someone could stand for interrogation?

The SPEAKER. The gentleman from Berks County, Representative Santoni, indicates he will stand for interrogation. The gentleman from Bucks, Representative Clymer, is in order and may proceed.

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

Mr. Speaker, I am going to ask a few questions, and I just need to establish some clarity in SB 711. Certainly, we do not want a repeat of the year 2004 when the bill kept changing language right up to the eleventh hour and what we thought was in the bill was not in the bill, and it was just not a good process. I think the Speaker's Commission on Reform dealt with this very issue to make sure that we all understand exactly what is in the bill when we pass the final vote.

So here is my question, one of my questions: The issue of allowing credit to both the gamblers at the slot machines and at the table games, is that still in the bill?

Mr. SANTONI. Thank you, Mr. Speaker.

The answer to your question is yes. The Senate did allow the ability for people to obtain credit at the casinos.

Mr. CLYMER. Mr. Speaker, one of the issues that we are concerned about is this 30-mile limitation, that no tourist casino can be built within 30 miles of another casino. Has that language been taken out of the bill or is that still in the bill?

Mr. SANTONI. The current version of the bill does not create any additional category 3 licenses.

Mr. CLYMER. Has not created any category 3 licenses, so we still have competition for a second tourist casino license? That second license is still being bid by interested parties. Is that correct?

Mr. SANTONI. Mr. Speaker, under the current bill, the application process will be opened, yes.

Mr. CLYMER. So it is open, but I never got an answer to that 30-mile limitation, so we will have to check that out carefully.

Mr. Speaker, I understand that in this bill you have slot machine competition. I never heard of that. I heard that there is going to be competition for poker games. I assume that is still in the bill, but I am not sure what it is about slot machine competition. Can you shed some light on that issue?

Mr. SANTONI. I am not sure I understand your question, Mr. Speaker. Current law contemplates slot machine tournaments. That is under current law.

Mr. CLYMER. Slot machine tournaments. To your knowledge, have any of these slot machine tournaments been held?

Mr. SANTONI. Mr. Speaker, I am not aware that they have.

Mr. CLYMER. Okay. So we need to check into that, into that issue as well.

Mr. Speaker, one of the issues that we have been debating here is the issue of the 2-percent fee that goes to local municipalities and to counties. Can you explain for all of us exactly what is in this bill as it relates to that 2-percent fee that we thought was going to go for the infrastructure, you know, for roadways and bridges and ambulance and another for police, but now it seems like there are some other caveats involved here as well. An explanation of that 2-percent fee.

Mr. SANTONI. The 2 percent is broken down, Mr. Speaker, as 1 percent to the county and 1 percent to the municipalities in the community where the casinos are located.

Mr. CLYMER. Okay. To be used as they would see fit? They could go to different community projects. Is that correct?

Mr. SANTONI. Mr. Speaker, there is distribution language in the bill that varies by facility.

Mr. CLYMER. All right. Thank you, Mr. Speaker.

Mr. Speaker, one of the issues that we had looked at and received a lot of debate was on local referendums.

The SPEAKER. The gentleman will yield. The House will come to order. The gentlemen are having a difficult time hearing the debate and asking of the questions. The House will come to order.

Mr. CLYMER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will yield. Members will please take their seats.

The gentleman, Mr. Clymer, may proceed.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of discussion on local referendums. There have been amendments back and forth, and I am not exactly clear as to whether or not SB 711 on concurrence provides local municipalities, counties such as Philadelphia County, as an example, to have local referendums when it deals to the legalization of slot machines, allowing slot machines – I am sorry – table games into their communities. Is that local referendum provision in there?

Mr. SANTONI. Thank you, Mr. Speaker.

There are no local referendum provisions per se, but in the process of securing a license, there are provisions and the

Pennsylvania Control Board is required to have public impact meetings and hearings and during that process will get input from the community.

Mr. CLYMER. I was hoping that people would have the choice to make a decision.

Going on to the next concern that I have, and this is an issue that has been raised by members on both sides, but in particular on our side of the aisle, and that deals specifically with the authority by the Attorney General or the State Police to be primary in the investigations of casino applications. I just want to make sure where we are on that bill because there were amendments, there was extensive debate on that issue. So can you tell me, is it the BEI, the Bureau of Enforcement and Investigation, that is still primary in doing the investigations, or has that been changed to allow the Attorney General and/or State Police to be primary investigators?

Mr. SANTONI. Mr. Speaker, the Senate made no changes to the House bill that we passed with regards to that issue.

Mr. CLYMER. And finally, Mr. Speaker, another issue that I wanted to bring up, but I did not have the opportunity on an amendment, however, just to be certain that there has been no change, under the current slot machine bill – no, under the current slot machine legislation, law, the casinos are able to provide free alcohol to the consumer. So have there been any changes to modify that provision in the law that would prohibit the use of free alcohol to those who are gaming in the casinos?

Mr. SANTONI. Mr. Speaker, there have been no changes on that issue.

Mr. CLYMER. Mr. Speaker, that concludes my interrogation, and thanks to the gentleman. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative Turzai, on the question of concurrence in Senate amendments.

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

I want to make it clear not only to our colleagues here, but to the public watching that many, if not all, will vote to nonconcur, a technical term used in this legislature, on the Senate version of expanded gambling. But for many of us on our side of the aisle and some from the other side, the nonconcur vote will be for a different reason than some others. Some want expanded gambling with the taint that this particular draft and other drafts have included and are fighting for the spoils, so they will vote nonconcur because they want a better divvying up of the proceeds. Many of us are opposed to the expanded gambling bill because we think that it does not pass the smell test; it does not have appropriate law enforcement reforms; the proceeds do not fully go to property tax relief.

I want to make it clear, if anybody had ever asked if we were going to do an expanded gambling bill that could pass the smell test, what might it look like? Well, in the first instance – and it goes back to the original slots bill of 2004 – all licenses should have been auctioned. If there are any new licenses, these should be auctioned. Second, all proceeds should have gone to what was promised, every cent, property tax relief.

The SPEAKER. The gentleman will yield.

The gentleman will maintain his remarks to concurrence in the amendments inserted by the Senate only.

Mr. TURZAI. Third, and this version does not have it, full and complete oversight from a law enforcement perspective as has been testified before hearings of this House, all law enforcement should be with the Attorney General and the State

Police, not the Gaming Board. They should be public hearings with complete vetting of the licenses, and they should have been auctioned.

The fact of the matter is, this bill as sent over to us by the Senate, and any of the other versions that we have seen, does not pass the smell test and should be nonconcurrent.

I want to read from an editorial from the Philadelphia Inquirer the day before Christmas, the Philadelphia Inquirer, speaking about this bill, "...the political class in Harrisburg still can't control itself.

"Take the pet projects slipped into the latest effort to expand gambling in Pennsylvania..."

The SPEAKER. The gentleman will yield.

The gentleman, Mr. Turzai, the debate and your remarks should be on the amendments inserted by the Senate and nothing else.

Mr. TURZAI. This is about the Senate version of the bill, and the editorial speaks to the Senate version of the bill, and I am arguing why we should be nonconcurring. That is not afield at all. It specifically addresses the Senate version of the bill, and there is no reason for the public not to know about the Senate version of the bill in this body. It is a Democratic body, and it is up to the public to be able to see exactly what is being voted upon, which is what I am speaking to, period.

The SPEAKER. The Speaker is not going to debate you on that issue. The issue is, you passed the rules in this House, Mr. Turzai, and the rules are that you are to speak on concurrence on the amendments inserted by the Senate—

Mr. TURZAI. And I am speaking on the—

The SPEAKER. And I will grant you that—

Mr. TURZAI. Mr. Speaker, I—

The SPEAKER. The gentleman is out of order. The gentleman is out of order. You are allowed to speak on the amendments inserted in the Senate.

The gentleman may proceed.

Mr. TURZAI. The last two paragraphs: "Take the pet projects slipped into the latest effort to expand gambling in Pennsylvania – Gov. Rendell's special baby come full term.

"Under the proposal, select hospitals, libraries, and medical schools with ties to key lawmakers will get dedicated funding from the casinos. Other hospitals, libraries, and schools in need of funding will have to get better connections in Harrisburg."

And the final quote, Mr. Speaker, which does speak to those amendments: "While the institutions may do good work, a specific organization shouldn't be singled out just because it has a sugar daddy in Harrisburg."

I will speak tomorrow on whatever comes out of conference committee or the date that it does come out of conference committee, but the fact of the matter is, we should vote to nonconcur.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVES OF ABSENCE CANCELED

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

The Chair also recognizes the gentleman, Representative Ross, from Chester County on the House floor. His name will be added to the master roll.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that he has given permission to Mike Kruleski of ABC 27 WHTM-TV to videotape with audio for 10 minutes.

CONSIDERATION OF SB 711 CONTINUED

The SPEAKER. On the question before the House, those voting to concur in amendments inserted by the Senate— The Chair recognizes, on the question, the Chair recognizes the gentleman from Butler County, Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I think it should not go unnoticed that we are here in an unprecedented fashion, the first week of January, to debate the expansion of gambling in Pennsylvania, in particular, the SB 711 as amended by the Senate. But, Mr. Speaker, as amended by the Senate, this bill contains a variety of very specific funding streams that really could be termed to be WAMs (walking-around moneys) in a new fashion.

Mr. Speaker, I would hope that as we nonconcur with this bill that deserves to be nonconcurrent with for many reasons, which I think both sides of the aisle, the majority on both sides, will be nonconcurring for different reasons, but one of the main reasons that this should be nonconcurrent with is because as the Senate amended this bill, it still allowed for, and I am sure improved upon, the number of funding streams that are going to various legislative districts around this State, whether Senatorial districts or House districts.

Mr. Speaker, the public has been calling for an end to business as usual in Harrisburg. This legislation as amended by the Senate is just a continuation of business as usual in Harrisburg. To allow for funding streams that are in a sense going to be permanent WAMs for various legislators should really send a very clear message across the State that the majority of this body, by advancing this in an unprecedented fashion the first week of January, has not heard the electorate.

This legislation is, in a sense, providing bonuses for legislators by making sure that they have political capital in the future through these sorts of WAM funding streams, Mr. Speaker, as amended by the Senate. Mr. Speaker, SB 711 should be nonconcurrent with, but the rumor is in the hall that if you are a mouse in the corner of the cafeteria and had heard those rumors, that there is already a conference committee report of sorts that has been in the works while we have not been in Harrisburg over the holidays, and that many expect to see a rapidly advanced amendment into this legislation in conference committee with all of the behind-closed-doors negotiations that have been going on while people have been enjoying their families and breaking in the new year and not talking about the Senate-amended version of SB 711, because I think the Senate-amended version of SB 711 was the last thing on the minds of most Pennsylvanians. They did not realize that the Speaker would call us in for an unprecedented session the first week of January to advance the expansion of gambling that allows for these permanent funding streams, or these permanent WAMs, Mr. Speaker.

Mr. Speaker, for any legislator in this body that has run on a platform of integrity, they should nonconcur with this legislation, and if it contains the WAM funding streams in the soon to be seen amended version of this out of conference

committee, any legislator with integrity should say "no" to continuing business as usual in Harrisburg through WAMs.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia County, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to, one, make sure that the record is clear, Representative W. Curtis Thomas does not have any WAMs in SB 711. I wish, given the rise in unemployment, given the mortgage foreclosures, given the health-care crisis facing many of my constituents and facing people all across Pennsylvania, I wish that we could point to a WAM or something in here that would help with that situation, but be as it may. Mr. Speaker, 101 days following our statutory obligation to pass a budget, we passed a budget. When we passed that budget, we said that the Temple Universities, the Lincoln Universities, the Penn States, and the University of Pittsburgh, that they needed additional help, that their financial circumstances and the circumstances of the economy in the Commonwealth of Pennsylvania—

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

Mr. Thomas, the question before the House is the amendments inserted to SB 711 by the Senate, nothing else. That is what is before the House, to either concur or nonconcur in those amendments that were inserted by the Senate.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, the Senate amendments address funding opportunities for universities who are going to have to raise tuition to a level that prevents a whole bunch of people from being able to gain access to a college education. Mr. Speaker, the other parts of the budget, unfortunately, can be cleaned through the Senate amendments and the Senate's response to the bill that we sent.

I do not like the issue of nonconurrence and going to a conference committee, but I am hoping, as I said earlier, I think that 2010 is going to be a great year. So I am hoping the Senate amendments deal with the issue of support for neighborhoods with 2 percent of the county share from table games. The Senate amendment states very specifically that impacted neighborhoods and other neighborhoods would benefit from and should benefit from this 2-percent county share. So, Mr. Speaker, when you look at the amendments, the amendments give some, take some, and I guess we are in one of those situations where you have to do like the old folks used to say, you have to shake it up, and if more good than bad comes out, you have to support it; if more bad than good comes out, reject it out of hand.

So, Mr. Speaker, I am hoping that no matter what we do, that at the end of the day, we get the money that Penn, Temple, Lincoln, University of Pittsburgh need to prevent these tuition increase letters from going out. I am hoping that we create jobs. I am hoping that we set aside that 2-percent county share for neighborhoods in a way that is going to improve our neighborhoods, especially those neighborhoods that will be directly impacted by what we do in SB 711.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House 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—2

O'Brien, M. Payton

NAYS—189

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

NOT VOTING—0

EXCUSED—9

- | | | | |
|------------|--------|----------|---------|
| Adolph | Mundy | Perry | Tallman |
| Hickernell | Mustio | Sabatina | True |
| Maher | | | |

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments to House amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR

RESOLUTION

Mr. EACHUS called up HR 380, PN 2300, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study and to issue a report on the status of and any disparities found in dental care for Pennsylvanians with disabilities.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 380 be removed from the active calendar and placed on the tabled bill calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 380 be removed from the tabled bill calendar and placed on the active calendar.

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

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes Ramon Melecio, president and CEO (chief executive officer) of LinkTech Inc.; Jonathan Ramos, community public safety activist and VP (vice president) of Logistics Management Consultants, Inc.; and Nydia Assaf and Ramon Melecio, Sr. They are the guests of Representative Curtis Thomas. Will the guests please rise. Welcome to the hall of the House.

STATEMENT BY MR. THOMAS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative Thomas, under unanimous consent. Without objection, unanimous consent is granted.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me thank you and all the members of this stellar body for acknowledging this outstanding small business entitled LinkTech Inc. LinkTech Inc., and, Mr. Speaker, we all know that over 60 percent of the jobs in Pennsylvania and throughout this great country come from our small businesses, and some of our small businesses have been acknowledged by national agencies for their productivity, for their cost-effectiveness, and for their contribution to our State and to the country, and so with us this afternoon is LinkTech.

LinkTech Inc. is a cable system provider established in 1968 by Mr. Ramon J. Melecio, Jr. I am glad that his father is here and Miss Assaf and other partners of LinkTech. LinkTech received the 2009 best of business practice award for their contributions in voice, data, fiber optic, wireless systems, and security camera cabling.

Mr. Speaker, I can wait.

The SPEAKER. The House will come to order.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. THOMAS. So, Mr. Speaker, Mr. Melecio, Jr., the founder of LinkTech Inc., and his partners have been acknowledged with the 2009 Best of Business Award by the Small Business Administration. Mr. Melecio is a member of the Greater Reading Chamber of Commerce, the Latino Chamber of Commerce, and the Berks County United Way. Mr. Melecio and his partners are making a real contribution to the economic stability of this great State, and I thank each and every one of you for joining me and giving them a Pennsylvania House of Representatives applause. Let us give them a Pennsylvania House of Representatives applause. Please stand, LinkTech Inc.

In closing, I would like to ask Representative Caltagirone and Representative Cruz, along with Representative Dante Santoni, if they would join me in the back, because even though LinkTech is a visible small business entity in Philadelphia County, they represent Berks County, and we are representative of the counties in the Commonwealth of Pennsylvania. So I would like to ask those Reps if they would join me in the back.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

GUEST INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes Jordan Zabo, who is an intern in Representative Turzai's district office. He is a guest of Representative Turzai. Will the guest please rise. Welcome to the hall of the House.

STATEMENT BY MR. CIVERA

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Civera, under unanimous consent. Without objection, unanimous consent is granted.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to rise today and thank each and every member of this chamber for all your letters, sympathy cards on the passing of my brother. I have been here a long, long time, and I have watched this debate back and forth on the House floor have different opinions, but when things like this happen to your family, everybody comes together in this chamber. And on behalf of my Civera family and everybody, we would just like to extend our thank you for all your kind letters and your cards, and I really appreciate it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, majority caucus chairman, Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a House Democratic Caucus at 2:30 p.m., 2:30 p.m., House Democratic Caucus. We urge all members to attend.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MS. MAJOR

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

Ms. MAJOR. Thank you, Mr. Speaker.

At this time I would like to advise our Republican members that we are not intending to call caucus this afternoon, but I would certainly ask them to watch their e-mails in case that does change.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Are there any other 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.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **SB 711, PN 1563**, and has appointed Senators PILEGGI, EARLL, and FONTANA to a committee of conference on behalf of the Senate to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

The SPEAKER. The Chair recognizes Representative Eachus, who moves that the House insist upon its nonconcurrency in amendments made by SB 711 and that a committee of conference on the part of the House be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 711, PN 1563:

The gentleman, Representative EACHUS; the gentleman, Representative SANTONI; and the gentleman, Representative SCHRODER.

Ordered, That the clerk inform the Senate accordingly.

CONFERENCE COMMITTEE MEETING

The SPEAKER. For the information of the members, the conference committee will meet at 4 p.m. in room 461 in the Main Capitol Building. The conference committee will meet at 4 p.m., room 461, Main Capitol Building.

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

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