

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, SEPTEMBER 28, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 54

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Rev. Kelly Wiant. She is the guest of Representative Ron Buxton.

REV. KELLY WIANT, Guest Chaplain of the House of Representatives, offered the following prayer:

I have brought my daily prayer by the retired pastor Ted Loder:

Empower me
to be a bold participant,
rather than a timid saint in waiting,
in the difficult ordinariness of now;
to exercise the authority of honesty;
rather than to defer to power,
or deceive to get it;
to influence someone for justice,
rather than impress anyone for gain;
and, by grace, to find treasures
of joy, of friendship, of peace
bidden in the fields of the daily
you give me to plow.

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 Monday, September 27, 2010, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 382 By Representatives BOYD, BENNINGHOFF, CALTAGIRONE, CLYMER, CREIGHTON, CUTLER, EVERETT, GINGRICH, HARPER, HENNESSEY, HICKERNELL, KAUFFMAN, MILLER, MOUL, MUSTIO, REICHLEY, SWANGER and TALLMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employes, further providing for causes for suspension and for persons to be suspended.

Referred to Committee on EDUCATION, September 28, 2010.

No. 1400 By Representatives EVERETT, PICKETT, BAKER, COHEN, CONKLIN, FLECK, GEIST, GINGRICH, KAUFFMAN, MURT, REICHLEY, SIPTROTH, SONNEY, STEVENSON, SWANGER and CALTAGIRONE

An Act amending the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose."

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, September 28, 2010.

No. 2701 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, abolishing the office of Lieutenant Governor.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2702 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for definitions relating to financial and employment interests.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2703 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of November 30, 2004 (P.L.1596, No.203), known as the Capitol Centennial Commission Act, further providing for members of the Capitol Centennial Commission.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2704 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Lieutenant Governor, for Board of Pardons and for grounds, buildings and monuments in general; and making a repeal.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2705 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for compensation of State officers.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2706 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act repealing the act of December 30, 1974 (P.L.1072, No.347), entitled "An act establishing procedure for determining the disability of the Governor and Lieutenant Governor."

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2707 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of November 13, 1995 (P.L.604, No.61), known as the State Fire Commissioner Act, further providing for State Fire Commissioners.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2708 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of July 11, 1917 (P.L.775, No.291), entitled "An act authorizing the borrowing of money by the State for the purpose of repelling invasions, suppressing insurrections, and defending the State in war; designating the persons authorized to expend the money so borrowed; prescribing the manner in which such money may be drawn from the State Treasury; and making certain appropriations," further providing for the power to expend money.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2709 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of December 19, 1986 (P.L.1743, No.212), entitled "An act prohibiting the use of certain buildings for political fundraising events; and providing a penalty," further providing for the use of the Lieutenant Governor's Mansion.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2710 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of December 18, 1992 (P.L.1670, No.185), entitled "An act authorizing the Department of General Services, with the approval of the Governor, to sell and convey certain tracts of land situate in the City of Erie, Erie County; providing for the conveyance of Wolverine Memorial Park in Erie to the Erie-Western Pennsylvania Port Authority; authorizing the conveyance of a tract of land in Berks County to Valley View Mobile Home Park; authorizing and directing the Department of General Services to accept the conveyance to the Commonwealth of a parcel of land situate in the Township of Honeybrook, County of Chester and Township of Salisbury, County of Lancaster; authorizing the Department of General Services to sell said parcel of land with a contiguous parcel of land previously approved for sale pursuant to the Surplus Property Disposition Plan of 1985, approved by the Legislature, in accordance with Article XXIV-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929; authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to convey a tract of land in Upper Augusta Township, Northumberland County, to the Northumberland County Historical Society; authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America; authorizing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to sell and convey to The Pennsylvania State University a tract of land and the buildings erected thereon in Ferguson Township, Centre County, Pennsylvania; authorizing the Pennsylvania Historical and Museum Commission to accept a gift of certain real property situate in the Township of Solebury, Bucks County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey real property in Union Township, Bedford County; authorizing and directing the Department of Transportation, with the approval of the Governor, to grant and convey land situate in the City of Pittsburgh, Allegheny County, to the Urban Redevelopment Authority of the City of Pittsburgh; authorizing and directing the Department of General Services, with the approval of the Governor and

the Secretary of Public Welfare, to convey to the North Warren Municipal Authority, land situate partially in the Township of Conewango and partially in the Borough of North Warren, Warren County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Hartley Township a tract of land situate in Hartley Township, Union County, Pennsylvania; and making repeals," further providing for fixing salaries.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2711 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of November 24, 1992 (P.L.732, No.111), known as the Pennsylvania Quality Improvement Act, further providing for the Pennsylvania Quality Leadership Awards Council.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2712 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedure for murder of the first degree.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2713 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, further providing for the transfer of administrative functions of the Board of Pardons to the Lieutenant Governor.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2714 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, further providing for definitions relating to visitation.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2715 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of July 2, 1984 (P.L.555, No.111), known as the Small Business Incubators Act, further providing for definitions.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2716 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2717 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for definitions relating to ethics standards and financial disclosure.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2718 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for mandatory and optional membership.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2719 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, further providing for the establishment of the Center for Local Government Services, for the Local Government Advisory Committee, for quorum and meetings and for compensation and expenses.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2720 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for executive officers, for the Board of Pardons, for preparation of budget, for the Lieutenant Governor, for grounds in general and for exemption of certain conveyances.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2721 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of June 20, 1891 (P.L.371, No.296), entitled "An act making an appropriation for the erection of a home for the training in speech of deaf children before they are of school age," further providing for commissioners to select suitable place for location of home.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2722 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2723 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of June 26, 1985 (P.L.69, No.26), referred to as the United States Constitution Bicentennial Act, further providing for the composition of the commission.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2724 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending the act of January 14, 1952 (1951 P.L.2078, No.582), entitled "An act prescribing the persons who may administer the oath of office to the Governor and the Lieutenant-Governor," further providing for the administration of the oath of office to the Lieutenant Governor elect.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2725 By Representatives GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER, GODSHALL, HAHN, HARRIS, KAUFFMAN and SWANGER

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for the composition of the Pennsylvania Emergency Management Council.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2763 By Representatives BOYLE, BAKER, BELFANTI, BEYER, CALTAGIRONE, CONKLIN, CUTLER, DONATUCCI, FABRIZIO, GEIST, GODSHALL, GOODMAN, KORTZ, LONGIETTI, MIRABITO, READSHAW, SCHRODER, SIPTROTH, STERN and SWANGER

An Act providing for access to professional sports broadcasts.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2764 By Representatives BOYLE, CALTAGIRONE and FABRIZIO

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for applicability of local ordinances, regulations and building codes to condominiums and planned communities.

Referred to Committee on URBAN AFFAIRS, September 28, 2010.

No. 2765 By Representative JOSEPHS

An Act repealing the act of July 19, 1951 (P.L.1134, No.250), entitled "An act authorizing deductions from the wages or salary or any Commonwealth employee for the purchase of United States Savings Bonds."

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2766 By Representatives GROVE, BOYD, BROOKS, CREIGHTON, GABLER, GINGRICH, KAUFFMAN, PYLE, SCHRODER, SONNEY and SWANGER

An Act establishing an economic forum for the forecasting of State revenue; and providing for its powers and duties.

Referred to Committee on APPROPRIATIONS, September 28, 2010.

No. 2767 By Representatives GROVE, MILLER, MOUL, CLYMER, CREIGHTON, GABLER, GINGRICH, HENNESSEY, KAUFFMAN, MURT, PICKETT, PYLE, REICHLEY, ROCK, SIPTROTH, STERN, SWANGER and WATSON

An Act amending the act of August 4, 1959 (P.L.587, No.195), entitled, as amended, "An act creating and establishing the Legislative Budget and Finance Committee; providing for its membership; prescribing its powers, functions and duties; providing for the appointment of an executive director and other personnel, and making an appropriation," further providing for title of act; adding definitions; changing the name of the committee; further providing for powers and duties of committee; providing for funding of committee and for expiration of audit powers; and making editorial changes.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2768 By Representatives GROVE, CLYMER, CREIGHTON, DENLINGER, GABLER, HARRIS, KAUFFMAN, MURT, PYLE, ROCK, STERN, SWANGER and GINGRICH

An Act establishing the Council on Efficient Government; and providing for its powers and duties and for business cases to outsource.

Referred to Committee on STATE GOVERNMENT, September 28, 2010.

No. 2769 By Representatives PERZEL, BOYD, CASORIO, FARRY, GEIST, GINGRICH, GODSHALL, HARKINS, HELM, KILLION, MURT, PAYNE, PEIFER, PHILLIPS, REICHLEY, SCAVELLO, SEIP and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, September 28, 2010.

The SPEAKER. Members, please report to the floor.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 105, PN 98; HB 106, PN 99; HB 107, PN 100; and HB 181, PN 1851**, with information that the Senate has passed the same without amendment.

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 105, PN 98

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, further providing for penalty for false personification.

HB 106, PN 99

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, further providing for penalty for false personification.

HB 107, PN 100

An Act repealing the act of June 1, 1915 (P.L.708, No.326), entitled "An act to prevent the wearing of the badge of the Bureau of Police, in cities of the first class, by unauthorized persons, and providing a penalty therefor."

HB 181, PN 1851

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of enforcement officers and for resisting or interfering with an officer.

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

GUESTS INTRODUCED

The SPEAKER. We have a number of visitors joining us today in the House of Representatives.

To the left of the Speaker, the Chair welcomes S. Sgt. Daryl Kennedy, who has served in the Army for 13 years, the last

10 of which have been with the Pennsylvania National Guard. He was awarded the Purple Heart after receiving injuries during his tour in Tarmiyah, Iraq. He is accompanied today by his wife, Carly. He is the guest of Representative Hahn and Representative Grucela. Staff Sergeant, please rise.

Also to the left of the Speaker, the Chair would like to welcome some personal friends of the Chair – Joan and Stephen Agostinelli from Palmerton. Joan's father was a former Insurance Commissioner back in the thirties and forties and a United States Congressman. Welcome to the floor of the House.

In the balcony, Harry and Sharon Bush from Jeannette. They are the guests of Representative Casorio. Will the guests please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Michael Lynch from Representative John Bear's district office in Lititz. He is the guest of Representative John Bear. Welcome to the hall of the House.

In the balcony, the Chair would like to welcome the Korean War Veterans Chapter 178 of York, Pennsylvania. There are a number of them in the balcony. They are the guests of the entire York County delegation. Will the veterans please rise. Welcome to the hall of the House.

In the well of the House, serving as a guest page today, Josh Reisinger, a senior at West Perry High School. He is the guest of Representative Mark Keller. Welcome to the hall of the House, Josh.

Also serving as a guest page today, the Chair would like to welcome Madison Pontz and Gabrielle Dannehl, sophomores at Lancaster County Day School. They are the guests of Representative Katie True and Representative Mike Sturla. Will the guest pages please rise. Welcome to the hall of the House.

In the balcony, the Chair would like to welcome Judy Sheaffer, who is the guest of Representative Ron Marsico. Will the guest please rise. Welcome to the hall of the House.

Also in the balcony, the Chair would like to welcome Aaron Pittman, a junior at the University of Pittsburgh and an intern in Representative Mustio's district office. Will the guest please rise. He is the guest of Representative Mustio. Welcome to the hall of the House.

Also in the balcony, the Chair would like to welcome Deana Shick, an intern this fall and junior at Duquesne University, majoring in political science and international relations. She is the guest of Representative Matthew Smith. Will the guest please rise. Welcome to the hall of the House.

LEAVES OF ABSENCE

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

The Chair recognizes the minority whip, Representative Turzai, who indicates there are no leaves of absence.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Oliver	Parker	Swanger	Thomas
--------	--------	---------	--------

LEAVES ADDED—2

Gerber	O'Brien, D.
--------	-------------

LEAVES CANCELED—2

Gerber	Thomas
--------	--------

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

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

HB 178, PN 177 By Rep. LEVDANSKY

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for exemptions from registration.

FINANCE.

HB 873, PN 4371 (Amended) By Rep. LEVDANSKY

An Act providing for a freeze on real estate taxes for senior citizens.

FINANCE.

HB 1428, PN 4372 (Amended) By Rep. LEVDANSKY

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for Public School Employees' Retirement Board.

FINANCE.

HB 2164, PN 3010 By Rep. LEVDANSKY

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

FINANCE.

HB 2255, PN 3221 By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for expert testimony in certain criminal proceedings.

JUDICIARY.

HB 2324, PN 3349 By Rep. LEVDANSKY

An Act amending the act of July 3, 1947 (P.L.1242, No.507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for credit for military service.

FINANCE.

HB 2325, PN 3350 By Rep. LEVDANSKY

An Act amending the act of September 23, 1959 (P.L.970, No.400), referred to as the Second Class A City Employee Pension Law, further providing for credit for military service.

FINANCE.

HB 2656, PN 4114 By Rep. LEVDANSKY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for definitions, for excluded transactions and for acquired company.

FINANCE.

HB 2741, PN 4255

By Rep. CALTAGIRONE

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the Municipal Police Officers' Education and Training Commission.

JUDICIARY.

SB 53, PN 2228 (Amended)

By Rep. CALTAGIRONE

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in intestate succession, further providing for forfeiture; in wills, further providing for modification of wills; providing for formula clauses for Federal tax purposes; in grant of letters, further providing for advertisement of grant of letters; in administration and personal representatives, further providing for duty of personal representative; in apportionment of death taxes, further providing for enforcement of contribution or exoneration of Federal estate tax; in powers of attorney, further providing for implementation of power of attorney; in estates, further providing for applicability of rule against perpetuities and for modification of conveyance by divorce and for effect of divorce on designation of beneficiaries; in trusts, further providing for notice of representation, for creditor's claim against settlor, for actions contesting validity of revocable trusts, for claims and distribution after settlor's death, for removal of trustee, for trustee's duty to inform and report, for illustrative powers of trustee and for limitation of action against trustee; in principal and income, further providing for power to convert to unitrust and for retirement benefits, individual retirement accounts, deferred compensation, annuities and similar payments; and making conforming amendments.

JUDICIARY.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. STABACK called up **HR 951, PN 4316**, entitled:

A Resolution recognizing September 28, 2010, as "National Hunting and Fishing Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lackawanna County, Representative Staback. The gentleman will yield.

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

The gentleman, Mr. Staback, is recognized.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HR 951. This measure recognizes "National Hunting and Fishing Day" in Pennsylvania.

For countless Pennsylvanians, hunting and fishing are a way of life. They are more than activities; they are ways to connect with the outdoors and to carry on traditions that are generations old. This resolution gives proper recognition of hunting and fishing in Pennsylvania.

All of us represent a population of anglers and hunters, and no matter where we come from, every corner of our State has outdoorsmen and women who take to the woods, fields, and streams of our Commonwealth, enjoying the natural resources in the pursuit of the wildlife that is found there. This resolution

is in large part for those residents who know of the unmatched importance of hunting and fishing to our State's economy, its tourism industry, and its way of life.

With that all in mind, Mr. Speaker, I ask for the support of the members for this resolution and for the recognition of "National Hunting and Fishing Day" in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, the majority whip, Representative Dermody, who requests a leave of absence for the gentleman from Montgomery County, Representative GERBER, for the day. Without objection, the leave is granted.

CONSIDERATION OF HR 951 CONTINUED

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

The following roll call was recorded:

YEAS—197

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

Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Ravenstahl	Speaker
Evans, J.	Lentz	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—5

Gerber	Parker	Swanger	Thomas
Oliver			

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

* * *

Mr. PYLE called up **HR 959, PN 4326**, entitled:

A Resolution designating September 28, 2010, as "Addiction Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

DeLozier	Josephs	Perry	Wagner
DeLuca	Kauffman	Perzel	Wansacz
Denlinger	Keller, M.K.	Petrarca	Waters
DePasquale	Keller, W.	Petri	Watson
Dermody	Kessler	Phillips	Wheatley
DeWeese	Killion	Pickett	White
DiGirolamo	Kirkland	Preston	Williams
Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Ravenstahl	Speaker
Evans, J.	Lentz	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—5

Gerber	Parker	Swanger	Thomas
Oliver			

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2461, PN 4019**, entitled:

An Act designating State Route 462 from its intersection with U.S. Route 30 in West Manchester Township, York County, to the point where it meets State Route 24 in Springettsbury Township, York County, as the Korean War Veterans Memorial Highway.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Adolph	Everett	Levdansky	Reed
Baker	Fabrizio	Longietti	Reese
Barbin	Fairchild	Maher	Reichley
Barrar	Farry	Mahoney	Roae
Bear	Fleck	Major	Rock
Belfanti	Frankel	Manderino	Roebuck
Benninghoff	Freeman	Mann	Rohrer
Beyer	Gabig	Markosek	Ross
Bishop	Gabler	Marshall	Sabatina
Boback	Galloway	Marsico	Sainato
Boyd	Geist	Matzie	Samuelson
Boyle	George	McGeehan	Santarsiero
Bradford	Gergely	McI. Smith	Santoni

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Gerber	Parker	Swanger	Thomas
Oliver			

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

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

STATEMENT BY MR. SAYLOR

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

Mr. SAYLOR. Mr. Speaker, I would like to thank you and everybody who has helped us pass this today. All of us here in the House appreciate our veterans who have served us over the many years.

The SPEAKER. Will the gentleman yield. The gentleman will yield.

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

The Chair recognizes the gentleman from York County, Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

Again, I would like to thank you and everybody else for their assistance today in passing the Korean War Veterans Highway for York County. All of us in this House appreciate what our veterans of all the many wars did to protect our freedoms and our ability to assemble here today, and I am very honored also to have 30 of our Korean war veterans from York County sitting in the gallery. So, Mr. Speaker, thank you very much for the passage of this legislation.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1750, PN 3441**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for insurance fraud; consolidating Article XI of The Insurance Department Act of 1921, further providing for purpose, for definitions, for Insurance Fraud Prevention Trust Fund, for powers and duties and for duties of insurance licensees and their employees; and making a repeal.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Gerber	Parker	Swanger	Thomas
Oliver			

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

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

* * *

The House proceeded to third consideration of **HB 2044, PN 2812**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for private actions.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-197

Adolph	Everett	Levdansky	Reed
Baker	Fabrizio	Longiatti	Reese
Barbin	Fairchild	Maher	Reichley

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Gerber	Parker	Swanger	Thomas
Oliver			

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

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

* * *

The House proceeded to third consideration of **HB 2439, PN 3603**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for person with disability plate and placard.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Gerber
Oliver

Parker

Swanger

Thomas

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

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

* * *

The House proceeded to third consideration of **HB 2604, PN 3974**, entitled:

An Act designating State Route 18 in Big Beaver Borough, Beaver County, as the "Vietnam Veterans of America Memorial Highway."

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

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

Cruz	Hess	Oberlander	Toepel
Curry	Hickernell	Pallone	True
Cutler	Hornaman	Pashinski	Turzai
Daley	Houghton	Payne	Vereb
Day	Hutchinson	Payton	Vitali
Deasy	Johnson	Peifer	Vulakovich
Delozier	Josephs	Perry	Wagner
DeLuca	Kauffman	Perzel	Wansacz
Denlinger	Keller, M.K.	Petrarca	Waters
DePasquale	Keller, W.	Petri	Watson
Dermody	Kessler	Phillips	Wheatley
DeWeese	Killion	Pickett	White
DiGirolamo	Kirkland	Preston	Williams
Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Ravenstahl	Speaker
Evans, J.	Lentz	Readshaw	

NAYS-0

NOT VOTING-0

EXCUSED-5

Gerber	Parker	Swanger	Thomas
Oliver			

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

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

* * *

The House proceeded to third consideration of **SB 699, PN 1888**, entitled:

An Act providing for protection of abused, neglected, exploited or abandoned adults; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of adults; providing for protective services; and prescribing penalties.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-196

Adolph	Everett	Longietti	Reed
Baker	Fabrizio	Maher	Reese
Barbin	Fairchild	Mahoney	Reichley
Barrar	Farry	Major	Roe
Bear	Fleck	Manderino	Rock

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

NAYS-1

Grucela

NOT VOTING-0

EXCUSED-5

Gerber	Parker	Swanger	Thomas
Oliver			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **SB 1169, PN 2181**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs, for Commonwealth portion of fines, etc., for place of detention, for

sentencing generally and for collection of restitution, reparation, fees, costs, fines and penalties.

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS—196

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

NAYS—1

Grucela

NOT VOTING—0

EXCUSED—5

Gerber
Oliver

Parker

Swanger

Thomas

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1327, PN 1900**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS—131

Adolph	Fairchild	Maier	Ross
Barbin	Frankel	Mahoney	Sabatina
Barrar	Freeman	Manderino	Sainato
Belfanti	Galloway	Mann	Samuelson
Beyer	Geist	Markosek	Santarsiero
Bishop	George	Marshall	Santoni
Boyle	Gergely	Matzie	Seip
Bradford	Gibbons	McGeehan	Shapiro
Brennan	Gillespie	McI. Smith	Siptroth
Briggs	Goodman	Melio	Smith, K.
Brown	Haluska	Micozzie	Smith, M.
Burns	Hanna	Milne	Smith, S.
Buxton	Harhai	Mirabito	Solobay
Caltagirone	Harkins	Mundy	Staback
Carroll	Harper	Murphy	Sturla
Cohen	Harris	Murt	Tallman
Conklin	Hennessey	Mustio	Taylor, J.
Costa, D.	Hess	Myers	Taylor, R.
Costa, P.	Hickernell	O'Brien, D.	True
Cruz	Hornaman	O'Brien, M.	Vitali
Curry	Houghton	Pallone	Vulakovich
Daley	Johnson	Pashinski	Wagner
Day	Josephs	Payton	Wansacz
Deasy	Keller, W.	Perzel	Waters
DeLuca	Kessler	Petrarca	Watson

DePasquale	Killion	Petri	Wheatley
Dermody	Kirkland	Phillips	White
DeWeese	Kortz	Preston	Williams
DiGirolamo	Kotik	Quinn	Youngblood
Donatucci	Kula	Ravenstahl	Yudichak
Drucker	Lentz	Readshaw	
Eachus	Levdansky	Reichley	McCall,
Evans, D.	Longietti	Roebuck	Speaker
Fabrizio			

NAYS—66

Baker	Everett	Krieger	Quigley
Bear	Farry	Major	Rapp
Benninghoff	Fleck	Marsico	Reed
Boback	Gabig	Metcalfe	Reese
Boyd	Gabler	Metzgar	Roae
Brooks	Gingrich	Miccarelli	Rock
Casorio	Godshall	Millard	Rohrer
Causar	Grell	Miller	Saylor
Christiana	Grove	Moul	Scavello
Clymer	Grucela	O'Neill	Schroder
Cox	Hahn	Oberlander	Sonney
Creighton	Harhart	Payne	Stern
Cutler	Helm	Peifer	Stevenson
Delozier	Hutchinson	Perry	Toepel
Denlinger	Kauffman	Pickett	Turzai
Ellis	Keller, M.K.	Pyle	Vereb
Evans, J.	Knowles		

NOT VOTING—0

EXCUSED—5

Gerber	Parker	Swanger	Thomas
Oliver			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

RESOLUTIONS PURSUANT TO RULE 35

Mr. D. O'BRIEN called up **HR 893, PN 4159**, entitled:

A Resolution honoring the life and expressing condolences on the death of Maje McDonnell.

On the question,
Will the House adopt the resolution?

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

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

Wait a minute; what is this? Jim Murray must have left one of these hats here from the day that my portrait was hung. And is it not ironic, it is a good thing he did, because our Philadelphia Phillies for the fourth consecutive year have won the National League East title.

We are here, Mr. Speaker, to honor the memory of a Philadelphia sports legend, Maje McDonnell. Maje passed away a short time ago. And I do not think it is coincidence that last night it rained heavily in Florida, where the Atlanta Braves were

playing the Marlins, so that the Phillies could proceed and win the NL (National League) East outright rather than back into the title, and it turned out that the Braves won anyway. But I would like to introduce a good friend of mine, Michael Barkann from Philadelphia, but before I do that, I would just like to speak personally on some issues that involve my relationship with the McDonnell family and Maje.

Years ago I went to a Phillies game with Kathy McDonnell. You may know Kathy, Maje's daughter. She works with the Philadelphia District Attorneys Association. Well, we had worked on numerous issues together, and one day Kathy said, "You know what? We're going to take you to a Phillies game." So lo and behold, we go to the Vet and we are sitting behind home plate, and I turned to a friend I grew up with, Gary Tennis, and Kathy, and I said, "Where did you guys get these seats? You're not connected. You don't have money to have lobbyists." And she says, "Oh, I got them from my dad. He works for the Phillies." I said, "Wait a minute; your dad is not Maje McDonnell." She goes, "Oh yeah; oh yeah." Maje McDonnell, Mr. Speaker, who was the coach of the Philadelphia Whiz Kids in the year 1950.

He has six championship rings, more than anybody I think in sports history, but certainly more than anybody in the Philadelphia organization. And I remember finally one time when the Phillies won the World Series, I called Kathy on the phone, and I thought she would be jubilant, as all of us were, because we had a parade down Broad Street for the first time. She was crying on the phone, and I said, "Kath, what's wrong?" And she said, "Well, my dad is out there with all the guys," you know, "and he is partying it up and I'm just worried about him." And I said, "Well, you know, Kath, after all those years with the Phillies, I think he deserves it." And I will tell you what, if it were me and I were going to fall off one of those floats, that is the way I would want to go out.

But there was another ceremony one time last year, and again it was at Citizens Bank Park, and Kathy was supposed to pick her dad up, take him down, and he was going to be honored on the field. Well, when she arrived at the house, there was no Maje McDonnell. Well, Maje got impatient and he called one of his friends in county detectives and he came over, picked him up, and took him down to the stadium. Well, the only thing was, Maje had one black shoe, he had one brown shoe, he did not shave, and he did not have his teeth in. And Kathy is crying on the phone, "I can't believe that he went down like that." I said, "Well, Kath, did he pull it off?" "Well, of course he did." I said, "Well, that is all that counts."

So there is one other wonderful story. Maje was put into the Villanova Hall of Fame, he was put into his high school hall of fame, and at one of those banquets he looked out over the audience and he said, "You know, in life, you have to have a great wife. In baseball, you have to have a good wife." He said, "I have a great wife, and one day my wife looked at me and said, 'Maje, do you love baseball more than you love me?'" And he said, "Yes, I do, but I love you more than football and basketball."

GUESTS INTRODUCED

Mr. D. O'BRIEN. Well, Mr. Speaker, it is with great pleasure that I welcome to the hall of the House my good friend and a friend of Philadelphia sports fans, Mr. Michael Barkann.

Michael is a five-time Philadelphia Sports Emmy Award winner at Philadelphia Comcast SportsNet. He started his sports reporting career in 1997 when he was the inaugural commentator on Daily News Live. Now, many people speculated that that show was not going to make it. Well, 13 years later, Michael is still at the helm, and Daily News Live has grown into the most popular local sports show in the Philadelphia area.

Michael also hosts, what some of you may view, the Eagles Post Game Live, and there is a guy that Michael Barkann affectionately calls "The Gov" that is on that show. There is Hall of Famer Ray Didinger, and there is Vaughn Hebron, who is a former Eagle, but he also got one of those Super Bowl rings with one of those other NFL (National Football League) teams that we will not talk about.

But I would like to welcome Michael; his wife, Ellen; his son, Matthew; and his daughter, Emily, to the House. Would you please stand and be recognized?

Again, it is my honor to introduce Michael Barkann, who will speak on behalf of the Philadelphia sporting establishment about our good friend, Maje McDonnell.

MICHAEL BARKANN PRESENTED

The SPEAKER. The Chair recognizes the gentleman, Mr. Barkann, for remarks.

Mr. BARKANN. Mr. Speaker – I always wanted to say "Mr. Speaker"; thank you, Speaker McCall – members of this esteemed body; my own home Representative, Tom Killion, from Newtown Square, where I reside – yes – and in particular Representative O'Brien, who made today possible.

On behalf of the— And by the way, how many of you know or heard of Maje McDonnell? Just a show of hands. And how many of you have not? I just want to talk to the folks who have not, because if you know Maje, you know he was just sweetness personified. But on behalf of the McDonnell family, thank you so much for honoring Maje's memory this morning, because he would have loved this. He was the kind of guy who worked hard and he played hard, starting at Villanova University where he went to college. He played baseball there. He was the kind of guy who loved his country, and he served it during World War II. He got a Bronze Star in World War II as well as other decorations.

He was the kind of guy, as Representative O'Brien just said, who loved his wife, Millie. They were married for 62, 63, 64— The kids are still trying to figure out how many years it was back there. Sixty-four years is what we came up with. He was the kind of guy who loved his daughters Millie, Maureen, and Kathy and their husbands and children, Jameson and Major, his namesake. And the reason Maje was called Major is because he was playing baseball from the minute he could stand up. He loved playing baseball, leading his friends and family to say "Someday you're going to be a major leaguer," and "major leaguer" was converted to "Maje" and that name stuck, and his grandson is his namesake.

Second to all of that and above all else, he was the kind of guy who loved the Phillies. He loved baseball certainly, but he loved the Phillies. Oh, how he loved the Phillies, and that is where I met Maje. I was covering a story on the Phils; we were actually doing a piece on corked bats way back in the eighties, not that that ever happened in baseball. But we were doing a little piece on that, and I went down to the Vet at the time and

I ran into Maje, we introduced ourselves, and he helped me with this piece and he actually pitched some BP (batting practice) to me from the Veterans Stadium mound, and we made it into a really cute little piece. And then I would run into him from time to time, certainly at the ballpark, and it was always old home week when you ran into Maje.

But my enduring memory of Maje McDonnell will be in 2007 when the Phillies were going back to the playoffs for the first time, and I entered Citizens Bank Park with my wife, Ellen, and my daughter, Emily, and son Matthew, and we ran into Maje and I introduced them, and Maje said, "Hey, you ever see a World Series ring? You ever see a National League Championship ring?" And he held up his hand, and he took the rings off and he put them on the fingers of my children.

I have this with me. I keep it every day. You know what? Maybe I will e-mail Representative O'Brien and he can get it out to all of you because it is a great photo, and that was Maje personified. He loved people, he loved kids, and he shared those rings. They wore them around for a good 10 minutes before finally I said, "You better take those off now." He was just that kind of guy.

And on behalf of the McDonnell family, those beautiful folks back there, thank you very much for honoring his memory today. Thank you for inviting us to Harrisburg to speak before this esteemed body. Thanks.

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

The following roll call was recorded:

YEAS—197

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

Deasy	Johnson	Peifer	Vulakovich
Delozier	Josephs	Perry	Wagner
DeLuca	Kauffman	Perzel	Wansacz
Denlinger	Keller, M.K.	Petrarca	Waters
DePasquale	Keller, W.	Petri	Watson
Dermody	Kessler	Phillips	Wheatley
DeWeese	Killion	Pickett	White
DiGirolamo	Kirkland	Preston	Williams
Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Ravenstahl	Speaker
Evans, J.	Lentz	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—5

Gerber	Parker	Swanger	Thomas
Oliver			

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

The SPEAKER. Members will please take their seats. We are about to take up a condolence resolution.

The Sergeants at Arms will close the doors of the House. The members will please take their seats.

* * *

Mr. FREEMAN called up **HR 860, PN 3966**, entitled:

A Resolution honoring the life and expressing condolences upon the death of Airman 1st Class Austin Gates-Benson, who died on May 3, 2010, while serving his country in Afghanistan.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Northampton County, Representative Freeman, on the resolution.

Mr. FREEMAN. Thank you, Mr. Speaker.

Since the inception of the wars in Iraq and Afghanistan, five servicemen from my district have lost their lives while in service to our country. Today we remember the most recent of those casualties of those conflicts.

HR 860 honors the life of A1c. Austin Gates-Benson, who died on May 3 at the age of 19 from noncombat-related injuries while serving with a combat communications unit in Torkham, Afghanistan, near the Khyber Pass.

GUESTS INTRODUCED

Mr. FREEMAN. Members of Austin's family are with us today. I would ask them to rise as I call out their names: his father, Fred Boenig. His mother, Joie Gates, wanted to be here today but she is tending to an ill father in Washington State and

was unable to attend, but her partner, Christopher Verone, is also here. I would ask the House to please recognize their presence on the floor.

Austin Gates-Benson was a resident of Hellertown, Pennsylvania, and a 2008 graduate of Saucon Valley High School. He wanted to serve his country and enlisted in the United States Air Force, heading off for basic training just 1 month and a day after graduating from high school. He was assigned to the 54th Combat Communications Squadron stationed at Robins Air Force Base in Georgia.

He is remembered fondly by family, friends, classmates, teachers, and his high school principals, who came to respect Austin for his quick mind and sincere advocacy for the interests of his fellow students. Assistant Principal David Laboski noted that Austin, quote, "was always there as the voice of the students, the voice of the class and he would be their champion." Mr. Laboski would often seek out Austin to get his opinion and feedback on the pulse of the students at Saucon Valley High School. Former Principal Todd Gombos described Austin as an independent thinker and an advocate for others and just a good kid. He said of Austin that, quote, "he was the kind of man who was going to do things. He was going to make his own path in life."

A very principled individual, Austin always had a great sense of empathy for the plight of others. In his last telephone conversation to his mother, he related to her how humbled he was by the interaction he had had with the Afghan people, many of whom lived in abject poverty. He told his mom that when he came home, he would always be grateful for everything he had, having witnessed the plight of the Afghan people. Perhaps the most fitting tribute to Airman Gates-Benson was uttered by one of his former coaches, Bob Albanese, who simply stated that Austin, quote, "always stood up for what was right."

Austin had many talents. An avid computer gamer, he built his own computer by hand. He was also an accomplished high school athlete whose skill in horseback riding earned him a role in the 1998 movie "Stepmom" as a stunt double. He went on to join a speed skating league with his mom, although he did so more to keep his mom company than he did out of any keen interest in the sport of speed skating, but it was that kind of commitment and love for his mom that was so typical of Austin, who was the epitome of the devoted son.

When his hometown of Hellertown learned of his death, Hellertown Mayor Richard Fluck led the effort to decorate Main Street with yellow bows in Austin's honor and a memorial service was held at a local funeral home that was attended by friends, family, and a number of members of the community. He was buried at Arlington National Cemetery on June 4, 2010.

A1c. Austin Gates-Benson was a young man of great promise and great ability, a loving and devoted son and a true and committed believer in the great ideals of America. He died way too soon, way before the time that he should have, but he is fondly remembered by all those who came to know him in the brief time he spent on earth.

I ask the House for a unanimous vote for HR 860 to pay tribute to the life and memory of A1c. Austin Gates-Benson.

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

All guests will please rise as well.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of A1c. Austin Gates-Benson.)

The SPEAKER. Members and guests may please be seated.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Gerber	Parker	Swanger	Thomas
Oliver			

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

The SPEAKER. The members again will please take their seats. The Sergeants at Arms will keep the doors of the House closed. We are about to take up an additional condolence resolution.

* * *

Mr. LEVDANSKY called up **HR 950, PN 4315**, entitled:

A Resolution honoring the life of Staff Sergeant Bryan A. Hoover who was killed in action in Afghanistan on June 11, 2010, and expressing condolences to his family.

On the question,
Will the House adopt the resolution?

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I am joined here at the podium with Representative Brian Ellis. Sgt. Bryan Hoover had a fiancée and together they were planning on moving to Butler County to reside in Brian's district. So I appreciate Brian sharing this with me today.

GUESTS INTRODUCED

Mr. LEVDANSKY. Before I offer some remarks, I would just like to introduce Bryan's family that have traveled here today: his father, Sam Hoover; his mom, Elaina Evans; his sister, Samantha; his aunt, Jeanine Medved; and his fiancée, Ashley Tack.

A hero was once defined as "someone who has given his or her life to something bigger than oneself." Today we honor a Pennsylvania hero, an Elizabeth Forward hero, a Mon Valley hero, who gave his life in Afghanistan in the name of freedom, S. Sgt. Bryan A. Hoover.

Sergeant Hoover and I both graduated from Elizabeth Forward High School – he in 2000 and I substantially earlier. While we were from different generations, I think I have an idea about what kind of a man Bryan Hoover was.

As a child Bryan played soldiers with his brother, Rick, and dreamed of being in the military. That was always his life ambition. He fulfilled that dream, serving both in Iraq during his enlistment in the Marine Corps and then again in Afghanistan as a member of the Pennsylvania National Guard with the 1st Detachment, 28th Military Police Company, where he served as both a team leader and squad leader.

Bryan Hoover was an outstanding young man. He graduated from California University of Pennsylvania with a degree in sports management, and he was an assistant track and cross-country coach at his alma mater, Elizabeth Forward High School. Bryan had dreams of combining his natural leadership abilities with his education to become an athletic director one day. Bryan was a role model for all those who knew him, particularly the young people he coached and mentored. He was a strong and courageous man. He was a caring and loving friend. Clearly, Bryan influenced the lives of all those track and

cross-country team members and students whose love and affection for Bryan was so evident in the outpouring at his funeral service.

Bryan was a strong role model. His love of country, his dedication, and his service were deeply imbued upon all those students whose lives he so positively influenced.

Bryan Hoover's candle dimmed far too early in life. This passionate and determined young man was lost to all of us in a bazaar fight in Afghanistan. Yet his memory lives on in all who knew him and loved him. His patriotism and dedication to our nation was unparalleled. When I see the Stars and Stripes waving in the wind and hear those words, "the land of the free and the home of the brave," I will think of Sgt. Bryan Hoover, who gave his all in the name of freedom.

Bryan Hoover is a hero to his family – to his mom and dad; brothers; sisters; aunts and uncles; to his fiancée, Ashley – and to his friends, neighbors, colleagues at both Elizabeth Forward and in the Pennsylvania National Guard, and the students at Elizabeth Forward, and to everyone who knew him. He is all of our heroes. Heroes are hard to come by, and we have lost a hero with the passing of Bryan Hoover.

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

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of S. Sgt. Bryan A. Hoover.)

The SPEAKER. Members and guests may please be seated. The Sergeants at Arms will open the doors of the House.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Gerber	Parker	Swanger	Thomas
Oliver			

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

**FAREWELL ADDRESS
BY MR. ROHRER**

The SPEAKER. The Chair would like to invite to the rostrum Representative Sam Rohrer. Representative Rohrer has served since 1992, representing a portion of Bucks County. He is definitely one of the more well-known members of the General Assembly.

He stayed true to his family farming history with his service as chairman of the House Agriculture and Rural Affairs Committee as well as sportsmen and sportswomen as chairman of the House Game and Fisheries Committee. Most of us know his strong advocacy for his work on behalf of property tax reform in this Commonwealth. I am sure he will certainly be missed by his caucus and many members of the General Assembly.

We offer Sam up to make some remarks.

Mr. ROHRER. Thank you, Mr. Speaker, for the opportunity to share a few words, parting words with this body.

I have been here a long time and I have seen a lot of parting words and heard them, and everyone is a little bit different, and my comments will not be long today either.

GUESTS INTRODUCED

Mr. ROHRER. But before I give my remarks, I would like to acknowledge a couple of people who have been so significant to me. The first one I would like to acknowledge is my wife of 33 years and to thank her for her tremendous support for me for

these 33 years of marriage and the 18 years of being in the House, and she is sitting in the back. Ruth Ann, if you could stand, please.

I know that we all know that this job can be at times very trying; it can be at times angering. The days are often long and the weeks are even longer it seems, and I know that for those of us, our wives or husbands, accordingly, have to put up with an awful lot, and I certainly thank my wife for what she has done and encouraged me and put up with things, actually, through these years.

When I was elected in 1992, I came here to the House at the age of 37. We had four children at that time, and since that time, God has blessed us with two more sons. So we have five sons and one daughter. Now, the two sons that were born since I came to the House are also with my wife in the back, Stephen, 16 – if you would stand, please – and my younger son, Josiah, 13. But this has been a productive 18 years, because not only two more sons, we have four grandchildren – three grandsons and a granddaughter and another grandbaby on the way. So we are very thankful for that.

I want to thank my wife again, as I am focusing on here, for her support, particularly as we went through a lengthy primary this spring. We traveled the State, and my wife was there by my side and we saw a lot of good things, and I just want to thank her. No matter what God ends up directing me to do after this ninth term, she will be there with me.

Second, I would like to thank my staff, who all are here in the back. I am just going to have you all stand together, if you could all stand. I will comment here briefly. Michelle Clabaugh has been with me almost 16 years. She has anchored my Harrisburg office. Many of you have worked with her from time to time. I want to thank her for her great faithfulness and professionalism in anchoring this team up here. Jule Morris from my district office, who has managed that, has been with me for 16 years as well, and I want to thank you, Jule, for your tremendous professionalism in the way you have dealt with the office and the constituents. They love you, and I know why they do, because you have served them well. Then we have, as well, Lois, who is there, who has been with me 5 years; Anne, who has been with me for 3 years; and then Lea Farrell, who is my legislative assistant on the Finance Committee, has been with me 2 years. So this team I am extremely proud of. I know all of you, all of us here, when you have worked so long with a team, they become a real part of the family, and I want to thank them for all that they have done for sharing in my commitment to principles and to service to our constituents. I will miss you not as friends because that never changes, but in a working capacity I will miss you more than you can imagine.

Being here these years, it has also been a privilege to have worked under four Governors and during the course of time to have worked with some of the finest staff in research and in legal and LRB (Legislative Reference Bureau). Many of those I have served with have already retired and they have taken with them memories, a lot of institutional knowledge, and wisdom. I am going to refrain from mentioning names at this time just because I know I will miss some, but I have been tremendously privileged to have worked with so many.

And then comes to all of you. You know, it is not possible to have worked here for as long as I have and many of you have without establishing a great deal of deep relationships. It is tough to work through issues – controversial, easy, whatever

they are – one session after another without developing some really significant relationships. I have a tremendous amount of friends on both sides of the aisle that I will personally miss, and I want to thank you for all the work that has been done and look forward to what we have done in the years ahead now.

Now, for those of us who have had the opportunity to serve in this place of great history and significance, it is easy to take for granted what few people ever have the opportunity to do, and that is to serve in this House and to work in this tremendous building. It is easy to view what we do as just a job, but I know you agree with me that it is a whole lot more than that. To me, it is – I will try to think about it – it is more like running a marathon race where we pick up the baton from somebody who has gone before, going all the way back to William Penn, where we run for a space of time and then we pass it off to the person who comes after us. Only in this race, it is not the political race that is the challenge. In this race, it is really not winning that is the goal. Here I think our goal is to leave the race, this race, with freedom intact and if not stronger than when we entered the race. It is not party or the defense of political affiliation. That is not the important thing. And we all understand that it comes down to personal liberty and freedom as embodied in our Declaration of Independence and our Constitutions of the Commonwealth of Pennsylvania and the United States. It is the stewardship and the defense of our oath that is really the challenge, and at the end of the day, it is how well we have stood for truth that really matters.

To my right, which I have often looked at, which I know many of you have as well, is the picture of William Penn shaking hands with the Indian chief. Our tour guides when they come in often point to that and say, here is an example of a treaty, although never signed, that was never broken, and it was because of that, it was because of Penn's commitment to the Indians as individuals and because he told them the truth, that he ended up earning the name of "the white Truth Teller," and that is why that treaty never had to be signed. Yet while he lived, it was never broken. And it is really out of tribute to him and his commitment to truth that the verse that is on the back up here from the Book of John, "And Ye Shall Know The Truth, And The Truth Shall Make You Free," was put on the ceiling.

The fact of the matter is, there is no freedom outside of truth. Our Republic cannot survive outside the truth that our individual rights are granted by God, not government, and the truth that it is our responsibility in government to protect those rights, not to usurp them. It is the truth that rights are founded in the individual, not in a group, and that when one person's rights are violated, it is the equivalent to all of our rights being infringed. It is also the truth that as our Founders believed, one day we would all stand before our maker, the judge, and give an account for how we live in this life and how we conduct ourselves in office. It is that thought that is truly self-disciplining and is far more effective than another law or even another round of ethics training. The truth is that private property ownership is sacred, and it is linked at the hip with freedom – you tamper with one, you tamper with the other – and that it is not right that we will ever allow taxes to get so high that a person loses their home or their property or their financial independence because of that. The truth is that every individual has worth in God's eyes and therefore should in our eyes and that favoritism because of wealth or status, political party or position is wrong. The truth is that each life is precious and to be defended both in the womb and in old age; the truth

that God has blessed this Commonwealth and this nation with abundant blessings and hope they continue, but as Franklin said, the truth of the continuance of liberty hinges on God's continuing aid. The truth is that as members the most important legacy that we leave behind is our vote, and it is why our votes must never be sold or bartered or cast carelessly. The truth is that truth is not relative. There are some things that are always true and there are some things that are always not true. The truth is that unless we understand where our freedoms have come from, we will never be able to defend them, and if we do not defend them, we will lose them.

In the rotunda we see the phrase about William Penn and his Holy Experiment, about being an example to the nations and being a seed of a nation. Do you know what that is all about? I never really understood what that meant. The Holy Experiment from Penn hinged on his view that we did not need a king or an organized church to tell us either how to live or how to worship, and it was his contention that if a body of people so dedicated to God's law could then elect people dedicated to God's law, that that would be the Holy Experiment and that experiment in freedom could survive, it could be a testimony to the nations of the world, and would be the seed of a nation. In fact, it did become a seed of our nation, the United States, and we have become that light on the hill, that beacon of hope, to the downtrodden around the world.

Now we have enemies of freedom around the world who would like to see us cease to exist. We have enemies of freedom within. And I believe that the fiscal challenges alone that face this State and this nation, that will be in the next 195th Legislative Session of the General Assembly, will be the greatest challenges that have ever faced any Governor and any legislature. You, not me, because I will not be here, but you are going to be called upon to stand and be very courageous and resolute, at the same time compassionate, not pragmatic and not calculating. Knowing the truth and committing to it alone will take you and us through those challenges, but it can take us through the challenges.

I believe that we need God's help now more than ever and we should not be afraid to ask for it. He simply demands of us our humility and our obedience to the founding principles.

May God bless this House, this next General Assembly, and the Commonwealth of Pennsylvania. God bless you all.

DEMOCRATIC CAUCUS

APPROPRIATIONS COMMITTEE MEETING

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

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members, the House Democratic Caucus will convene in the majority caucus room at 1 o'clock. We will return to the House floor at 2:30. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. EACHUS. Mr. Speaker, I apologize; one more additional.

The SPEAKER. The gentleman is in order.

Mr. EACHUS. Thank you.

The Appropriations Committee will meet immediately in the majority caucus room.

The SPEAKER. An immediate meeting of the House Appropriations immediately upon the call of the recess; Democratic caucus at 1 p.m.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus also at 1 p.m. I would ask Republicans to please report to our caucus room at 1 p.m. Thank you.

The SPEAKER. The Chair thanks the lady.

CONSUMER AFFAIRS COMMITTEE MEETING

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

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

To the members of the Consumer Affairs Committee, we will be holding a voting meeting immediately at the call of the recess in room G-50; an immediate meeting of the Consumer Affairs Committee to vote on a pipeline safety bill.

The SPEAKER. The Consumer Affairs Committee will meet immediately in room G-50.

RECESS

The SPEAKER. Are there any further announcements?

Seeing none, this House will stand in recess until 2:30 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:45 p.m.

AFTER RECESS

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

The SPEAKER. The members will please report to the floor.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 948 By Representatives WATERS, BISHOP, GEORGE, MURPHY, BEYER, BRADFORD, BRENNAN, BRIGGS, BROWN, BUXTON, CALTAGIRONE, CONKLIN, D. COSTA, DeLUCA, DePASQUALE, DONATUCCI, FREEMAN, GOODMAN, GRUCELA, HARKINS, HOUGHTON, JOSEPHS, KIRKLAND, KORTZ, MAHONEY, MANN, MILLARD, MILLER, PAYNE, PHILLIPS, READSHAW, ROCK, SAINATO, SANTARSIERO, SCAVELLO, SEIP, SIPTROTH, STABACK, SWANGER, THOMAS, VULAKOVICH, WAGNER, WATSON, YOUNGBLOOD and MURT

A Resolution condemning the recent cross burnings in Woodland, Pennsylvania, and in Bolivar, Pennsylvania, and urging an end to racial hatred, hate crimes, racial intolerance and discrimination.

Referred to Committee on RULES, September 28, 2010.

No. 969 By Representatives PALLONE, BELFANTI, HARHAI, JOHNSON, KORTZ, SAINATO and SOLOBAY

A Resolution urging the Bureau of Pennsylvania State Lottery to implement the game of chance known as keno, allow it to be conducted in certain retail liquor establishments and dedicate the revenue generated to fund the State Employees' Retirement System and the Public School Employees' Retirement System until they are certified to be actuarially sound, after which the revenue is to be deposited in the Property Tax Relief Fund.

Referred to Committee on GAMING OVERSIGHT, September 28, 2010.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1401 By Representatives PALLONE, KORTZ, KULA, PASHINSKI, PETRARCA, SAINATO, K. SMITH, SWANGER, VULAKOVICH and CALTAGIRONE

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for a nonalcoholic beverage tax preemption.

Referred to Committee on FINANCE, September 28, 2010.

No. 1402 By Representatives PALLONE, HARHAI, JOHNSON, SAINATO and SOLOBAY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, authorizing the implementation of keno games at certain retail liquor establishments; providing for collection of revenues; imposing duties on the Bureau of Pennsylvania State Lottery; establishing an advisory committee; imposing a keno games tax; and making an appropriation.

Referred to Committee on GAMING OVERSIGHT, September 28, 2010.

No. 1403 By Representative D. EVANS

An Act amending the act of August 4, 1959 (P.L.587, No.195), entitled, as amended, "An act creating and establishing the Legislative Budget and Finance Committee; providing for its membership; prescribing its powers, functions and duties; providing for the appointment of an executive director and other personnel, and making an appropriation," further providing for title of act; adding definitions; changing the name of the committee; further providing for powers and duties of committee; providing for implementation; and making editorial changes.

Referred to Committee on APPROPRIATIONS, September 28, 2010.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Chester County, Representative Hennessey, who would like to submit remarks for the record.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, earlier today we passed SB 699. I have written remarks that I would like to submit for the record. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Thank you, Mr. Speaker.

I ask the House for support of SB 699, the Adult Protective Services Act.

This is an initiative promised in this House for many years. First introduced by former Representative Larry Sather, who gained passage by the House in 2005 195 to 0, but it died in the Senate.

After Larry retired, Representative Matt Baker took up the cause as sponsor, and several other Representatives have introduced similar bills, but until now, no adult protective services bill has crossed the finish line. We change that today.

Pennsylvania already has in place a Child Protective Services Law to protect children under age 18. We also have an older adult protective services law for those over age 60. SB 699 will cover adults between those two age groups and cover those between ages 18 and 59.

I want to thank Senator Vance and Representatives Larry Sather and Matthew Baker for their efforts and also wish to recognize and congratulate Sharon Schwartz, executive director of the Republican Aging and Older Adult Services Committee, for her efforts in drafting the original proposal and shepherding this concept through the legislative process, now to its completion. I congratulate them all and everyone else who has had a part in having this bill approved.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentleman from Philadelphia County, Representative Thomas, on the House floor.

The Chair wishes him best wishes for a speedy recovery on the surgery that the gentleman just had. Welcome back to the floor of the House, Representative Thomas.

BILL REREPORTED FROM COMMITTEE

HB 1358, PN 4382 (Amended) By Rep. D. EVANS

An Act providing for copies of patient test results to be sent directly to patients; and providing for duties of the Department of Health.

APPROPRIATIONS.

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 762, PN 3599 By Rep. KIRKLAND

A Resolution supporting placement of a statue of legendary University of Pennsylvania and Philadelphia Eagles center and linebacker Chuck Bednarik at the Philadelphia Sports Complex.

TOURISM AND RECREATIONAL DEVELOPMENT.

HR 884, PN 4101

By Rep. KIRKLAND

A Resolution directing the Legislative Budget and Finance Committee to study the economic impact of recreational water trails on local communities in this Commonwealth.

TOURISM AND RECREATIONAL DEVELOPMENT.

The SPEAKER. Those resolutions will go to the House calendar.

**FAREWELL ADDRESS
BY MR. PHILLIPS**

The SPEAKER. The Speaker would like to invite to the rostrum the gentleman from Northumberland County, Representative Phillips.

Representative Phillips has served in the General Assembly since 1980, representing the city of Sunbury and surrounding areas of Northumberland and Snyder Counties. We all know him as a very proud Marine.

His tenure in the House has been distinguished with the service leading the House Game and Fisheries Committee for many years. We all know his strong stance on many of those sportsmen issues and environmental issues impacting farmers statewide as well as sportsmen, and we also know him as a leader in the Republican Caucus as caucus administrator.

A good friend of the Speaker's, Representative Phillips.

Mr. PHILLIPS. I never thought it would happen.

Thank you, Mr. Speaker, and thank you for the opportunity to address this chamber and our colleagues.

In April of this year, I marked 30 years of continuous service to the House of Representatives, so I can tell you that it is with a heavy heart that I stand before you.

For 30 years I have worked with countless members of this esteemed chamber, and I can tell you that with very, very few exceptions, I have enjoyed every day that I have entered this great hall and every day that I stepped into my district office and helped the residents of Northumberland, Snyder, and Montour Counties.

For 16 of these 30 years, I served as caucus administrator, and I want you to know that I sincerely appreciate my Republican colleagues electing me to this position and supporting me in this role. It has been an honor to serve in this capacity.

The greatest joy of public service is being able to help someone, and that is why I had continued to do what I do. Whether helping out in a small thing like ensuring that someone is able to obtain benefits from State programs or in a larger, more tangible success like bringing hundreds of jobs into the Susquehanna Valley, I have received as much personal satisfaction from the larger successes as I have from some of the smaller ones, and I will miss this most of all.

Every legislator has a vision, a set of priorities for his district, and we all do whatever we can to shape that vision and to further advance the priorities we have in mind that will best help the folks back home. And I am going to go back some time. I can think of no truer illustration of the dedication and vision than the late Representative Dave Richardson, who served the House's 201st District from Philadelphia from 1973 to his sudden death in 1995. He was called the people's champion, and he earned the distinction by pouring his heart

and soul into helping those less fortunate. He earned great respect and admiration in this chamber and from people around the State, including myself. Dave wanted everyone to receive a fair shake in life, and he was on the path of doing a tremendous amount of great work, but he left us much too soon; yes, much too soon.

I will also miss the camaraderie shared by the members of this House. In my 30-plus years here in the House, I have served with nine different Speakers, and they all brought something special to this chamber: Jack Seltzer; Matthew Ryan; K. Leroy Irvis; James Manderino; Robert O'Donnell; Bill DeWeese; John Perzel; Dennis O'Brien; and of course, Keith McCall, whose father I also served with in my early tenure. I truly appreciate the opportunity to have been a member of the House while each of these legislators served as Speaker.

I would be remiss if I did not acknowledge a few of my longtime colleagues. Representative Mario Civera and I were sworn in on the same day, and some of my colleagues from those early days will be continuing with their service. Representatives Rick Geist, John Perzel, and Nicholas Micozzie were all part of the freshman class I joined that year.

And my neighbors here on the floor – Representatives Dick Hess and Rick Geist – we have spent some long hours and days together here in this chamber. We have been good friends both in public service and back in the district.

And my neighbors back home, Representative Bob Belfanti, whom I understand his mother passed away on Sunday, whose district is just east of mine, and Representative Russ Fairchild, whose district is just across the river, the three of us have worked across party lines for a number of years to ensure that the residents of the counties we serve have the best representation anyone could ask for. We worked together as a team, and I think that is what I consider to be one of my greatest accomplishments – working together for the common good. We may not have always agreed on every issue, but we were able to put aside our differences so that the valley would be a better place. Thank you to both of you. I will really miss our working together.

Just as important as the support from our colleagues here in the House is the support we receive when we go home at night. I could not have done this job without my wife of 58 years, Helen, and our 5 children, 12 grandchildren, and 5 great-grandchildren. They have shown grace and understanding whenever I could not be present for a family dinner or for some other event. I am looking forward to spending more time with them.

I firmly believe that an elected official, in whatever branch of government and at whatever level, is only as good as the people who work with him or her. My staff, both here in Harrisburg and in Sunbury, has enabled me to help thousands of people over the years, and I owe them a debt of thanks.

GUESTS INTRODUCED

Mr. PHILLIPS. My district staff and my staff here in the Capitol – and I would ask them to stand as I introduce them – Steve Pancoe, Jeannine Markowski, David Osevala, Marilyn Weaver, Jason Weiser, and Mike Reiley – have worked tirelessly in assisting in performing my legislative duties as well as those duties associated with my job as caucus administrator. They have all put their heart and soul into helping my constituents and helping me to help them. No matter what

I would ask or how great the obstacle before us, they always offered a smile and took on the challenge. I could not have asked for a better staff over the years.

Also here today is David Comes, who worked in my district office before coming to the Capitol to serve as executive director of the Game and Fisheries Committee. Thank you. And I also want to thank my staff again for the tremendous job they have done over these 30-plus years.

We are a good people doing the very best we can. I know that over the years this institution has seen its share of criticism. Some of it was fair. I believe that you truly do not know this institution or the people here until you have been here. We are all doing what is best for our districts and the people back home. We have a lot of people here dedicated to public service, and that is a quality that is difficult to find.

But the most important thing that we do here on this floor is not the legislation we discuss and debate, but it is upholding the integrity of this institution. Our House is one of the oldest representative bodies in our country, if not in the world, and we owe it to our forefathers, along with past, present, and future generations, to uphold the respect that this House deserves, and that involves ensuring that outside parties and groups do not have any undue influence here. We are all here to do a job to the best of our abilities, and if there is one piece of advice that I can impart on the current and future members of this great chamber, it is to respect the chamber and the people who got you here.

Again, my very best wishes for everyone here, and thank you for an amazing 30-plus years.

Thank you, Mr. Speaker, and I want to congratulate you on your retirement and the great job that you have done as Speaker. Thank you very much.

REMARKS BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. EACHUS. Thank you, Mr. Speaker.

I have not risen for all retiring members, but as Representative Phillips exits the rostrum, I have to say that whether it was his advocacy for Lyme disease or the people of Northumberland and Snyder Counties on a daily basis, you can tell by his tone he brings honor to the office, decorum and respect for the institution, and a sense of bipartisan kindness that I hope we can continue in this institution as we remember his legacy for the future.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentleman from Montgomery County, Representative Gerber, on the House floor. His name will be added to the master roll.

FAREWELL ADDRESS BY MR. FAIRCHILD

The SPEAKER. The Speaker would also like to invite to the rostrum Russ Fairchild, the gentleman from Union County.

Russ Fairchild has served in this General Assembly since 1988, representing Union and Snyder Counties. He is a

U.S. Army veteran and was awarded the Bronze Star for his service in Vietnam. Russ has been a great ally in improving the State's infrastructure and as a sportsman does outstanding work protecting the State's environment. He also serves on the Chesapeake Bay Commission and chairs the Susquehanna River Caucus. He stayed true to his family farming history with his service as chairman of the Agriculture and Rural Affairs Committee and has fought for sports men and women as chair of the House Game and Fisheries Committee. Russ is an avid hunter, a fisherman, and a sailor, and the Speaker certainly wishes him calmer waters ahead. Russ.

Mr. FAIRCHILD. Thank you, Mr. Speaker, for this opportunity to address my colleagues and thank you personally for your excellent leadership as Speaker of this House of Representatives.

It is bittersweet that I stand before all of you here today. In my nearly 22 years serving the 85th District, I have grown to know many of you very well. In fact, sometimes we have spent so much time together that many of you have become family to me.

Although my service is quickly coming to an end and I am very much looking forward to life outside this chamber, the part I will miss most about this institution is the people who make it what it is. It is all of you who have given so much in fulfilling your obligations and responsibilities to your constituents and all the citizens of Pennsylvania. I salute each and every one of you, especially since each of us is here only on a temporarily hired basis. We are hired by our constituents for a 2-year job, quite amazingly really, and it would be an amazing number if I could add the number of days that you received out-of-office telephone or cell calls 7 days a week; add the number of days that your chair was empty at the family dinner table; add the number of days that you missed an anniversary or a family member's birthday; add the number of days that you missed attending a Little League game, a band event, or chorus recital or school play, as well as other family or friend's personal measures; add the number of days you rescheduled a family event or a vacation due to your legislative responsibilities; add the number of days spent in a motel or automobile traveling to and from Harrisburg as well as the far reaches of our great State. These are just some of the often unnoticed sacrifices that you and your loved ones make, and I want to say both publicly and personally, to you and them, thank you.

Nearly every day I am amazed at the enthusiasm, determination, and leadership demonstrated by our cadre of staff, and we should all feel fortunate to have the privilege of working with such an outstanding group of bipartisan professionals. These dedicated people perform remarkable and talented services for us and the citizens of Pennsylvania. My thanks to each House staff member for your involvement, encouragement, and most importantly, your individual friendship, both Republican and Democrat. It simply does not get any better.

GUESTS INTRODUCED

Mr. FAIRCHILD. I would like to introduce and recognize some very close and dear staff members of mine, and it is a daunting task to convey the depth of thanks I feel for such generous thoughtfulness and friendship. No one is more fortunate than I in these terms of endearment from these friends. I am rich beyond measure.

Judy Shirk and Martha Herman run my district offices in Union and Snyder Counties. Here today with us are Dawn Wolfe – please stand as I call your name – Vinnæ Alcendor, my Harrisburg staff; Rick O’Leary, executive director of the House Veterans Affairs and Emergency Preparedness Committee; Sean Harris with the same committee; and a longtime district employee and now Republican executive director of the House Commerce Committee, Garth Shipman. Would you please stand to be recognized, all of you, and thank you very much. Thank you.

Aside from the people who make this place tick, I will miss the institution and what it stands for – helping people. That is what we do here. If you or any staff here in this building are only for strictly partisan purposes, then you should resign. Pennsylvania and the House of Representatives do not need you. Whether it is helping someone cut through the red tape government is famous for, or assisting a veteran to obtain the benefits and services he or she has rightfully earned, to researching programs and promoting an important piece of legislation, that is what we do here.

Aside from helping constituents and drafting and advancing legislation, I have also enjoyed being a part of many projects. Many of you know of my love for sailing on the Chesapeake, and during my tenure here, it has been a privilege having served as chairman of the Chesapeake Bay Commission and helping to improve the overall ecology and health of the bay, a goal that you and I agree is of paramount importance to the Commonwealth. I would like to thank both past and present Speakers for assisting me in that appointment and also the majority leaders of the respective caucuses over the years.

Near and dear to my heart have always been our men and women in uniform. Whether they are serving in our military or are our valued first responders, during my time as chairman of the House Veterans Affairs and Emergency Preparedness Committee, I have been able to spend more time with members of our armed services, Civil Air Patrol, veteran service organizations, police, ambulance, and fire companies. We always need to truly realize what an impact they have on our freedoms and our safety, and I consider it a pleasure having worked with them.

While I am speaking about soldiers in uniform, I would like to express my gratitude and respect for my two very good friends and fellow veterans from Northumberland County, Representative Merle Phillips and Representative Bob Belfanti. On behalf of myself and the staff and every member, Representative Belfanti, we send our sincerest sympathies on the passing of your mother on Sunday. Gentlemen, thank you for your service to our country and your service to the citizens of our area, as Representative Phillips articulated. Also, a wonderful farewell to Representative Tony Melio and his great staff on the Veterans Affairs and Emergency Preparedness Committee. These people are great.

I could tell stories and relate praise to many other remarkable people here today, but suffice it to say, they will remain with me always.

So on the eve of my leaving and having only missed 1 legislative day in 22 years, and that was when I testified in Washington, DC, that day, I simply want to extend my thanks to each of you for your valued gift to me of friendship and

involvement with this area of government and for adding to the wealth of my consciousness for all the good that is in the world around us. I hope you and your family and your staff have a marvelous next session enjoying the good blessings and the benefits of the goodness that really does surround us all. You have made my tenure here very memorable. And as I turn the last few pages of this chapter and get ready to begin the next one, I wish you all good luck, smooth sailing, and Godspeed.

Thank you, Mr. Speaker.

STATEMENT BY MR. DeWEESE

The SPEAKER. The Chair recognizes the gentleman from Greene County, under unanimous consent.

Mr. DeWEESE. Yes, sir.

The SPEAKER. The gentleman is granted unanimous consent, without objection.

Mr. DeWEESE. Thank you, Mr. Speaker. Just a 60-second comment.

With Russ Fairchild's speech and his imminent departure, this House will recognize that along with Bobby Belfanti, Russ Fairchild, to the best of my knowledge, will be the only other combat veteran of the Vietnam war, people who went in harm's way. I know that Nick and Scott and Bryan and others served in other conflicts, but to the best of my knowledge – and I have discussed it with Representative Belfanti – Russ Fairchild and Bob Belfanti will be the last two combat veterans in harm's way in Vietnam. Thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. MELIO

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Representative Melio. Is the gentleman rising under unanimous consent?

Mr. MELIO. Yes, I do, Mr. Speaker.

The SPEAKER. Without objection, unanimous consent is granted.

Mr. MELIO. Thank you, Mr. Speaker.

I just wanted to say what an honor and a privilege it was to work with Representative Fairchild. We worked close as a unit together. We never had any problems trying to reach out to people, and I just wanted to put that on the record that it is something that I think everybody should know, that you can work on a bipartisan basis and never have a problem as long as the good of the people is at the heart of the affair. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2693, PN 4383 (Amended)

By Rep. PRESTON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; providing for regulation of certain operators of pipelines; and, in violations and penalties, further providing for civil penalties for gas pipeline safety violations.

CONSUMER AFFAIRS.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. Is the gentleman from Philadelphia County, Representative Thomas, seeking recognition? For what purpose does the gentleman rise? Under unanimous consent?

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to announce an upcoming committee meeting. Tomorrow morning there will be a meeting of the House Urban Affairs Committee at 9 o'clock in room 302, Irvis Office Building. On the agenda we will be dealing with HB 2633, the Bob Freeman bill, and also SB 900, Senator Argall's bill, two bills that we received a lot of attention on, and we would like to resolve them finally for tomorrow.

So that is 9 o'clock tomorrow morning, room 302, Irvis Office Building, and we urge all members to join in the House Urban Affairs Committee. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Urban Affairs Committee will meet tomorrow morning at 9 o'clock in room 302, Irvis Office Building.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1155, PN 2221**, entitled:

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security, for the subsequent issuance of official commissions, for the effects of natural gas drilling and for a Marcellus Shale Job Creation Tax Credit; and making related repeals.

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

MOTION TO SUSPEND RULES

The SPEAKER. There are two substantive amendments filed to the bill. Does the gentlelady from Montgomery County, Representative Harper, wish to suspend the rules?

Ms. HARPER. Yes, Mr. Speaker. I make a motion to suspend the rules to consider my amendment.

The SPEAKER. The gentlelady from Montgomery County, Representative Harper, moves that the House suspend its rules for the immediate consideration of amendment A09235.

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 majority leader, Representative Eachus.

Mr. EACHUS. Thank you.

While I respect the gentlelady, I rise to oppose the motion for suspension. Once again, I rise to oppose the suspension of the rules. Thank you very much.

Ms. HARPER. May I speak, Mr. Speaker?

The SPEAKER. The Chair recognizes the gentlelady from Montgomery County, Representative Harper, on the motion to suspend.

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

Because of the unusual procedural posture of this bill and how the important subject of a severance tax got to the floor without the ability to discuss substantive amendments, I am making a motion to suspend the rules to consider my amendment.

Without a suspension of the rules, this bill is bad for Pennsylvania jobs and bad for Pennsylvania's environment. Mr. Speaker, without a suspension of the rules to consider my amendment, this bill does virtually nothing for Growing Greener and the Environmental Stewardship Fund. Without a suspension of the rules to consider my amendment, Mr. Speaker, virtually all of the money goes straight into the General Fund. Without a suspension of the rules, Mr. Speaker, to consider my amendment, this bill does nothing to protect our drinking water, nothing at all. Without a suspension of the rules to consider my amendment, Mr. Speaker, this bill does nothing to save money and set it aside to clean up the inevitable accidents and spills that might result from this procedure.

The SPEAKER. Will the gentlelady yield.

Rule 77 allows for a brief description of your amendment, not debate on the parameters of the bill, but a brief description of your amendment.

Ms. HARPER. Mr. Speaker, I thought I was only allowed to talk about why suspending the rules was a good idea, and then if the rules are suspended, I would be allowed to discuss my amendment.

The SPEAKER. The rule clearly indicates that you are allowed to provide a brief description of your amendment for the suspension and that is it.

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

I would be happy to do so.

The reason that I have moved to suspend the rules is because the bill without my amendment, which changes the distribution of the funds, the bill is bad for the environment and bad for the economy, and that is the reason I am moving to suspend the rules, Mr. Speaker, in addition to the fact that this bill got to the floor by a very unusual route that made it impossible to amend it before this time. I have filed amendments to the severance tax bill. This is not the severance tax bill, so I am forced to move to suspend the rules to change the distribution so that the environment actually gets some help from this severance tax that has been proposed. That is the reason for my motion, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—95

Adolph	Gabig	Marsico	Quinn
Baker	Gabler	Metcalfe	Rapp
Barrar	Geist	Metzgar	Reed
Bear	Gillespie	Miccarelli	Reese

Benninghoff	Gingrich	Micozzie	Reichley
Beyer	Godshall	Millard	Rock
Boback	Grove	Miller	Rohrer
Boyd	Hahn	Milne	Ross
Brooks	Harhart	Moul	Saylor
Causar	Harper	Murt	Scavello
Christiana	Harris	Mustio	Schroder
Clymer	Helm	O'Brien, D.	Smith, S.
Cox	Hennessey	O'Neill	Sonney
Creighton	Hess	Oberlander	Stern
Day	Hickernell	Pallone	Stevenson
Delozier	Hutchinson	Payne	Tallman
Denlinger	Kauffman	Peifer	Taylor, J.
DiGirolamo	Keller, M.K.	Perry	Toepel
Ellis	Killion	Perzel	True
Evans, J.	Knowles	Petri	Turzai
Everett	Krieger	Phillips	Vereb
Fairchild	Maher	Pickett	Vulakovich
Farry	Major	Pyle	Watson
Fleck	Marshall	Quigley	

NAYS—104

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

NOT VOTING—0

EXCUSED—3

Oliver	Parker	Swanger
--------	--------	---------

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 agree to the bill on third consideration?

The SPEAKER. The gentleman from Tioga County has a late-filed amendment and indicated to the Speaker that he is withdrawing? The Chair thanks the gentleman.

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

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

(Bill analysis was read.)

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

The Chair recognizes the gentleman from Chester County, on final passage, Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I am very disappointed that we were unable to suspend the rules to try and make this bill better. Unfortunately, the format that it is in right now is so substantially flawed that it does not, in my opinion, deserve a positive vote, and I say that with a good deal of regret because I am quite interested in establishing a fair and reasonable severance tax. In fact, I voted for legislation earlier in the Environmental Resources and Energy Committee to establish a severance tax at a 5-percent rate.

The reasons that this bill is fatally flawed are multiple. First, the rate is wrong. It is too high. It would set a rate that is higher than elsewhere in the country and drive the drillers away. It has a floor in it so that if the price of natural gas goes down, that the price associated, the percentage associated on the gas is going to remain, and actually on a percentage basis increase and aggravate it and further drive drilling out of the State.

The distribution is wrong. Too much of this money is being diverted into the General Fund for a variety of other purposes. The critical factor that needs to be covered here is environmental impacts need to have sufficient funding, and those include everything from making sure that any repairs to the roads, to the neighborhoods are accomplished where the drilling is occurring. There are substantial impacts at the local level. There is insufficient funding there.

The environmental portion of this has been cut back to a point that is unsatisfactory to many of the groups that were originally supporting it. The local share has been cut back to the point where the General Fund goes first. The local funds get the hind leg if any at all. That is wrong.

At the end of the day, I am deeply disappointed that we could not work in a bipartisan way, but unfortunately, the mechanism that was used to put this bill forward was to bring a bill out in the Appropriations Committee with no prior notice of the details of it yesterday, and then we had 24 hours to go over an extended, lengthy bill. This is not the right way to go about it. It makes a mockery of the rules of the House, and it is deeply disappointing to those of us that wanted to get a good and proper severance tax.

Finally, we are at the very end of the session, and it is my understanding there is no understanding with the Senate that this version that is being brought forward is satisfactory to them. After tomorrow they have 3 session days. The idea that we are going to settle this matter without any prior collaborative work with the Senate is deeply flawed, makes a mockery of the system, and it is, unfortunately, deeply disappointing.

I know others will say, let us just move the process forward. It is too late for that today. We need a settled, agreed-upon piece of legislation. The fact that that was not done with the Senate is, again, very unfortunate.

I regret to have to vote "no" on this legislation, but it does not meet a minimum standard that I would expect out of decent, respectable legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Tioga County, Representative Baker.

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

I concur with the previous speaker in all his remarks, and I, too, rise to oppose this legislation.

In my legislative district, this industry is having a transforming effect. We have the lion's share of the largest producing natural gas wells in all of the Commonwealth of Pennsylvania. It has reduced the unemployment rates below the State and national average. It has created the most amount of new jobs in the Commonwealth of Pennsylvania. This comes from an area that traditionally has been economically depressed for many, many years. So we are experiencing a lot of growing pains, a lot of transformational opportunities. Record levels of economic development are transpiring. Commerce, retailers, hotels are going up. People are now for the first time seeing tremendous opportunity and hope for economic family-sustaining jobs.

Mr. Speaker, this tax would place Pennsylvania once again at an uncompetitive economic disadvantage. We already have the highest taxes in corporate America – the corporate taxes, the business taxes. This is yet another job-crushing tax upon our businesses, and the nexus that that will have in the chilling effect upon capital development, investment, job creation is unconscionable.

Mr. Speaker, why in the world would we have the largest tax in America before us today while everywhere else in America they are trying to reduce taxes or reduce the burden on employers? We are still recovering from a recession. We are still having economic malaise. We are trying to reverse that. This does not help, and ironically, in Washington President Obama is looking to cut taxes. Here we are today trying to increase taxes. What in the world are we doing?

Mr. Speaker, it is by no mistake that our elected township supervisors now oppose this legislation. Business and industry oppose this legislation. NFIB (National Federation of Independent Business) opposes this legislation.

There are constitutional issues, too, which I think are going to be raised later in terms that it violates the single-subject rule, germaneness, and the uniformity clause. I am not going to go into all the merits of that but did want to comment a little bit more about this is a major game-changer in my area. Again, business, commerce, hotels, motels, landlords, gas stations, restaurants, to name a few, are all reporting record levels or near record levels of economic activity.

Unemployment rates. We are very concerned about unemployment rates, unemployment compensation funds. We borrowed \$3 billion from the Federal government. My goodness, this industry helped create more jobs. And guess what? They are all doing it without grants, subsidies, bailouts, or loans. They are doing it on their own. Why are we creating a disincentive to countervail that? It does not make sense. "Help Wanted" signs for the first time in my district are ubiquitous. They are popping up everywhere. It is having a positive effect on my district and my region.

I think other than maybe in Greene County, for two gas wells, we have the highest producing wells in the Commonwealth. It is producing good results, and they are very expensive, by the way, to produce – \$4 or \$5 million apiece. Now, like sharks in a feeding frenzy, comes along big State government to once again impose yet another tax burden that

preys upon business, individuals, landowners and creates risk in terms of impeding job creation and the ultimate growth and competitiveness of this industry that is already providing an economic windfall for the State. My goodness, this industry is already producing almost \$1 billion in value-added revenue to the Commonwealth of Pennsylvania – sales tax, income tax, corporate taxes – again, without any subsidies, without any government help.

Many factors must be considered when voting upon this tax with respect to both direct and indirect impacts and possible unintended consequences. We need to ask if we are creating more opportunities and incentives or more challenges and impediments to job creation and economic development.

Given the terrible business climate, job losses and unemployment rates, both tax and regulatory requirements that place Pennsylvania already nearly at the bottom, this is the wrong way to go, the highest tax in the nation, and I think you put that vote up at your own peril come November.

We have got to remember, what is the top priority? Is it job creation? Is it economic development? Is it long-term job-sustaining opportunities? I do not think this is the right approach, Mr. Speaker.

Mr. Speaker, the proposal before us is a monumental tax; again, the largest in the entire country. There are 35 States, I believe, that have natural gas development. There are about 24 Marcellus Shale plays in the nation. This does not create a reasonable, measured, balanced approach in being competitive in the nation.

We need to ask if it is fair to impose a severance tax on one industry, on one type of well, and not anyone else. Just from the uniformity clause standpoint, it does not sound fair. Is it fair to advance a bill that eliminates all the amendments on both sides of the aisle? I do not think that is fair. Will imposing a tax on the natural gas industry also tax our consumers?

Let me tell you what. I have been getting e-mail after e-mail from our landowners. There is no mistake that the Pennsylvania Farm Bureau opposes this. Our farmers adamantly and vociferously oppose this tax. Why? Most of them have leases that say that if any tax is imposed, it is taken out of their royalty checks. So now you are going after the landowners, the property owners, and the farmers, and you are taking money out of their checks from the royalties, the constitutional right that they have to derive income from their property.

Will the tax be onerous enough to push the ramping up of operations that they plan to do in the next year to other States? It is an argument perhaps for another time, but I think it will have a detrimental effect.

I have no doubt that this legislation before us is dead on arrival in the Senate. The Senate has indicated there is no way they are going to pass this legislation. It is too egregious; it is too unfair and too unreasonable; it is not measured; it is not competitive. I am not sure this is the best that we can do. In fact, I am positive it is probably one of the worst bills that we could bring up for a vote.

Mr. Speaker, local government has said over and over again to us that represent these areas of natural gas drilling they want a fair share, they want a local impact fee, they want the ability to be able to address local concerns. As a previous speaker said, what is left for the locals, the townships, the boroughs, the county, school districts? Well, there is nothing in it for the school districts, and there is only a de minimis amount left for our elected township supervisors. So one e-mail after another

I have gotten today says, we all oppose this; we do not support this whatsoever; this is a terrible proposal. So they reject it as well.

I think we could do better. Why not wait to consider this legislation when there is a new administration that takes office? There are too many questions, too many concerns, and especially too many taxes in Pennsylvania that equal bad public policy, loss of jobs, and less competitive advantage for economic development.

Mr. Speaker, I urge the members to oppose this legislation. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Is there anyone among the Democrats who is prepared to answer questions about this legislation?

The SPEAKER. The majority leader indicates he will stand for interrogation. The gentleman, Mr. Maher, is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

As was mentioned earlier, there was an expansive amendment to a bill that dealt with county officers that was produced out of thin air yesterday that introduced the oil and gas subject to this bill. So most of us have had little time to study the language, and therefore, I have got a couple of questions to make sure I am not missing anything.

Mr. Speaker, are there any provisions in this language related to gas wells that deal with the siting of the wells and their distance for water intake or discharge relative to municipal water supplies to protect the public health?

Mr. EACHUS. The answer to your question is no, Mr. Speaker.

Mr. MAHER. Thank you.

Is there anything in this bill that deals with at least studying what the impact of drawing millions of gallons of water from the Monongahela River has on the quality of drinking water for people in southwestern Pennsylvania?

Mr. EACHUS. The answer is no, Mr. Speaker.

Mr. MAHER. Is there anything in this legislation that deals with treating fracking water to ensure that there will not be an adverse environmental legacy?

Mr. EACHUS. No.

Mr. MAHER. Is there anything in this legislation that deals with addressing concerns about local control and zoning considerations that were not considered 100 years ago in the existing Oil and Gas Act?

Mr. EACHUS. Nothing preempts local zoning in this amendment.

Mr. MAHER. Is there anything that enhances the ability of local communities to control their destiny?

Mr. EACHUS. Could you repeat the question? I am sorry.

Mr. MAHER. Is there anything in this legislation that enhances the ability of local communities to control their destiny?

Mr. EACHUS. Yes, of course there is, because there are resources that drive to local communities so they can face both water safety and water quality problems and environmental problems that drilling is creating in those communities.

Mr. MAHER. So the money. Thank you.

Is there anything in this legislation that deals with providing enhanced protections of our aquifers so that the fluids that are

being injected under tons of pressure, that we will have greater certainty, will not result in poisoning our aquifers?

Mr. EACHUS. Only through the use of the local resources provided to the local governments as prescribed under this amendment, Mr. Speaker.

Mr. MAHER. So there are no safety standards in this legislation?

Mr. EACHUS. I think I answered your question, sir.

Mr. MAHER. Thank you, Mr. Speaker.

And in recognizing in southwestern Pennsylvania our legacy of 100 years of abandoned mines draining poisons into our rivers and creeks every day still, is there any set-aside to ensure that this new technology can yield assistance to solving the scars from the old technology?

Mr. EACHUS. There are other funds in the Commonwealth to deal with mine reclamation, sir. I do live in the anthracite region, so I am very familiar with those. But this does not deal with mine reclamation challenges that are faced in many communities.

Mr. MAHER. So the drainage from abandoned mines that already exists is not specifically assisted here.

Mr. EACHUS. Yes, sir. If we had this legislation at the turn of the last century when mine owners ravaged my region of northeastern Pennsylvania, from Lackawanna to Mount Carmel, sir, and there were resources available for those communities to face that mining challenge and the water quality issues of all the creeks – 13 of them in my legislative district are polluted – if those resources were available a century and a half ago, yes, sir, we might not have faced those problems. But today resources matter in these mining fields, and that is what is in this bill.

Mr. MAHER. Thank you, Mr. Speaker.

And finally, is there anything in this legislation that serves to protect our State forests?

Mr. EACHUS. We acted on that in this delegation in our agreement to restrict leases of the State forests that the General Assembly and the Democratic Caucus stood behind, Mr. Speaker.

Mr. MAHER. So there is nothing in this legislation that would protect the State forests?

Mr. EACHUS. We already protected those State forests with restricted leases, Mr. Speaker.

Mr. MAHER. Thank you, Mr. Speaker.

That concludes my interrogation, and I would like to speak on the bill.

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

Mr. MAHER. Mr. Speaker, the nature's bounty that is beneath the earth's surface in much of Pennsylvania is a wondrous thing, but harvesting that bounty must be done thoughtfully and carefully. The technologies involved in extracting gas from shale formations under the pressure and depth and avenues of incidents that we have today are all new technologies, and with any new technology, we can expect there to be challenges and we know that there are many concerns. We know in Canonsburg, Pennsylvania, earlier this year, where they lightly advertised a meeting about environmental considerations associated with the Marcellus drilling, over a thousand Pennsylvanians dropped everything to attend – over a thousand – yet this landmark legislation before us, pulled from a rabbit's hat in the Appropriations Committee last evening, is silent on all of those concerns.

Now, I am not sure I know what the right answer is to all of those concerns, but I know that those are concerns that need to be addressed, and not addressed under the theory that the State will take in money and then the State will decide how to spend money and that the world will suddenly be a better place and these environmental concerns will go away. I find it astonishing that the gentleman across the aisle believes that if there had only been more money in the State Treasury 100 years ago, that we would not have abandoned mines draining poisons into our rivers and streams today. It is ludicrous, and if that is the proposition that is underpinning this legislation, it is ludicrous as well.

People across Pennsylvania know that the right answer to environmental concerns, whatever those concerns are, is not that the State should collect more taxes; rather, it is to ensure that what happens. "An ounce of prevention is worth a pound of cure." Ben Franklin has been referred to many times in recent weeks in this body. Ben Franklin: "An ounce of prevention is worth a pound of cure." This bill says we want a pound, and we will use some of it for a cure, but you are not getting an ounce for prevention.

What I really found interesting is the wink, the wink to the devastation of creating a new disaster recovery account. One-point-six percent of this new tax would go for disaster recovery. Would it not be better to have disaster avoidance?

Mr. Speaker, this bill really is nothing more than picking pockets, and if we are going to address the issues of Marcellus Shale, we need to address local control; we need to consider what happens when water is poisoned, or believed to be poisoned; we need to consider whether or not the State agencies and our conservation districts have adequate personnel to properly attend and observe and police drilling; and we need to make sure that 100 years from now people are not asking why grabbing money for the State's General Fund was more important than protecting Mother Nature.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I rise in opposition to SB 1155 as amended in this House Appropriations Committee. We on our side of the aisle are for job creation, positive economic activity, but we are also for energy independence and we are for the protection of the environment and the safety of our citizens. This bill serves none of those purposes.

In the first instance, a tax does not protect safety and does not protect the environment, and certainly this particular bill does not protect the safety of the citizens or the environment in this State. The appropriate way to make sure that given this drilling operation is safe both to citizens and to the environment is through the regulatory process.

Mr. Speaker, if I might call for order.

The SPEAKER. The gentleman will yield.

The House will come to order. The gentleman, Mr. Turzai, has a right to be heard. Members will please take their seats.

Mr. TURZAI. In the first instance—

The SPEAKER. The gentleman will yield.

The House will come to order.

The gentleman may continue.

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

In the first instance, yes, we have the Oil and Gas Act already on the books, the Oil and Gas Conservation Law, and the Coal and Gas Resource Coordination Act. But in addition, drilling operations are subject to Pennsylvania's clean streams laws, solid waste management acts, Pennsylvania's Air Pollution Control Act. These laws address a wide variety of environmental protections enacted by this body, signed into law by previous Governors, and they need to be adequately enforced. They will be.

In addition, the industry is already subject to a variety of State regulations which govern well-drilling operations, and this particular Department of Environmental Protection has already put into place new water quality regulations, total dissolved solids, or TDS, and it is in fact very stringent with respect to what can be emitted into our State's waterways.

In addition, this Department of Environmental Protection has already strengthened standards for the cementing and encasing of wellbores as they are drilled into the earth. Our permitting process by the Department of Environmental Protection states that you already must be in compliance with all applicable laws and regulations, including the ones that I have already stated.

Higher fees are already being instituted to hire an additional 37 Department of Environmental Protection field inspectors, and another 68 field inspectors will be added to the staff in the next few months. Yes, we want safety and environmental protection. The regulatory process, the laws on the books, the strength in regulations, and adequate enforcement will do exactly that.

Second, there are some that want to support this, the highest tax in the nation – the highest tax in the nation – because they want to stop all drilling operations altogether. They really do not care about a balance between job creation and environmental protection. The fact of the matter is, this particular development of Marcellus Shale can be done safely, both for citizens and for the environment, but in fact, it is also providing real economic opportunity for so many of our citizens across this State.

The jobs that are being created are some of the highest per salary in the land. The average wages paid in this industry – \$63,000 – were 47 percent higher than in the State's private sector overall. There are new corporate headquarters being located in the State that are bringing real wealth and opportunity to Pennsylvania citizens. In fact, landowners are getting royalties, particularly farmers in our regions who have had a hard time making it, and they are finally seeing some wealth from the property that they have owned for years. Those are all good things and they have to be balanced, and we need this to continue to go forward to be able to bring economic prosperity while balanced by environmental protection and safety.

In addition, it is environmentally friendly to develop natural gas. It produces roughly 60 percent lower carbon emissions than coal and roughly 30 percent lower carbon emissions than oil. That is a good thing. And there is energy independence that comes with natural gas. We can actually begin to use our natural resource as opposed to resources in the Middle East, like oil. We are going to use our natural gas.

You know, in terms of economic prosperity, it is not only benefiting those in the industry itself, but entities like United States Steel, our State's largest manufacturer, are producing the

pipe, and restaurants and hotels in many of the cities across our State and in the boroughs across our State are seeing increased economic activity. That is a good thing.

If anybody really cared about making this a complete environmental bill balancing with economic prosperity for our citizens, then the way they were going to use the money in the end would also have been addressed differently. Look, let us be honest, this is by and large, to the extent that people want money, they want it for increased General Fund spending. If it were really being targeted money, it would be put in the Environmental Stewardship Fund or it would be in the Hazardous Waste Fund. Let us be honest about that. In the end, if we were worried about an adequate balance, you would not be doing it with SB 1155 as it has been amended. It is missing the point on so many different fronts.

Mr. Speaker, I submit to you, this bill is, in the end, a fraud. It is not really about making sure that there are good jobs in Pennsylvania. In fact, it wants to stop good jobs, and it is also not talking about the balance for good environment and safety. It is not about that either.

This bill is a sham, and I would urge everybody to please vote "no."

The SPEAKER. On the question, the Chair recognizes the gentleman from Clinton County, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I think it is very important that we recognize one thing: Every serious environmental group in the world believes in a severance tax. They may not necessarily endorse this one a thousand percent, but they all know that we need a severance tax. If we are going to address the environmental concerns that we have, we need to have a severance tax in Pennsylvania. So let us not say that this bill does not help the environment. This may not be the final word on this, but this is an important step that has to be taken so that we can address the environmental concerns that are facing us.

Let us also be clear that there are added benefits here. Tax fairness is a huge issue for our constituents across this State. We need to recognize that our working families are paying their fair share of taxes. These companies need to pay their fair share as well. We are the only State that does not have a severance tax. We need to have a severance tax. Even the industry recognizes, at least some in the industry recognize that we need to have a severance tax.

In the arena of job creation, there are provisions in this bill that will start to make sure that jobs go to Pennsylvanians. So far there have been economic benefits, but they have not been the full benefits that we deserve. In fact, most of the jobs are being imported. The benefits have been to existing businesses in a small way, but in this bill, we will try and make sure that those jobs go to Pennsylvanians. So there are benefits for job creation that this bill helps us get started on.

And the local share. We need to recognize that this may not be the final word on how much the local share is. I would like to see the local share more than it is. But if we do not move this today, if we do not take this step, if we do not start this process, I can virtually guarantee you that we will go a minimum of 5 years without a severance tax. Think about that, all of you who represent rural Pennsylvania. If we go 5 years without a severance tax, that means your local municipalities who may want more than this bill provides will get nothing – nothing – over the next 5 years. If we do not start today and move this bill today, there is never going to be a local share, or at least not a

local share for the next 5 years. So do not hide behind the fact that you think the local share should be higher. If you want to see a local share, you have to support this first step towards getting there.

Now remember, there are lots of people saying this is going to be the highest tax in the country, and it is not. But even if it were, we need to counter what the Senate is saying. They are talking about the lowest tax in the country. They are talking about a rate that would virtually raise no money whatsoever to help our environmental concerns. We need to take the first step by saying that we want a serious tax, a tax that will give us the dollars that we need to address the environmental concerns, the tax fairness issues and the job creation, as well as the local share.

So I strongly urge all of us to take this step today. And remember, if we do not take this step today, remember, there will be no severance tax for 5 years. Can you go back to your constituents and say to them, well, there will not be a severance tax for at least 5 years? If we do not move this bill today, that is the reality that you are going to have to face with your constituents.

I urge a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise to support SB 1155 and to really take up after the comments of my colleague, Representative Hanna.

There are a couple of myths that have been percolating on the floor here. Now, one of them is that this is the highest tax, extraction tax, in the country. That just plain is not the fact. Several States have a higher tax structure for extraction on the gas companies. They include Wyoming, Oklahoma, New Mexico, and Montana. In some cases, Wyoming's is 30 percent higher, in addition to which, in terms of their cost structure, their proximity to market is so much further away than this resource that we have here in Pennsylvania. The fact is, we are right in the middle of the marketplace, so transportation costs and the cost to the industry are not going to be as significant. So that is just one of the issues that I think we have to dispel here.

And again, as my colleague, Representative Hanna, mentioned before, the alternative vision that we are talking about is a Senate proposal that is going to be the lowest in the country with all kinds of loopholes to allow the industry to basically circumvent the most productive years of production with a very low tax, and that, I think, is entirely unjustified.

With respect to the distribution, this is not a bad distribution formula. It could be better; I know everybody has an interest, but 40 percent does go to local communities and environmental programs. And by the way, the fact of the matter that money is going into the General Fund is critical as well, as our State is facing a fiscal crisis of enormous dimensions. So the fact is, in the General Fund, we can support libraries with this money; we can support early childhood education with this money; we can support breast and cervical cancer treatment with this money – things that have been cut and not supported because of the fiscal crisis going on in this State and across the country. It is an opportunity as well. So the distribution is a reasonable formula.

With respect to my colleague from Tioga who talked about waiting to consider this proposal under the next administration, let me remind my colleagues, and it was emphasized as recently as last night, one of our leading candidates for Governor said

under no circumstances – no circumstances – would he support or sign a bill that had a severance tax for Pennsylvania. This is our opportunity in this session. So that is a vision I do not think is shared by many, probably a few of you across the aisle here, but most people, most Pennsylvanians, believe a severance tax is needed, is necessary, and mandated, and it is important that we get it done before the next administration comes to fruition. It is our time to do it, our responsibility to do it.

I urge passage of SB 1155. Thank you.

The SPEAKER. The gentleman from Delaware County, Representative Killion. The gentleman waives off. The Chair thanks the gentleman.

The gentleman from Bucks County, Representative Petri.

Mr. PETRI. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of discussion tonight and I want to really speak to the people of Pennsylvania at this point in time, because I think, Mr. Speaker, everyone in this chamber understands what is really going on and understands the true facts.

Mr. Speaker, this bill is so convoluted in its method of distributing funds, one would believe that it is intentionally so, so as to misrepresent the true facts. So let us put some numbers to these projections so that the people at home will know exactly how this money is being distributed, because, Mr. Speaker, the truth is that 85 percent of the projected money is going into the General Fund. So, Mr. Speaker, do not tell me that we are interested in protecting the citizens of Pennsylvania with this amendment and this bill, because we are not.

The projected revenue, according to the Appropriations fiscal note, is a net of about \$110 million for this fiscal year. The first thing the bill does is takes \$70 million and puts it into the General Fund. The second thing the bill does is distribute \$5 million to Labor and Industry for job training in our universities, in our colleges, in our vo-tech schools. So there is \$5 million for job training so that Pennsylvanians might have a chance, might have a chance of getting a job in this industry which is coming to Pennsylvania. Now, I think that is a good thing, but I think \$5 million is well too short of reducing our unemployment lines and making sure Pennsylvanians have real jobs in this industry.

Next, once you take that number, 60 percent goes into the General Fund. Twelve percent of what is remaining, which is about \$35 million, goes into the Environmental Stewardship Fund. Mr. Speaker, that is \$4.2 million – \$4.2 million – and that will grow to the next year to be about \$29 million. That is 1 percent, Mr. Speaker. That is a paltry amount of the revenue that is going to be derived, hundreds of millions – 1 percent to the Environmental Stewardship Fund. The local government stewardship fund, which is the fund that is going to go to the local municipalities that have hosts to divide up across this State, will get 10 percent, or in the first year about \$5.6 million, growing to maybe \$38 1/2 million. That is 5 percent growing to 12 percent of the total amount for our local communities to deal with the traffic, the congestion, the noise, the pollution, the dust, the code enforcement issues. That is all they are going to get. That is a pittance compared to the actual cost that they are going to incur. Oh, and by the way, if you happen to be a rural community and small, you are capped at 50 percent of your budget. So if that number somehow exceeds 50 percent of your budget, that is it anyway; you do not get any more.

Hazardous sites, Mr. Speaker. Hazardous sites would get \$563,000 this year, next year going to about \$3.87 million. That

is only 1.2 percent of the money that is being derived out of this fund. That is a putrid amount, putrid for dealing with hazardous sites.

And lastly – this is just the best – oil and gas disaster recovery is also going to get \$563,000, raising to about \$3.87 million or 1.2 percent.

So if you combine all of those items, Mr. Speaker, 15 percent of the concerns, legitimate concerns that we have heard from our residents that will be caused by this industry, are being addressed. Only 15 percent of the money is really going to the environmental concerns that a majority of people seem to suggest may arise out of this industry. So let us not kid ourselves: 85 percent of this money is so that we can continue to spend the taxpayers' moneys in ways that they are not currently comfortable with and with no accountability to anyone but ourselves.

Mr. Speaker, the amount to small communities is too small. The fact that we are not funding permanently Growing Greener with this opportunity is unacceptable to me. The fact that we only have \$5 million going for job training when we have unemployment at burgeoning levels is unacceptable.

And, Mr. Speaker, finally, the process. Let us discuss what really has happened here. I stepped into Appropriations yesterday, Mr. Speaker, and there is a bill that we had gotten 5 minutes before, 20-some pages long. It has bypassed the Environmental Committee, which is the committee that this bill should have gone to and where the discussions should have taken place, and it gets voted out and put onto the House floor. And by the way, it is on third consideration, so under our House rules, as we all know in this chamber, Mr. Speaker, no one can offer amendments. Do we not get what people have been saying about the process? We had a whole Speaker's Commission on Reform, bipartisan in nature, that spent 18 months doing hard and diligent work and we found a way to avoid that whole process again.

It is not the way to protect the public, and what we really ought to be focused on, Mr. Speaker, first and foremost, is public safety, because that is the essential role of government, but this bill only puts 15 percent for public safety and the balance for the General Fund.

This bill is paltry, it is a pittance, it is putrid, and it is pitiful. Thank you, Mr. Speaker.

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

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

Let us not kid ourselves, the jobs are not coming from Pennsylvania; the jobs are coming from out of State. The people who know how to do the drilling are coming from Texas and everywhere else that they have been drilling for gas. The Marcellus Shale gas that is being sold and shipped and harvested right now is going through my county, Chester County, through big gas pipelines that in the last few years they have been enlarging. And we know what recently happened in California: One of those pipelines exploded and killed seven people.

The gas being provided right now to us in Pennsylvania, and I have gas in my house and I have been buying gas for 40 years, all of the gas that I buy comes from a State that has a severance tax. We must think we have a big "S" on our forehead: we are stupid; we should give this away. This resource belongs to every single one in this room, every single one of the people

who lives in our district. Every citizen of the State of Pennsylvania owns that resource in a collective way.

Our proposal provides more money for local communities and environmental interests than either Governor Rendell's initial plan or the Senate plan. Our plan would generate more than \$300 million in tax revenues in 2011-2012, which would provide more money to local communities and environmental groups than either the Governor's proposal or the Senate proposal.

And I want to remind also all of you that there are people on this floor right now who are arguing for a "no" vote. A "no" vote generates no money for the environment. We need to do the right thing. This bill is not perfect, but we made a commitment as a body that we would get a severance tax passed by October. We need to honor that commitment, vote this bill out, and push it over to the Senate.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I stand here today very disappointed in the recent procedural moves in order to get SB 1155 to the floor of the House. Probably in the last 6 months I have offered, I have reached out in order to work together in a bipartisan manner to come to a reasonable proposal. Yesterday at approximately 3:30 p.m., I walked into the Appropriations Committee only to be handed a 30-page amendment. Without time to review it, we were also asked in the next 5 or 10 minutes to vote on this proposal.

I have heard many of the members on both sides of the aisle say why this tax is necessary, where it should be going. However, the process that we were faced with, the only alternative that we were faced with, is an up-or-down vote on this amendment. When it got to the floor of the House, the only way a Representative was able to increase the amount that would go into the environmental funds was to suspend the rules.

Now, I am sure when you call a meeting at 3:30 p.m. and the bill is going to be on third consideration the next day and all amendments have to be filed by 2 p.m. that day, it puts us in that predicament. In the last 2 weeks, there have been two major pieces of legislation brought directly to the Appropriations Committee: one, the transportation bill; now the Marcellus Shale severance tax.

Obviously, this rate of tax, we are not able to say should it be 5 percent? should it be 3 percent? should it be like the Arkansas-style tax where the industry grows, the jobs grow, and 30 years from now the Commonwealth receives more money? This is a very high tax. Some say that it is the highest in the nation, and it may be; it may be the highest in the nation.

I have heard people say that the escalation of a low rate of tax is not the way to do it. Well, I think we have 90 wells being drilled here in Pennsylvania. We have over 220 permits out there. These gas companies are just starting here. When you put out millions and millions of dollars to drill the first year, those gas companies like to expand. The jobs, according to a Penn State survey of 2010, have created over 88,000 new jobs in Pennsylvania – 88,000 new jobs in Pennsylvania. They predict another 110,000 in the next 2 years.

The Republican Appropriations Committee traveled to Bradford County a little over a month ago – a small little town, Towanda in Bradford County. We were very fortunate to get a room to even stay near Towanda. We were told by local leaders,

township supervisors, county officials, that there are plans of three more hotels being built. And they actually hit the big time. They now have a McDonald's in Bradford County in the small town of Towanda or Wysox. They finally have a traffic light in order to let the traffic proceed. We talked to local farmers. We talked to local businessmen. Business has never been better. We talked to local commissioners and supervisors that said, Mr. Speaker, yes, there should be a severance tax, but if there is a severance tax, the counties need the bigger share to take care of their local roads, to take care of their growth.

The environmental groups that I hear from so often, this is not moving the process by voting for a tax that gives very little to the environment. We were unable today to offer an amendment that the environmental groups would have liked better. Why are we shutting out the voice of the people, the voice of the environmentalists?

Mr. Speaker, there was no agreement by any members of this side of the aisle that we had to have a severance tax by a certain date. We were never part of that agreement. I have said publicly I would be willing to work with Chairman Evans. I thought this bill should have been in the Environmental Committee. The Finance Committee held public hearings. That is where most tax bills come from. That is where most environmental bills come from. They do not go directly to the Appropriations Committee for members to make a hasty decision in 5 minutes, a 30-page amendment. This is not what the people of Pennsylvania are asking for. They understand what this natural resource is going to bring to this Commonwealth.

We need a balanced plan. We need a balanced plan that takes care of the environment, that takes care of our county governments, that takes care of our local governments, and yes, helps the needs of the Commonwealth, but we do not need a money grab in order to put 80 percent of what this tax will derive in the next year into the General Fund.

This should not be a short-term fix. This gas has been in our Commonwealth for hundreds and hundreds of years, and we should develop a plan to take care of Pennsylvania's environment and the citizens of Pennsylvania. Mark my words, we are going to be here, hopefully in the next 30 days, looking at this, because this plan is dead on arrival to the Senate of Pennsylvania. Thank you.

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

Mr. CLYMER. Thank you, Mr. Speaker, and I plan to be brief.

I stand here this afternoon to oppose this very high tax on the Marcellus Shale. Mr. Speaker, we have heard that this could be the highest tax in the nation if it were to pass on the Marcellus Shale. And what does that mean to all of us? Well, Mr. Speaker, after witnessing the decline of the iron and coal and steel industries, Pennsylvania has been looking for that industry that would bring growth.

Now, we have had some industries, of course, that have provided that, but this is the one that seems to be the shining star for the Commonwealth of Pennsylvania. If this high tax on Marcellus Shale as incorporated into SB 1155 should pass, we need to question, what will happen to the creation of new wealth? The new wealth is that natural gas that is in abundance here in Pennsylvania. We need to say to ourselves, if this high tax on Marcellus Shale should pass, what would happen to the thousands of private jobs that would be created and are being created as we stand here today if that tax should go through?

Mr. Speaker, we have to say to ourselves that Marcellus Shale is a clean source of energy, and I think that is one of the things that even the environmentalists would say is a positive about this issue.

Mr. Speaker, if we go and we pass this high tax, this high tax on Marcellus Shale, a severance tax, will that help to reduce our dependency on foreign fuel, because there is such an abundance of this natural gas here in Pennsylvania. And, Mr. Speaker, if we go forward and in SB 1155 pass this high severance tax on Marcellus Shale, will that bring in new revenue to the State of Pennsylvania? I am afraid it will not.

And we know that when you have an industry that is booming and creating wealth and jobs, that that provides a brighter future for all Pennsylvanians. Whether we are in the western part of the State or not, we all benefit from this wonderful economic development that has taken place in that part of the State.

And so, Mr. Speaker, I stand here and say I plan to vote "no" on SB 1155. Thank you.

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of SB 1155. And, Mr. Speaker, you know, it is not a perfect bill; I could quibble with the various distribution schemes, but the point is this: If we do not vote this bill today, this issue is dead. There will be no severance tax. We all know this is – or we should know, if you have been around here long enough and have the experience – this is just a starting point. We need to get it over to the Senate so then we can begin the negotiations. But if we vote "no" today, it is going to die, and that is absolutely unconscionable that these drillers do not pay a severance tax – absolutely unconscionable.

You know, Mr. Speaker, I hear these arguments about, oh, they cannot afford it; they are going to go elsewhere. Mr. Speaker, I did a little research. This is the kind of money these gas drilling companies are making. Anadarko Petroleum, gross profits 2009, \$6.8 billion; \$6.8 billion is what that drilling company made in 2009. Talisman Energy, \$4.3 billion gross profits, 2009. EOG Resources, \$3.8 billion with a "b" profits in 2009. These people are making tons of money. They have enough money; they can hire a former Governor at a contract rate of \$900,000. They can give a candidate for Governor almost \$400,000 in campaign contributions. These people have money.

Mr. Speaker, Mr. Speaker, the rate that is being charged here, 39 cents per 1,000 cubic feet, is a fair and a reasonable rate. According to the Pennsylvania Budget and Policy Center, and I will quote, "The rate is not, as some have claimed, the highest in the nation. In fact, it is competitive with other energy-producing states." I am quoting the Pennsylvania Budget and Policy Center: "...the proposed rate in Pennsylvania is comparable to that of New Mexico and Montana." You can have all this rhetoric you want, but you need to stick with the facts. This is a reasonable, reasonable tax rate for people who can afford to pay it.

Mr. Speaker, the initial thoughts by the Representative from Montgomery County with regard to this gives nothing to the environment. Again, you have to look at the facts, look at the fiscal note. I think this should give more to the environment, but again, this is just a starting point. I am just looking at the 2011-2012 projected revenue figures, according to the fiscal

note, for the Environmental Stewardship Program, \$30 million; next year, \$40 million; next year, \$59 million; next year, \$70 million. This is not nothing; this is money, millions of dollars for the environmental stewardship program. This program needs this money. Should it get more? Yes, it should, but it is better than zero. We need this money for things like dealing with acid mine drainage, plugging abandoned wells, farmland preservation, open space preservation, park infrastructure. Mr. Speaker, this money is desperately needed. We need to get some of this money going in here.

Mr. Speaker, someone is going to have to pay for this. When these drillers come in, and I have been to Dimock; I have been to the Wellsboro area. I have seen the truck traffic; I have seen the wear and tear on the roads. I have seen the diminution in the quality of living. I have seen the extra expenses that are incurred. Someone is going to have to pay for it. The real question is, who? Is it these wealthy drillers? Is it these wealthy drillers who are making billions in profits, or is it your average citizen? Someone has to pay for it, and that is what we have to ask today: Who is going to be paying for all these expenses that are being incurred right now?

If you want the average citizen— If you want the wealthy gas drillers to pay for it, you vote "yes" for this, but if you want your common citizen to be paying for all this stuff, then you vote "no." And the people will be watching on November 2.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Armstrong County, Representative Pyle.

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

Mr. Speaker, I want to digress from SB 1155 just for a moment and rehash why the 203 individuals here who are elected Representatives were sent here. We were sent to express the will of roughly 62,000 people. Now, in some places like the west where I come from, the amount of square mileage it takes to get 62,000 people is considerably greater than some of my respected colleagues who come from more urban areas where the area is much smaller.

Now, the urban areas, Mr. Speaker, have great attractions and theaters and stadiums and all of that, whereas we in the rural areas, we do not have those things. I, however, Mr. Speaker, in the 60th District am blessed to live in not only the heart of the Coal Belt but also in the heart of the Gas Belt. Mr. Speaker, the 60th Legislative District of Pennsylvania is home to 31,000 shallow wells.

Now, what is being lost in the discussion and has not yet been addressed is that within this bill is a provision that makes us put a specified digital meter on each one of those 31,000 wells, approximated at a cost of roughly \$3,000 per meter. Mr. Speaker, Indiana County is a fifth-class county. Armstrong County is a sixth-class county. When you do the math, you are looking at us putting out \$93 million just to comply with the law. Mr. Speaker, the last I looked at the gross revenue generated by this proposal, it was about \$118 million, which in our eyes means we are going to put an awful lot of people's royalties into paying for a program we do not want.

Now, let us be very certain: This is not a Marcellus Shale tax; this is a natural gas tax – all natural gas. Mr. Speaker, it is commonplace when somebody who is fortunate to own their rights puts in a well to get free heat for their houses. Now, Mr. Speaker, that person who lives out in the middle of Burrell or Kiski Township on a farm they inherited from their granddad is now going to be asked, because of the

structure of this measure, to pay tax on something they have never paid tax on before. These are not gigantic international corporations; these are farmers who are scraping to get by, Mr. Speaker.

Now, the prior speaker discussed farmland preservation, always an important thing to me, Mr. Speaker, because agriculture is very important to the 60th District. Yet when I talk to the farm bureaus representing each county, they tell me "oppose this." Their reason is much the same as prior speakers. If you are going to tax it, put it where it is going to help. Mr. Speaker, the State is not going to step in and fix Diamondville Road in Cherry Hill Township, Indiana; that is going to be Cherry Hill Township. Mr. Speaker, the State is not going to step in and clean up Redbank Creek; that is going to be Redbank Township and the water conservation district.

Now, if you want to make a cognizant argument for why more money needs to be driven in different directions, let us aim it at the townships, the farm bureaus, and the water conservation districts. They are the people dealing with this firsthand, but right now it is the farm bureau that tells me to stand and oppose.

Mr. Speaker, \$93 million taken out of Armstrong and Indiana Counties does not stop programs, it kills them. Mr. Speaker, again, we are all Representatives sent here to speak our constituents' will, and I have spoken just a portion of mine.

I would like to digress into a different area, Mr. Speaker, a question for the maker of the bill, rhetoric, if you will: If we came up with a cure for cancer, would we put a tax on it because people need it? I would say I hope not. People need that gas to heat their homes, Mr. Speaker. There is no reason we should institute the highest Mcf. (1,000 cubic feet) footage tax in the entire nation.

Here is a word for you, Mr. Speaker: Eagle Ford. For those unaware, for those of us on the ERE (Environmental Resources and Energy) Committee who are familiar, the Eagle Ford is a similar-sized shale deposit that straddles the Texas-Oklahoma border. It is estimated to hold reserves slightly less than what the Marcellus holds and in fact is about, oh, 2800 miles closer to those evil out-of-State drillers that were identified earlier. If we put this in place, Mr. Speaker, those guys who are drilling, who can go horizontal at 5800 feet, will not come here. They will take the easy backyard drive to the Eagle Ford and they will drill and drill and drill. Estimates say the Eagle Ford formation holds 30 years of natural gas locked up in its shale. Are we willing to sacrifice a generation? I am not.

Please vote "no" to SB 1155. Back to the drawing board for this one. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from York County, Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

I am not a constitutional scholar, I am not even a lawyer but I can read the written word here, and whether you agree with the merits of the bill – which, by the way, I do not; I feel it is confiscatory and I think it does absolutely nothing for the environment, or very little – my interest is in the Constitution for which I took an oath to uphold and defend, and as I read it and understand it, this bill violates the Pennsylvania Constitution in three places and in five different ways.

Article III, section 1, states that "No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose." And to be clear here, SB 1155 originally amended Title 16, providing for bonds or insurance for elected county officials, which hardly references Marcellus shale or gas.

Article III, section 3, states that "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof." With the addition of the severance tax and Marcellus Shale language, SB 1155 now contains more than one subject, obviously. Furthermore, the short title of SB 1155 does not clearly express the contents of the bill, as it does not even reference the imposition of a tax.

Moving on. Article III, section 10: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills." SB 1155 contains a significant new revenue-raising provision, but the bill itself does not originate in the House, obviously.

And finally, the bill violates Article VIII, section 1, the uniformity clause, which requires that we treat individuals and groups similarly. Now, I do not know if it is a newflash for anybody, but we do not tax to extract coal or limestone or sand or timber or sod or just about anything else you can think of.

I will be voting in favor of the Constitution. I would urge you to do the same. Please vote "no." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VEREB. Thank you, Mr. Speaker.

Mr. Speaker, I am rising in a state of shock that some of the same groups that were in my office last week, who, by the way, do not support me politically, were in there pushing to make sure that the funding for environmental protection, environmental stewardship, bringing up all the things that are going on up in counties such as Tioga and other counties from incidents to accidents, to water boiling up from methane gas, to the chemicals used for fracking, so I find it astonishing that what we are doing here today is not passing legislation but starting a conversation with the Senate. I find it shocking that these same groups softly support this legislation, and I find it furthermore astonishing that being one of the people who did not make the commitment to this tax at budget time, I find it hard to believe that all these other folks that did have not worked this out with the Senate in advance, being as that we have four more session days to get this legislation passed one way or the other.

But I am not debating those issues as much as I would debate the concern of the environment, and for the gentleman from Delaware County to stand up and become as animated as he has over the environmental concerns, saying that the money is there, frankly, Mr. Speaker, is ludicrous. We all want what is right in the Marcellus region and all of the other natural gas regions for our environment. We may not be out west and have it under our homes and our properties, but we are east and we drink water, and we are not the ones who have alarmed the public and brought legitimate environmental issues to the table. We are not the ones. We have that concern, but the same people that brought those alarms and those concerns to us now say, let us just send it to the Senate.

Well, one of two things is going on here, Mr. Speaker. There has been a deal where the Senate is going to make all these changes or we are just sending it over to show the Senate who is in charge. Well, who is in charge of what, Mr. Speaker? It reminds me of a statement that former Representative Blackwell of Philadelphia made in this chamber, Mr. Speaker, when he said he is tired of people telling him it is raining outside when his feet were not wet. Well, you know, Mr. Speaker, I am tired of people changing the terms of their debate from week to week on such a massive, urgent environmental concern in the western part of our State, and furthermore, west of here.

I have a neighbor who owns several hundred acres, Mr. Speaker, in Tioga County, and I am no stranger to the gentleman from that county and talking to him about my neighbor's concerns from safety to environment. I think that we are the chamber that could do what we have done for the last 4 years. We have worked in a bipartisan way on environmental issues, and to sit here and think for a second that we are going to send it to the Senate to fix what we have been proposing for years is nothing more than the greatest class of skulduggery, Mr. Speaker, that this chamber has ever seen.

And I respectfully request a "no" until all of the environmental legislators on both sides of the aisle in this chamber stand up for what is right for Pennsylvania. It would be like myself walking away from the Fraternal Order of Police on a bill in this chamber. It is not going to happen, Mr. Speaker. Let us stand up for the real dollar, for the real cost that it is going to take to protect the real environment, not the one that is on paper in this chamber today, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York County, Representative DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Mr. Speaker, we have really two choices, obviously. It sounds simple. We can either be "yes" or we can be "no." My view is that if you are against the Marcellus Shale tax, you should be a "no." But, however, if you believe in this tax, you should be a "yes," and here is why I say that. Look, all of us, if we wrote legislation by ourselves and we only had to get our own vote to pass it, it would have looked different. But there is one thing I found with the distracted-driving debate that I think applies here: that the Pennsylvania Senate, without action from the House, will simply do nothing. They may do some resolutions. Some of them may be binding; some of them may not be binding. They may name some highway bridges; they may not. But they will not take action on serious legislation without action from this House. I do not necessarily think that is the greatest view of a separate but equal chamber in the legislature, but that is the reality we are dealing with. And the leadership, both Republican and Democrat, in this chamber need this bill to pass to have the negotiating leverage with the Pennsylvania Senate or they will do nothing.

And as a former deputy in the Department of Environmental Protection, I had to go through county after county of what happened on abandoned drilling sites, abandoned mine sites, the amount of money that we had to spend to clean up the water because we did not have a similar extraction tax on coal over 150 years ago. We are looking at that type of moment right here.

Is this a perfect bill? We all know that there is no such thing, and we all know that if we were writing the bill ourselves, it would have looked different. The leader has done the best he

could to try to find compromise in this chamber to get this bill passed, to help him negotiate with the Senate. But at the end of the day what we are looking at is, this is one of those historical votes, and our grandchildren are going to look back and say, were you there to try to protect our environment, responsibly tax an industry to ensure that we had the resources to clean our water, clean our land, and make sure that the people had the constitutional right of pure water? That is in our Constitution. We often talk about constitutional rights. There is no debate about what the Pennsylvania Constitution says about water. It says we have a constitutional right to pure water. This legislation will help ensure that we have that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Ms. HARPER. Thank you, Mr. Speaker.

I have often said that the only reason I am in politics at all is because of my passion for the environment and Pennsylvania's environment in particular. I tried to fix this bill so that to vote for the severance tax was an environmentally friendly vote and so that the money would go towards remediating the inevitable problems that may occur as a result of the fracking process. I was denied the opportunity to make that amendment.

I am not a person who likes to vote for taxes, but I was going to vote for this one because I thought it was a way to stench the flow from the Environmental Stewardship Fund and to put money where we needed it, in the Hazardous Sites Cleanup Act, in case we had a problem. I was willing to vote for this tax in an election year if it would take care of the environment and put the money aside for the local governments that are impacted by the drilling, but, Mr. Speaker, this does not do it. If you are honest enough to say you just want to put the first \$75 million into the General Fund and 60 percent of the balance and leave the crumbs for the Environmental Stewardship Fund and the crumbs for the Hazardous Sites Cleanup Fund and the crumbs for the conservation district, if that is what you are willing to do, vote "yes."

We can do better than this. We could have done better than this today, but we were not allowed to even discuss the amendment. That is wrong. That is wrong for the process; it is wrong for the environment. Do not kid yourselves. You are not voting for Mother Nature here; you are voting to dump \$80 million into the General Fund, and I do not think the voters will appreciate it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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

Mr. GERBER. Thank you, Mr. Speaker.

Mr. Speaker, it is very frustrating to stand down here and listen to this rhetoric when you think about our history, and in this chamber in '05, we were debating Growing Greener II. And the Democrats were in the minority then, and we were trying to help advance a plan that came from the Governor's Office that would have maintained Growing Greener I that was passed under Governor Ridge and would have enacted Growing Greener II so we could address the many environmental problems we have around this Commonwealth.

And by the way, many of those problems, Mr. Speaker, as you know, coming from the part of the State that you come from, are the result of a coal industry that raped our land and

left it for dead. Generations later, we are still paying to clean up those very parts of Pennsylvania. But there was a gentleman from Montgomery County that came out with a plan called Green PA, supported by the gentlelady from Montgomery County who just spoke. Their plan refused to add to the tipping fee that currently exists or to raise a tax on emissions so that we could pay for a more robust environmental program, and they got their way. And when they got their way, Mr. Speaker, they stole the money from Growing Greener I to pay for Growing Greener II, and we ended up with a much lesser plan, a plan that leaves these environmental programs nearly broke today. And they left no choice for those of us that cared about the environment; we had to vote for it. So we helped advance it, but now all of a sudden they care so much about the environment. It is remarkable, remarkable how all of a sudden they are environmentalists, remarkable that all of a sudden we are not doing enough to tax industry to pay for the environment. Have you looked at the Senate plans? Have you considered how little the Senate would do to raise new revenues? Have you thought about how little money would be there from the Senate plan to pay for the environment you say you care so much about? You cannot be serious, Mr. Speaker, to stand here with that history and pretend like you are voting "no" because it does not do enough for the environment.

If you care about the environment, you will vote "yes," Mr. Speaker. I urge a "yes" vote on this. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Preston.

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

I guess I have had the privilege of growing up in Armstrong and Westmoreland Counties as a young man in a very rural area with 2,000, 3,000 people. At the same time, I have lived in an urban area as a legislator. I have worked in a lot of different States and have worked in a lot of different countries – urban, rural, with and without water – and I have gone back to my home area, as one gentleman said, and seen some of the devastation in Armstrong County that was still in the river that I used to catch catfish in my hands, that until a couple of years ago nothing could be in that river but catfish.

This is also about communities and responsibilities. And we like to think that we all should be, if someone wants to say, per quote, an "environmentalist," but let us look at something. One, we could do something today or we could do what a lot of our predecessors have done for a lot of years and let us put it off for the next guy. I have never thought, and I have talked to some of the younger members, I do not think that I am a junior executive; I would like to think I am an executive dealing with billions of dollars and being responsible to the people, and a lot of times we can deal with an awful lot of rhetoric of telling somebody else what to do. We have heard a lot of people say that this is their idea, and I also tell people, if you hear a politician say this was their idea, run from them because they are lying. This comes from someone else.

This is not a new technology. The process, the process is new. We have known about Marcellus Shale for the last 45 to 50 years. The technology has evolved somewhat now, as we have heard, from 1500 feet to 5200 feet or 6,000 feet. We know where the money is going to go. And you know what is amazing to me, and again, I always think about those of us in Allegheny

County, because I look at the roads that go out and have people drive into the city of Pittsburgh for 50 miles, and I look at who is paying for those roads for someone to live somewhere else. We do in Allegheny County and the southeast, but yet in a sense we are not here fighting about that we are paying or subsidizing or giving you the welfare of the roads in a more rural area. This is the reality, but yet in a sense, this bill gives you a fair share to make your municipalities and your counties when they get something that they are not getting now. You have a chance to be able to give your home districts something that they do not have now for their roads, for their wastewater systems, and for their infrastructure improvements to deal with safe and clean water. Sixty percent of your wells are already bad, and we still have not done enough about them. You get a chance to do something about it today. You can make an effective, executive decision today.

I heard someone talk about the hotels were full. Well, you know why? Because the people who were in those hotels did not live in that area. They were from outside the State. So we talk about new jobs. Whoa, let us be realistic here. Yes, we are getting a hotel tax; yes, we may be getting a little restaurant food, but how many housing starts is that giving you in your home districts? This is about jobs and economic development. It is about creating a fair share of economic development – tax revenues for an industry that is not being taxed in this State that is being taxed everywhere else.

We want to talk about equality. Well, let us give that industry a little bit of equality. Let us let them pay their fair share. Let us look at the housing starts, the cars that are going to be bought in your districts. Let us look at the place. Let us look at the doors. Let us look at the lightbulbs. Let us look at the furniture. Let us look at the hospitals that may come and grow in your area instead of someone renting a hotel in an area where they finally got a traffic light and then those people are going to come and leave instead of working in this district.

Let us be realistic and let us be sensible about what we are trying to do today. Yes, you cannot agree with everything, and that is part of the responsibility that we have, but we can do something today or we can continue to do something tomorrow and the day after and the day after and never solve the problem. Let us get this over with today so that we can go on to the other tough subjects that we have in this great State. I would encourage you, let us vote for this bill. Let us get these housing starts. Let us get the families growing. Let us help fill the school districts. You do not have anything going in there now. This gives them more than what they have right now. Let us do the responsible thing and let us vote this bill up. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Venango County, Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, as we have sat here today, we have seen this long list of speakers from the other side of the aisle who have never met a tax increase that they did not like, and here we go again. But, Mr. Speaker, there is a firestorm sweeping across America and across Pennsylvania. The people are fed up with higher taxes. They want government to live within its means, not just take more money out of the pockets of the taxpayers to feed that leviathan known as State government. They do not want Harrisburg to have more money to hire more bureaucrats or to build more Arlen Specter libraries.

Mr. Speaker, at the same time as this firestorm is sweeping across Pennsylvania asking for fiscal responsibility and fiscal restraint, we have families that are under severe stress because of the lingering recession which grips our economy.

The question we have before us today is, why should we hamper one of the very few job-producing bright spots on the horizon? Why should we hamper that? With this Marcellus Shale gas find, Pennsylvania has before it a unique opportunity to become a leader in manufacturing again, something that Pennsylvania was known for forever and ever but in the last several decades has dropped off the radar screen. I want to be a leader in manufacturing, good-paying manufacturing jobs again.

I also believe that this gives us a unique opportunity as a State to travel way down that road called energy independence. This will allow Pennsylvania to exert its leadership in energy production once again because of this unique opportunity before us.

Mr. Speaker, economic studies that were based on a lower tax rate than is contained in this bill estimate that the growth of jobs will be cut by about a third if Pennsylvania adopts a severance tax, and I just ask everyone here to look at our neighbor in the Marcellus region, the State of West Virginia. Look what happened there after they enacted a severance tax. They have had a huge drop in drilling new wells since their enactment of a severance tax a couple years ago.

To add insult to injury, Mr. Speaker, this severance tax not only will blot out our job future, it will ultimately lead to higher home heating bills for families across Pennsylvania. That is nothing I want to go home and defend.

Mr. Speaker, most people agree, and I thought most people in this House agreed with this, but I guess we are going to find out in a few minutes, that most people agree that the very worst time to raise taxes is during a recession. Singling out this specific industry for double taxation; yes, Mr. Speaker, this is a double-taxation proposal. The drilling industry pays all the other taxes that other businesses pay. They are subject to the corporate net income tax. They are subject to personal income taxes. The laborers there are subject to personal income taxes. All those taxes would be piled on top of this additional double taxation known as a severance tax. I think it is terrible public policy to have double taxation on a specific industry, especially one that is growing.

And yes, Mr. Speaker, if we want to compare States, let us look at the other tax rates in Pennsylvania where we are already the highest corporate net income tax rate, for example. Why should we put another tax on top of that?

An additional note, Mr. Speaker, is that one estimate says that this infant industry, still in its early stages, the Marcellus industry, has already paid, already produced about \$650 million in additional State and local taxes in these last 2 years, and that number will only continue to grow as the industry grows. So we have already reaped hundreds of millions of dollars in State and local taxes because of the Marcellus Shale drilling industry.

Mr. Speaker, one other note on competitiveness. A previous speaker talked about the drilling of wells in Pennsylvania and why it is somehow to an economic advantage of the companies, but let me add two notes to that, Mr. Speaker. Number one, I have been told that because of the regulations and the unique situations located here in Pennsylvania, to drill a Marcellus Shale well costs up front about \$1 million more per well than in other States. And number two, even though we are geographically located closer to the high natural gas section of

users in America in the Northeast, I want to remind the members that the cost for transporting the gas is not borne by the companies; it is borne by the consumers. So by producing the gas in Pennsylvania, we are going to save money for consumers, not gas companies.

Mr. Speaker, today I believe that we should adamantly reject this highest severance tax rate in the nation for the shale-producing States and reject this job-crushing tax in the midst of these very severe economic doldrums, and I ask my colleagues to join me in voting "no" on SB 1155.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Blair County, Representative Stern.

Mr. STERN. Thank you, Mr. Speaker.

I am going to be very brief. The previous speaker mentioned jobs that would be created in manufacturing. Recently I had a chance to tour a couple businesses in my district, and two of the different businesses that I toured actually are hiring individuals in manufacturing, and it is due to the Marcellus Shale production in other counties. Now, these jobs that have been created in Blair County are jobs that are going to people that are not working right now. There is some competition for some of the jobs; they are welding jobs. But these are good-paying jobs that citizens of Blair County are actually receiving.

I heard here previously a speaker mention that all these different places – Arkansas and Oklahoma and Texas – are where all these jobs are coming from. There is some startup in a new industry in Pennsylvania, which Marcellus Shale is, but overall, there are offsetting industries in manufacturing that are being produced in Pennsylvania as well.

And when this subject came up and I toured the manufacturing facility, they just hired 75 new employees. The first thing that he told me was, please do not enact a tax on this new industry because it is going to impact my business. We are watching this and we are watching where this industry is moving and where it is going, and if we want to impede growth in business in Pennsylvania, all we need to do is regulate it and tax it out of existence. If we want to produce in Pennsylvania and move forward, we should allow our businesses to be able to compete, hire jobs, hire local, and be able to compete.

We have had enough debate today, and I have listened to many of the arguments on both sides of the aisle here about the environment. None of us want to impede any environmental concerns that all of us have concern about to clean water and also usage of the environmental aspect of it. But I just wanted to share with you and I told the manufacturer that if this vote came up today, that I would stand before the floor of the House and indicate to the members here that this is producing jobs in Pennsylvania to Pennsylvania residents, and he urged me and pleaded with me, please do not enact a severance tax in Pennsylvania. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Butler County, Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I know we have had a number of those farewell speeches today, and I think many of us appreciated some of the comments of the gentleman from Berks County as he reflected on truth and the impact of truth here in the political realm, but, Mr. Speaker, I think it is very clear that although they heard the words today, they did not let them sink in and act on them, because there have been some very misleading and inaccurate statements made here today. By the gentledady from Chester

County who would stand here and claim that this natural gas belongs to all of Pennsylvania is ludicrous. To totally dismiss the private property rights of those individuals, those farmers, those property owners that own the mineral rights, that own that natural gas, own the ability to make contracts with those companies, to make a statement like that, she is either very ignorant of the actual truth of the situation, Mr. Speaker, or she made a very misleading statement.

The SPEAKER. The gentleman will refrain from using statements like that in referring to our members.

Mr. METCALFE. Mr. Speaker, I think that the gentlelady—The record should be corrected if she really does not understand that this is not owned by all of Pennsylvania. But people have property rights, Mr. Speaker, which for a farmer that is out in my area to make a contract with an energy company and then be told by someone who is elected to uphold and defend the Constitution that actually all of Pennsylvania owns his mineral rights, Mr. Speaker, is just a blatant disregard for the truth.

And, Mr. Speaker, the statement earlier by the gentleman from Allegheny County that we, actually, all of Pennsylvania seems to be in support of this type of a tax, I think he has really disregarded a lot of the information that has been out there for everyone to view across the State, across this nation from the many people that are up in arms, and rightly so, about the out-of-control spending, the out-of-control debt, and the out-of-control taxes that we have in our State and our country.

Mr. Speaker, for this to be proposed, this new tax to be proposed, and claim that it is for the good of Pennsylvanians when it will most assuredly kill jobs, Mr. Speaker. Mr. Speaker, I know several members from the other side of the aisle stood and said these jobs are for out-of-State people. Well, Mr. Speaker, I attended a grand opening of a headquarters facility in my district in July – the whip for the minority caucus joined me – and there were 80 jobs there at the grand opening on day one when they cut the ribbon, Mr. Speaker. They expect by the end of the year to be about 140 jobs. So I do not know if maybe your constituents on the other side of the aisle do not really appreciate 140 jobs moving into your area or being created in your area, but I know my constituents do, and I know I have a lot lower unemployment probably than many of you do, because our area of the State is growing fairly rapidly still compared to some of the other areas of Pennsylvania. We have had a good bit of job growth compared to probably a number of your other districts across the State.

But, Mr. Speaker, this is just such a ludicrous proposal to put forward when the whole country embraces the idea of energy independence, and here we are with a new resource that has been identified, jobs are being created, energy independence is being created to help us be independent from those foreign sources of energy, Mr. Speaker, and instead of embracing it, instead of embracing the job growth and enjoying the fruits of this new resource that is being tapped and allowing people to enjoy the fruits of their own labor, we are proposing a new energy tax, a new natural gas tax, Mr. Speaker. We know that when you tax something, you discourage the promotion of it, you discourage the advancement of it, and to come in with the highest tax rate in the country is just unbelievable.

I hope that you all think that you can sell that to your electorate back home that this is a starting point, but when you cast this vote today, as one of the speakers said in their farewell speech, our vote down here means something. You are putting up a vote on the record that you support this level of taxation on

energy that is going to ultimately be passed on to the consumer, ultimately kill jobs in the process, and ultimately discourage energy independence, Mr. Speaker.

Mr. Speaker, I do not understand how a member rises and asks for the record to be corrected for blatant inaccurate statements that have been made and then I am chastised that I should not be bringing to the attention of the Speaker and the Assembly that there have been some very blatant remarks made that have had a disregard for what is correct, Mr. Speaker.

Mr. Speaker, I encourage a "no" vote, and I hope that as the gentleman from Delaware County had admonished us that November 2 is coming – I was down in Delaware County speaking to some of the folks down there just last Thursday night – I know there are a lot of people watching his vote, Mr. Speaker. I ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, Representative Pashinski.

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

I rise today to tell everyone that I have gone to the mountain. I have gone to the mountain to see firsthand. I have gone to witness with my own eyes. I have traversed up the long and winding road to the pinnacle to touch the clouds, to see what our creator has created – the beautiful forests, the crystal clear water, the flora, the fauna – and as I got to the top of that mountain, what did I see? I saw huge windmills; yes, huge windmills that were flowing and creating energy, huge investments made to create that energy to remove us from the dependence on Mid East oil. In addition to those huge windmills, I saw vast amounts of equipment, drilling rigs worth millions of dollars, compressors, trucks, holding bins, tens of millions of dollars' worth of equipment, and I can tell you, I was amazed, because if you have not gone to that mountain and seen what I have seen, you would not believe the size, the huge size of this industry.

The gas industry is here and they were here long before I as a legislator even knew about Marcellus Shale. They were here long before we even began discussing Marcellus Shale. They were here, and they purchased the lease agreements for tens of thousands of Pennsylvania acres, tens of thousands. The gas industry knew what incredible resource we had beneath our magnificent Commonwealth.

Now, the question is, how can this fledgling industry be helped to extract the natural resource that we have? And we are blessed with that natural resource, but not only are we blessed, we have been given the responsibility to make sure that that extraction is done safely, responsibly, and that not only the people of Pennsylvania but the Lord's creation receive fair due.

Mr. Speaker, I stand here to tell you this is not a fledgling industry. It is a huge multibillion-dollar industry. I stand here to tell you, Mr. Speaker, that I have spoken with those people on those pads who work very hard to extract the energy for this country, and they have said, they have said it is within their plan to pay an extraction tax.

I witnessed with my own eyes an incredible operation, and we should all embrace that and we should all work together to welcome that industry so that they can respect our natural resources, our hardworking people, and become part of this great State.

Mr. Speaker, I stand before you here today to tell you that these leased acres are just the beginning. Just as this piece of legislation is just the beginning to the process that we all know that we must take in order to protect the people of Pennsylvania,

to be able to protect the interest that we have within our environment, we must move this process forward. If we here in Pennsylvania really care about the future of PA, really care about our water— And a sidenote to that water. That water belongs to all of us. Even if it goes through your property, that water belongs to all of us, and that resource must not be in jeopardy, should never be in jeopardy.

SB 1155 helps us move closer to ensuring that we protect our environment and that we provide a reasonable financial resource for us to recover from the global financial collapse, for us to recover from the financial woes, and for us to make sure that we have the funds necessary to help the local communities, to help the Department of Environmental Protection process, and to help anyone that is interested in the environment.

Mr. Speaker, I stand here before you today to say that many of my senior colleagues have told me, those of you that have been here for 10, 20, and 30 years, they have never seen a perfect bill. Well, this is not a perfect bill, but it is a perfect step forward. I urge all of you to stand up, come together, and move this process. Vote "yea" on SB 1155. Thank you, sir.

The SPEAKER. The Chair recognizes the gentleman from Clearfield County, Representative Gabler.

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

I rise to oppose SB 1155 because the priorities it sets are wrong for our communities and, unfortunately, wrong for our State.

As I have discussed the issue of Marcellus Shale with citizens in my district, they have made their desires clear. With regard to a severance tax, it is clear that citizens do support revenues being dedicated to environmental stewardship funds. The proposed legislation fails on this point. Our citizens also support revenues being dedicated to local municipalities and counties to help pay for the local impacts of the industry. The proposed legislation, unfortunately, fails on this point as well.

My constituents most definitely do not want the revenues from a severance tax going to the General Fund to subsidize both out-of-control spending and expenditures that have nothing to do with the regions of the State that are impacted by drilling. Once again, the proposed legislation fails because it does the exact opposite.

This bill starts out by taking \$75 million off the top to send to the General Fund. Then if there is anything left, it takes 60 percent of the remaining funds and sends those to the General Fund. If the production estimates for next year are correct, then 81 percent of the revenues from this tax will be sent directly to the General Fund. What is left is too little to have a marked positive impact on local communities or the environment.

This bill is opposed by local government organizations like the County Commissioners Association and the State Association of Township Supervisors because local officials know that this plan is wrongheaded. Many environmental advocacy groups oppose this plan as well because of its failure to provide for environmental protection and reclamation. This body should not rush to pass a piece of flawed legislation.

We do not need a targeted tax on one region of the State to subsidize other areas of the State that do not even have gas development. We need to work toward a fair plan that recognizes local and community impacts and ensures that the local residents who are impacted by the natural gas industry are

receiving a positive benefit from it as well, and for that reason, Mr. Speaker, that is why I would ask for a "no" vote on this bill. Thank you very much.

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

Mr. LENTZ. Thank you, Mr. Speaker.

I would ask all the members to consider what the headline will be tomorrow with regard to this vote. Now, I have heard from the other side, those that have stood up and spoken on behalf of the environment and those that have stood up and spoken on behalf of the Constitution. I even heard someone stand up and speak on behalf of a McDonald's in Bradford County. But the headline tomorrow will not be that the environment won or the Constitution won or that a McDonald's in Bradford County won. If we fail to pass this bill, the headline will be very clear: Corporations win, people lose; corporations win, people lose. A billion-dollar industry wins, the people lose. Those are the two sides of this debate. Let us not confuse the issue.

A severance tax, whether you agree with every detail of this bill or not, a severance tax will help to protect the environment. A severance tax will help protect the water of our State. A severance tax will help to fund job training and provide economic assistance to local communities. If there is no severance tax, we will rely on that same billion-dollar industry to do all those things for us. We have tried that before. We have tried that before in Pennsylvania. It was called the coal industry. The coal industry used to own this House, they used to own this floor, and the members of this House voted, voted the way they were told by the industry. The coal barons decided what was regulated and what was not regulated, and the people suffered and the land suffered, and the land and the people continue to suffer today, because the people in this chamber that were supposed to represent their constituents did the bidding of an industry, and now tonight we are poised again to do the bidding of an industry.

Now, I do not question the sincerity of the speakers on the other side. Maybe they really believe that this is about the Constitution, maybe they really believe that they are better for the environment, but make no mistake about it, if you vote against this bill, you are doing the bidding of industry, not your constituents.

Now, we have to be clear, we have to be clear about that industry. That industry has been described as being in its infancy, and with all due respect to the gentleman from Clearfield County, if this industry is in its infancy, then Bud George is in preschool. This industry can pay their fair share. This industry should pay their fair share. Do the bidding of the people and vote "yes." Thank you.

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

Mr. HENNESSEY. Thank you, Mr. Speaker.

I rise to oppose the current draft of SB 1155 for two reasons: The tax rate would be among the highest in the country, and it shortchanges our county and local governments, not to mention the many environmental groups who are vitally interested in protecting Pennsylvania's resources for Pennsylvania's future generations.

Think of it. The counties oppose this bill, the local governments oppose it, most environmental groups oppose it, and ask yourself, why? The answer is a simple one. The bill takes the first \$75 million and 60 percent of the balance and takes it to the State's General Fund. That is an effective take of 81 percent. That leaves way too little for our local governments and local environmental groups.

The one comment that I have heard frequently with regard to this debate as it generated in the hallways was that everybody has got their hand out, but when you think about it, the biggest hand in this group has been the State grabbing the biggest share, the lion's share for the General Fund.

Now, earlier this calendar year, while the Governor asked for a 5-percent wellhead tax, we were presented with an 8-percent wellhead tax that would have been among the highest in the country. That proposal failed to generate any support from the House and was not even brought for a vote. And then 4 months later we are back, and once again we are presented at the eleventh hour with a tax proposal which would again be among the highest in the nation. We already have the highest corporate net income tax in the country. Our businesses are constantly seeking our help in lowering their burden, and instead, we ignore those pleas and seek to impose one of the highest taxes in the country. It does not make logical sense.

As many others have said, I would support a fair and competitive tax, one that distributes fairly more revenues among the county and local governments and local environmental groups. This proposal simply sets the taxes too high and gives those groups too little.

Now, the argument has been voiced again and again that it is this or nothing for 5 years. Well, it seems to me that the people of Pennsylvania expected us to have this debate starting several weeks ago. We could have done it 2 weeks ago. We could have done it last week. There was no need to have kept it off the calendar until the eleventh hour. It seems to me it has been done purposefully to try to paint everyone into a corner. Now, that is not good governance and it is not even good politics. You sometimes end up with a lousy piece of legislation, and this, Mr. Speaker, is a lousy proposal.

Please vote against SB 1155 as it is presently before us. We do not have to say this is the end. This does not have to be the eleventh hour. We can decide when the eleventh hour is and pass a proper severance tax for the people of Pennsylvania. Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, my staff recently came across a report of the Senate committee upon the subject of the coal trade, which was read in the State Senate on March 4, 1834. I would like to read a short excerpt from this report.

First, the report praises the coal trade as making a major contribution to Pennsylvania. It reads: "The coal trade of Pennsylvania, recently and suddenly starting into existence, now constitutes one of the main branches of our domestic industry, and an important portion of the commerce of the State and the Union. It has given a new stimulus to individual as well as national enterprise, and affords active and profitable employment for numerous and various classes of the community. It has produced a spirit of improvement, interspersing the country with canals and railroads, which, by connecting the distant parts together, promote the convenience and prosperity of the people, while they add to the strength and

elevate the character of the State. It has raised up in our formerly barren and uninhabited districts, an intelligent and permanent population, and converted the mountains into theatres of busy life, and our hitherto waste and valueless lands, into sites for flourishing and populous villages. It has opened a new field for the investment of capital, the expenditure of labour, and the pursuit of all the purposes of civilization and society. Its benefits are not alone confined to those engaged immediately in the trade, but are becoming general and universal. Possessing all the varieties of their species, anthracite and bituminous; furnishing a cheap and preferable article of fuel; and affording new facilities to the manufacturer, whose products enter into all the ramifications of domestic as well as foreign consumption, the mineral coals of Pennsylvania now exert an influence upon every other branch of trade, and afford the means of rearing and permanently supporting, on this side of the Atlantic, all the mechanic arts and handicraft of the old world."

And then comes the conclusion about this great coal trade. The conclusion, in 1834, starts as follows: "It will readily be admitted, that any legislation calculated to affect, either immediately or remotely, an interest thus important, and yet in its infancy, ought to be guarded with peculiar care...." Well, the State legislature in 1834 guarded the interest of the coal industry with peculiar care and did nothing to tax it, did nothing to protect the environment, and this report set a precedent which lasted at least 131 years when the State began the first tentative steps to regulate the pollution generated by the coal industry.

We ought not to try to compete with the regulation of the coal industry and see how long we can stall it. It has already been a number of years since the Marcellus Shale drilling started. It should not go on much longer without taxation. The people in the areas need the money. The local areas will benefit from this; the State will benefit. Let us get on with passing a first draft of a system of effective taxation of the Marcellus Shale natural gas.

The SPEAKER. The Chair recognizes the gentleman from Berks County, Representative Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

I have heard today on the floor that we are the highest tax in the United States. I have read e-mails that say Pennsylvania is the highest tax in the United States. I think those comments have been based on the percent per thousand cubic feet. I think that is very misleading. In order to calculate what the true tax is on the natural gas companies, it involves three variables: one, property tax; two, income tax, as well as the percent per thousand cubic feet. Let us take each one at a time.

Property tax. Some of the other natural gas States do not reassess property taxes. Most of them do reassess property taxes. So therefore, the gas company is going to be paying an increase in property taxes. We do not do that in Pennsylvania.

Income tax. My understanding is that several of these natural gas companies are LLCs, limited liability corporations. Therefore, they are not paying the CI (corporate income) tax. They are paying personal income tax, which is 3.07 in Pennsylvania.

Let me read to you some of the other personal income taxes in some of the other States that extract more natural gas, and according to the numbers of profit from the gentleman from Delaware County, they would be in the higher personal income tax bracket: New Mexico, 5.3; Louisiana, 6 percent – again, Pennsylvania is 3.07 – Colorado, 4.63; Alaska, 5 percent; Utah,

7 percent; Kansas, 6.45 percent; California, 9.3 percent income tax; Alabama, 5 percent; Arkansas, 7 percent; Michigan, 4 percent; West Virginia, 6.5 percent; Pennsylvania, 3.07 percent. So when you take all these three variables into consideration, we are probably one of the lower taxes of all the States that extract natural gas.

So I urge a "yes" vote for this. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlelady from Bradford County, Representative Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

You have heard some other speakers here today talk about Bradford County in the northern tier of this State and what this business means in that area, and I just want to take a few minutes to give you a small report on that. It is very important to our farmers and our small businesses. I know that you have heard that today.

And in comment to a former speaker here today, the jobs that are being created are the bidding of my constituents. Jobs are number one consideration, along with environmental responsibility. If you have not heard, Bradford County actually led this State in new jobs created last year. That means we lost some jobs from some other industries. The gas industry made up that loss and gave us an additional 2,000 jobs in that time period, unheard of in the northern tier of this State.

One of the other things I want to give you a report on today, because you have heard many comments about our roads – what has gone wrong with our roads in the north and the amount of damage that we have had – I want to tell you that one gas company alone has spent this past year \$31 million to rebuild our roads back to a level that we never saw before. There have been more road crews in my particular part of this State in the last year than the State's department of PENNDOT has been able to put out on our roads, fixing and building roads. By the end of 2010 in the counties of Susquehanna, Bradford, and Wyoming alone, one company will have spent \$50 million on rebuilding roads from the ground up, a huge layer of base and asphalt on top.

SB 1155 sends 85 percent of this money to our State coffers. Well, I think the question has to be asked, will the company stop spending this kind of money to improve the infrastructure in our areas where they are operating if this kind of excessive tax is imposed? And the problem is, this bill – this bill has a lot of problems – but one of the problems is, it does not reinstate those kinds of dollars to our local governments to be able to rebuild and to create roads such as are being built in our area.

I urge you to say "no" on SB 1155, and I want you to think about building Pennsylvania's prosperity rather than tamping it down. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady and recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I sat here in the back of the floor and I have heard many comments. One fellow has been to the mountaintop. I live on the mountaintop. I have heard comments that said that this is the only thing that is in front of us, this is the only bill that is in front of us, and some say, well, it is a good bill. I think a good bill has bipartisan support. A good bill is a bill that is voted for with both sides protecting the environment.

I am confused because my very good friend, the chairman of the Finance Committee from Allegheny, has held hearings across the State on his bill and knows I am very supportive of his bill. The chairman of Environmental Resources has a bill as well. We have had many conversations to try to get a bill that would protect the environment and protect the various agencies that we feel need to be protected to do the monitoring, the monitoring at these well sites.

We had an opportunity to suspend the rules earlier, because there was an amendment in front of us. It was not the best, because I have to tell you, I would like it even a little bit better. There are other issues here that I would like to see addressed. But rather than put 60 percent into the General Fund, they put 40 percent into the General Fund and 60 percent went to protect the environment.

PARLIAMENTARY INQUIRY

Mr. SCAVELLO. So I am asking, would I be out of order, Mr. Speaker, if we can ask to suspend the rules, if I may, to have that amendment possibly brought back, because there were many members on your side that felt that this was the only opportunity, the bill as it stands, and it is not. There is an opportunity here that we can suspend the rules, allow the young lady's amendment from Montgomery County, and if we allow that amendment, you will have a good bill, not the best, but you will have a good bill that we can live with, and you will be able to pick up some votes. So I am asking, would I be out of order to ask for that amendment to come back up?

The SPEAKER. The House has already considered the issue.

Mr. SCAVELLO. Can we reconsider?

The SPEAKER. You can file a motion through your leader for a reconsideration motion of the vote by which it failed.

Mr. SCAVELLO. Okay. I will. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Clearfield County, Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, please be patient with me in that I will be somewhat redundant. I am not going to take anyone on by making a charge, but I am going to explain why I am up here standing. I have been in this House, thanks to the people of the 74th District, for 36 years, and I have made it a point to do what I believe in my heart, as I know you would do, thinking only of your district and the people within, not those few that wanted to help themselves in some manner and create a problem that cost either the community or individuals a problem or a great deal of cost and money.

Water. We are a very unique society. Technology. They can talk about China or India or whatever, but we have smart people in this country. They can create various industries and energies. We can create energy, create electricity, make ethanol, make biofuels.

I know you are not interested in this. I just want you to think about it on the way home tonight, but you cannot make water. And if there is anyone that wants to stand up and argue, I am here, because do not tell me there will not be an endangerment of our society. In fact, it will come about by polluted water. And the truth is, I just had a professor from Duquesne explain to me that there are as many as 100 chemicals that from time to time are used in fracking.

Listen, I am as surprised as you they are waiting until the last moment when this should have been done in March or April, and I realized that and I have voiced that opinion on deaf ears. But the truth of the matter is, I do not want to say anything about that individual that talked about they are not getting enough. If this bill does not pass, they will not get anything.

I do not want to talk about the man that said they have jobs in that area. Nobody wants to do away with jobs. I welcome the gas industry as I have even welcomed the coal industry, even though one time because of my concern about the lack of water and the harm that comes about from time to time, I passed a rebuttable presumption. Oh, I know that I am not an environmentalist, but there are a lot of people in this society who believe I am one. That is why so many at times are out to show me the way to go.

Now, listen to me if you never listen to another word. There is no legislation that is perfect. This one is not perfect, but you know no legislation is passed and signed into law that you cannot amend a couple of months later or a couple of years later. Some of it becomes antiquated and not responsive and responsible to what we have to do.

This tax is long overdue. Say what you want and stand up and argue all you want, but Marcellus Shale did not come in just this year. It has been here 4 years, and according to what we are told, we are told that we have lost \$13,000 a week and over \$30 million that could have gone into the local governments or the counties or even the State. Now, I hear a lot of you people saying, and so do my people say it, do not give it to the State. Well, my HB 1489 gave the majority of it to the local governments as I wanted it to be. But again, if the State does not get money and you tell somebody back home you are in favor of a program, and because of the budgeting downfall, there is no longer money to fund that, how are you going to explain it if you do not have the courtesy to be honest about it, the good conscience to feel bad about it, and the courage to do something about it?

You know, I have not made a friend with the electric utilities. I have a bill out today that for some reason they will not run it to get the PUC (Public Utility Commission) to challenge the moneys that have been collected by the utilities from the time they went in to the certain thing that we passed 12 years ago and said that when this is done, everything will be cheaper. They got \$13 billion of overpayment for these moneys.

Gas. If we send our gas out of State and it comes back from the same company back in the State, it is no longer controlled by the PUC. It is controlled by the Federal Energy Commission, which is \$1.60 more, 1,000 CCs (combined cycle).

Now, listen while I make this spiel that you will get tired of hearing, but I sat here all day listening to you, and I paid attention because all of you are good people. Now, whether you got this thing mixed up or not, let us find out after I am done citing what has been put to my attention. The truth is, while foreign investors and out-of-State gas companies are reaping huge profits from the Marcellus Shale gas, our citizens, the owners, the owners of the Marcellus Shale resource are burdened with polluted water supplies, ruined roads, explosions, and other accidents that happened in my county last month.

This is not a perfect bill or, honestly, one that I would have preferred, but do we not sit here and vote for a lot of bills that we are not 100 percent thrilled about or involved in, but because

of our obligation to the people back home, we support it because we know that it does not do all the good we personally would like but it does a lot of good, and that is what will happen with this. It will do a lot of good.

I cannot understand why I am standing here and there are only 4 days to do this, and we do not know whether the Senate is going to agree or not agree, but at least we will not be blamed for not doing anything. That is why I want to send this to the Senate and see what they do. I would prefer to see more responsibility and a fairer distribution to our municipalities. However, this is vastly better than nothing and better than what we have been rumored will emerge from the Senate.

Look, our Commonwealth is no stranger to this problem created by the development of our natural resources. We saw it with all of the various industries, and now natural gas is there with the rest of them. I need not remind you what a nickel a ton would have done on coal 50 years ago, but a vote against the severance tax is a vote against requiring gas companies to pay their fair share.

Now, if you are not listening, it is because you are afraid you might agree with me. So, Mr. Speaker, if you take time and rap that gavel, then I will speak to make them wish they had not heard me. It seems like our Speaker is—

The SPEAKER. Will the gentleman yield.

The House will come to order. The gentleman has a right to be heard.

Mr. GEORGE. Well, it is not that, Mr. Speaker, but if I am boring, I will sit back down. They bored me for 5 hours and I stood here.

As I said, this is not perfect. If I had my wishes, there would be a lot of changes down here. There would be a lot of differences, too. But there is not one of you that does not want to do the best for your area. I know it is a losing battle. I know there are about \$800,000 that have gone out from the gas companies politically for campaigns. I know we are fighting a bad fight. I know that we are not going to come up with what we want.

I want to remind you and even those people that spoke that have gas wells for years in their counties, whether it be Indiana, whether it be Armstrong, or what, but 50 percent of gas that is produced from a well comes out of that well in the first 18 months. Gas companies have been drilling, as I said, for 4 years. We have been losing hundreds of millions of dollars, those dollars that you say we need more of. We need more so we can help this and help that. Well, that is millions of dollars that you did not have, and none of us were on the ball to do something about it. We must get this tax now. This tax will not hurt, but in reality, it will help Pennsylvanians.

I urge you to vote "yes" on SB 1155 to enact a severance tax, and I hope you will all stand with me in saying to the Senate that they must not sell out our citizens to the gas companies by inserting forced pooling and zoning preemption provisions into this bill. Mr. Speaker, it is time we do what is right for our citizens, our communities, and our environment.

If I bored you, I apologize. If it was helpful, I thank you for listening.

The SPEAKER. The Chair thanks the gentleman.

The Speaker has in his possession a reconsideration motion filed by the gentleman from Monroe County, Representative Scavello, and the gentlelady from Montgomery County, Representative Harper.

DECISION OF CHAIR RESCINDED

The SPEAKER. The Speaker has decided to rescind his announcement, without objection, rescind his announcement that this bill has been agreed to on third consideration.

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

RULES SUSPENDED

The SPEAKER. Without objection, the bill is now on third consideration, and he will recognize the gentleman from Monroe County, Representative Scavello, who moves that the House do now suspend its rules for the immediate consideration of amendment 09235.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

During the course of this debate, I have heard many members on your side of the aisle say that this is the only bill that we have in front of us and we need to send something over there, and there is an opportunity to make this bill a better bill, a bill with some bipartisan support, a bill that can go over to the Senate and have an opportunity to become law.

We are all here for one reason and that is to protect the environment, and I think that the gentelady from Montgomery County, Representative Harper's amendment is a much better amendment. It does protect the environment. It puts 60 percent protecting the environment, 40 percent into the General Fund.

There is an opportunity here to make this bill a better bill. Just like the gentleman said that he went to the mountaintop. Well, he had been to the mountaintop. Let us help keep that mountaintop clean and pristine, and this is the opportunity to do that. So I am asking the members, please consider suspending the rules to reconsider this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the motion to suspend the rules, the Chair recognizes the majority leader.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, after consideration with our staff and looking at the content within this amendment, we are going to support the lady's motion for suspension. I am asking for us to support the motion and let us take this amendment up.

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

The following roll call was recorded:

YEAS—146

Adolph	Everett	Longiotti	Readshaw
Barbin	Fabrizio	Maher	Reichley
Belfanti	Fairchild	Mahoney	Roebuck
Beyer	Farry	Major	Ross
Bishop	Fleck	Manderino	Sabatina

Boback	Frankel	Mann	Sainato
Boyd	Freeman	Markosek	Samuelson
Boyle	Gabler	Marshall	Santarsiero
Bradford	Galloway	Matzie	Santoni
Brennan	George	McGeehan	Scavello
Briggs	Gerber	McI. Smith	Schroder
Brooks	Gergely	Melio	Seip
Brown	Gibbons	Miccarelli	Shapiro
Burns	Godshall	Micozzie	Sipthroth
Buxton	Goodman	Millard	Smith, K.
Caltagirone	Grucela	Milne	Smith, M.
Carroll	Haluska	Mirabito	Smith, S.
Casorio	Hanna	Mundy	Solobay
Christiana	Harhai	Murphy	Staback
Cohen	Harkins	Murt	Sturla
Conklin	Harper	Myers	Taylor, J.
Costa, D.	Helm	O'Brien, D.	Taylor, R.
Costa, P.	Hennessey	O'Brien, M.	Thomas
Cruz	Hess	O'Neill	Vereb
Curry	Hornaman	Pallone	Vitali
Daley	Houghton	Pashinski	Wagner
Day	Johnson	Payne	Wansacz
Deasy	Josephs	Payton	Waters
DeLuca	Keller, W.	Peifer	Watson
DePasquale	Kessler	Perzel	Wheatley
Dermody	Killion	Petrarca	White
DeWeese	Kirkland	Petri	Williams
DiGirolamo	Kortz	Phillips	Youngblood
Donatucci	Kotik	Preston	Yudichak
Drucker	Kula	Quigley	
Eachus	Lentz	Quinn	McCall,
Evans, D.	Levdansky	Ravenstahl	Speaker

NAYS—53

Baker	Geist	Krieger	Reese
Barrar	Gillespie	Marsico	Roae
Bear	Gingrich	Metcalfe	Rock
Benninghoff	Grell	Metzgar	Rohrer
Causer	Grove	Miller	Saylor
Clymer	Hahn	Moul	Sonney
Cox	Harhart	Mustio	Stern
Creighton	Harris	Oberlander	Stevenson
Cutler	Hickernell	Perry	Tallman
Delozier	Hutchinson	Pickett	Toepel
Denlinger	Kauffman	Pyle	True
Ellis	Keller, M.K.	Rapp	Turzai
Evans, J.	Knowles	Reed	Vulakovich
Gabig			

NOT VOTING—0

EXCUSED—3

Oliver	Parker	Swanger
--------	--------	---------

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

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

The SPEAKER. The House has immediately before it amendment 09235.

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

Ms. **HARPER** offered the following amendment
No. **A09235**:

Amend Bill, page 46, line 23, by striking out "SIXTY" and inserting

Forty

Amend Bill, page 46, line 24, by striking out "TWELVE" and inserting

Thirty-two

Amend Bill, page 47, line 7, by striking out "TWO" and inserting

One

Amend Bill, page 47, by inserting between lines 17 and 18

(11) One percent for operation and administration of the Environmental Hearing Board.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentlelady is recognized.

Ms. **HARPER**. Mr. Speaker, what this amendment does is, after the first \$75 million goes to the General Fund, it reverses the 40-60 balance so that 40 percent goes to the General Fund and 60 percent to the environment and local government line items. It thus becomes a true environmental vote which will fund the Environmental Stewardship Fund.

I would ask for your support. I think this amendment really improves the bill. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Clearfield County, Representative George.

Mr. **GEORGE**. My apology to you, Mr. Speaker, and to this body. We have debated for 4 or 5 hours. Now, let us be a General Assembly that is unified, and the heck with the Democrat/Republican, and let us vote for Kate Harper's amendment and get this bill over to the Senate. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Anyone seeking recognition?

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

Mr. **TURZAI**. Mr. Speaker, I would like to have an opportunity to move for a caucus. What is the appropriate motion? Hold on.

Mr. **EACHUS**. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader.

Mr. **EACHUS**. Mr. Speaker, we deliberated this issue for hours – well, yes, years, as one of my colleagues says. But let me say this: What we have done today is analyze the issue. We have looked at the facts. The gentlelady in her amendment, if I get the analysis correct or not, applies a shift to the proportionality in the amendment that we were going to offer. It is 40 percent, General Fund, to 60 percent to local priorities. She maintains the tax rate of 39 cents per thousand cubic feet, which is a floor using the Henry Hub standard. She shifts 20 percent of the dollars toward the Environmental Stewardship Fund, and as we have heard today from both Republicans and Democrats, protection of the environment is paramount, and she maintains the integrity of the George-Levdansky priorities within the à la carte menu of issues for local governments.

We do not need to debate this issue in caucus. Our members are ready for action. We have debated this for 4 hours. We believe a bipartisan solution has now been found. We appreciate the gentleman from Monroe's motion for reconsideration, and this side of the aisle needs no caucus, Mr. Speaker. We are ready to protect the environment today.

PARLIAMENTARY INQUIRY

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

Mr. **S. SMITH**. A parliamentary inquiry, Mr. Speaker.

The board now says that there is an amendment before this House, but the vote that was just taken prior was a motion to reconsider. That was not a motion to suspend the rules. It was a motion to reconsider the suspension.

The SPEAKER. No. The Speaker, without objection – and I think the record will clearly show that – rescinded his announcement that the bill was on final passage and that we would move it back to third consideration, and I did that and asked was there any objection. There was no objection. I then announced that the bill is now on third consideration, and I recognized the gentleman from Monroe County, Representative Scavello, on the motion to suspend the rules for the immediate consideration of the Harper amendment. The gentleman moved that we suspend the rules. We voted – I do not know the vote off the top of my head – but 146 to 53 was the vote on the suspension of the rules, which immediately put before us consideration of the Harper amendment where we are right now.

Mr. **S. SMITH**. Mr. Speaker, I do believe that the members believed that it was a motion to reconsider. In fact, that is what the vote sheet says, it was a motion to reconsider, which is not a motion to suspend the rules.

The SPEAKER. I clearly articulated the question before the House and recognized the gentleman from Monroe County to substantiate his move to suspend the rules. The Speaker clearly articulated, without objection, that he was rescinding his announcement that this bill was on final passage and moving it to third consideration.

Mr. **S. SMITH**. But, Mr. Speaker, the rules would not have been suspended to run an amendment on third yet.

The SPEAKER. Yes. In fact, we did in fact do that by virtue of the Scavello motion. I think the record will clearly reflect that.

Mr. **S. SMITH**. I think the members thought it was a motion to reconsider the vote, the suspension of the rules vote.

Would it be in order to file a motion to reconsider that vote, Mr. Speaker?

The SPEAKER. You do not reconsider a motion to suspend the rules.

Mr. **S. SMITH**. That is what you just did, Mr. Speaker.

The SPEAKER. No. The Speaker rescinded his announcement that the bill was on final passage and put it on third consideration. He then recognized the gentleman from Monroe County, who made a motion to suspend the rules for the immediate consideration of the Harper amendment. That vote is what you have in your hand, the vote to suspend the rules for the immediate consideration of the Harper amendment.

Mr. **S. SMITH**. Mr. Speaker, earlier in the day there was a motion to suspend the rules for the consideration of this amendment that failed. Then the gentleman from Monroe, just a few minutes ago, moved to reconsider that.

The SPEAKER. No. He moved to suspend the rules of the House for the immediate consideration of the Harper amendment.

The first reconsideration was done, without objection by this House to move, the bill from final passage to third consideration. Once the bill was placed on third consideration,

the Speaker recognized the gentleman from Monroe County for the purpose of suspending the rules for the immediate consideration of the Harper amendment. That is the vote that this House took. This House voted to suspend its rules for the immediate consideration of the Harper amendment. That is what is before us right now.

Mr. S. SMITH. Well, what was on the board misled members, because it said it was a motion to reconsider. That was what was on the board. That is what members are looking at when they are looking to vote. It was a motion to reconsider, not a motion to suspend the rules.

The SPEAKER. But it was not a vote to reconsider, and if we pull the record, I think the record will clearly show and establish that it was a vote to suspend the rules.

Mr. S. SMITH. I would like to see the record, Mr. Speaker, because the board clearly said – I am looking at the sheet, and it said it is a motion to reconsider.

The SPEAKER. I was just doing your members a favor. It is your amendment. The amendment is in order. The amendment is before the House. It is an amendment of one of your members. We were just trying to accommodate one of your members.

Mr. S. SMITH. Well, if you wanted to really do that, Mr. Speaker, you would have run the bill with all the amendments that our members had. If people are going to be so ingratiating to us, I think that we should have been considering a lot of amendments today.

The SPEAKER. If the gentleman, Mr. Smith, would like to see the record—

Mr. S. SMITH. Yes, I would like to see the record.

The SPEAKER. —we can have that pulled and review the record.

Mr. S. SMITH. I would like to see it, Mr. Speaker.

The SPEAKER. The House will be at ease.

Just for the information of the members, we are awaiting on the transcription of the record on what the Speaker announced to the membership.

The House will be at ease.

The House will come to order.

After reviewing the record, the Speaker did in fact move that the House rescind its announcement that it has been agreed to on third consideration, and "without objection, the bill is now on third consideration, and he will recognize the gentleman from Monroe County, Representative Scavello, who moves that the House do now suspend its rules for the immediate consideration of amendment 09235."

On that motion, the Chair recognized the gentleman, Mr. Scavello, who debated a portion of the amendment and then ended with, this is an opportunity to be bipartisan. "...I am asking the members, please consider suspending the rules to reconsider this amendment. Thank you, Mr. Speaker."

We have now before us amendment 09235.

Will the House adopt the amendment?

On that question, the Chair recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Mr. Speaker, I asked for reconsideration of the Harper amendment, and I still asked for that with that motion, but I did not make the motion, Mr. Speaker. I am reading this. You pretty much made the motion. You made the motion.

My part is here, and I stand by what I said, and I will— Excuse me; may I have some order, Mr. Speaker?

The SPEAKER. Does the gentleman have a parliamentary inquiry?

Mr. SCAVELLO. I stand by what I said, and I will support this amendment because I truly believe it, but what was on that board and what I had asked for in writing to you, sir, was not what was voted here on this floor, and some of the members were not aware of that. They were looking at that board, and they know what my intentions were. So I did not make the motion, Mr. Speaker. Usually when a member stands, he makes the motion. I did not make that motion, and that is not why I stood. You have in front of you the document that I signed with Representative Harper.

The SPEAKER. The gentleman will suspend.

Is the gentleman asking a parliamentary inquiry?

Mr. SCAVELLO. I do not know what I am asking for, Mr. Speaker, because I have never seen anything like this before.

The SPEAKER. The question before the House is the adoption of the Harper amendment.

Mr. SCAVELLO. I feel, Mr. Speaker, that that vote should come back up on the board, because that was not what I had asked for. You have in front of you what I had asked for.

The SPEAKER. The gentleman is out of order. The gentleman is out of order.

The question before the House is the adoption of the Harper amendment.

Mr. SCAVELLO. Excuse me, Mr. Speaker.

The SPEAKER. The gentleman will yield.

The gentleman is out of order.

POINT OF ORDER

The SPEAKER. On the question, will the House adopt the amendment, the gentleman, Mr. Maher, will state his point of order.

Mr. MAHER. Thank you, Mr. Speaker.

I believe the transcript which you very graciously shared with us did not include the motion presented in writing by the gentleman who just spoke and another member to reconsider the question, and that gentleman has just said to you that he believed the motion that he was making was the motion which was presented in writing, and was not part of the transcript which was just read back, which was a motion to reconsider the question.

So, Mr. Speaker, we have the gentleman who made the motion in writing saying that he believed that what was on the board was the motion to reconsider—

POINT OF ORDER

The SPEAKER. Will the gentleman state his point of order.

Mr. MAHER. The point of order, Mr. Speaker, is that the gentleman made a motion in writing. That written motion was not presented as part of that transcript. His written motion should be what governs because that is the motion that he made. So I believe your interpretation is ill-founded, Mr. Speaker, and I would ask that we recognize that the gentleman who made the motion knows that his motion in writing was a motion to reconsider.

The SPEAKER. The question before the House is the Harper amendment.

Will the House adopt the Harper amendment?

On that question, the Chair recognizes the majority leader.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, tonight we try and do something historic. This is an opportunity to face the most serious environmental challenge to rural Pennsylvania that perhaps we faced since many have discussed the anthracite and soft coal field destruction.

This is a key moment for us, a moment that is historic, that can fund local priorities in local communities that have drilling within them, can focus on environmental funds; that can help remediate environmental problems with safe drinking water and environmental problems in rural Pennsylvania.

Mr. Speaker, I grew up in rural Pennsylvania. When I was a boy, my mother would send me to summer camp, and I swam every summer in Tripp Lake up on the border of Susquehanna County and the New York line. It is a place where the water, you can taste it, and when you taste it, you know how clean it is, and this is one of those opportunities to protect the very fabric of those rural communities and the suburban communities where you now see drilling.

In many cases, Mr. Speaker, this extraordinary situation presents itself to families in places like Dimock, where they are now experiencing a corruption of safe drinking water, where families are having to drink out of buffalo trucks full of clean drinking water. This is an opportunity, with the Harper amendment, to find that bipartisan spirit that we are all looking for tonight.

The key here is to make sure that we establish the proportionality that is fair to face both General Fund obligations and, as the lady said, 60 percent to local priorities. Local governments will share in this. Counties will share in this. The Environmental Defense Fund is there to be funded. In case you have a situation where there is a disaster, there is a disaster relief fund in place.

This is one of those moments, Mr. Speaker, where we can find that and strike that bipartisan balance between environmental standards that protect people, real people who live next to drilling rigs, and make sure that we face the environmental standards that we need to face with real resources in our communities.

Mr. Speaker, I think the gentelady has come up with a magnificent compromise. That is why I supported the suspension tonight. Ms. Harper's request is very reasonable; it is measured. And I understand tonight that the environmental community is now supporting the Harper amendment. I believe you will have notification in short order.

So I ask the members tonight to support the Harper amendment, and let us move this process forward and try and find a compromise with our colleagues in the Senate. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the Chair recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

A point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. PYLE. Are we allowed to interrogate on the amendment?

And second, this amendment is not on our screen for us to review. It is rather fresh. We would like to be able to look at it first, sir.

The SPEAKER. The gentleman can ask the gentelady from Montgomery County if she would stand for interrogation.

Mr. PYLE. Will the maker of the amendment please rise for interrogation? Thank you.

The SPEAKER. The gentelady indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. PYLE. Thank you.

Mr. Speaker, is it true this tax establishes 39 cents per every thousand feet of natural gas extracted from Pennsylvania?

Ms. HARPER. Well, Mr. Speaker, my amendment does not deal with the rate of tax at all; it deals only with how the funds raised by the Marcellus Shale tax are distributed. It does not change any part of the bill dealing with the rate of the tax.

Mr. PYLE. So what your amendment would do is redirect the 39-cent new tax taken out of every thousand feet extracted from Pennsylvania. Is that correct?

Ms. HARPER. Mr. Speaker, what my amendment does is flips the percentage going into the General Fund from 60 to 40 the other way so that 60 percent goes back to our local communities that are impacted by drilling and to the environment. That is what it does. It actually creates a larger pie for the environmental interests and, in addition, increases the percentage that goes into the Environmental Stewardship Fund, which pays for Growing Greener.

Mr. PYLE. Thank you.

Is the lady aware of any Growing Greener activities going on in the area of Marcellus drilling?

Ms. HARPER. Yes, there are many Growing Greener activities all over the State of Pennsylvania. Recently our Legislative Budget and Finance Committee completed a report of the program, and I think it was something like 40,000 acres of farmland, I want to say 20,000 acres of forestland that have been preserved, also parks, projects, watershed projects, and other things all over the State of Pennsylvania, including the area in which the Marcellus Shale is now being drilled.

Mr. PYLE. Would the lady have any knowledge of how much of the Marcellus area is benefiting from the Growing Greener money your amendment proposes?

Ms. HARPER. I would say that all of the Marcellus Shale area is benefiting from Growing Greener. It is the most popular environmental program that Pennsylvania has ever had, and it passed the voters' approval by wide margins when it was put up to the vote.

So in essence, yes. The Marcellus Shale underlies most of the State of Pennsylvania, and most of the State of Pennsylvania, in fact, all of the State of Pennsylvania is eligible and most has already taken advantage of the funds available for farmland preservation, parks, open space, watershed projects, acid mine drain cleanups, and other environmental programs.

Mr. PYLE. Does your amendment direct money into the water conservation district program?

Ms. HARPER. My amendment does give money to the soil conservation districts of the counties and, in addition, directs money to the municipalities in the affected areas.

Mr. PYLE. Just—

Ms. HARPER. It actually gives money to other municipalities through the Environmental Stewardship Fund, because most of the time the grantee is a local government or a county and sometimes a land trust or a conservancy acting in concert with a local government or a county.

Mr. PYLE. So all 67 counties of the State would benefit from your amendment. Is that right?

Ms. HARPER. Yes, because in the first version of Growing Greener that passed— I mean, in the Growing Greener bill that passed, I believe it was a Senator Mary Jo White amendment that added a stipulation that each county was entitled to receive a certain percentage of the funds. Almost every county in Pennsylvania has taken advantage of that, and those that did not obviously chose not to participate.

Mr. PYLE. Earlier you stated that this fund would cover environmental activities in all 67 counties of Pennsylvania. How many counties actually host the Marcellus Shale?

Ms. HARPER. Oh, I have never been good at math. I can tell you where it is not. It is not in southeastern PA, except in the very tippy top of Bucks County, but it is pretty much everywhere else in the State. It basically runs on an arc from below Pittsburgh, near the Ohio border, all the way up to the New York-New Jersey border in a wide swath that covers almost all of the Commonwealth of Pennsylvania.

Mr. PYLE. For the lady's information, the number is actually 43 counties—

Ms. HARPER. Thanks.

Mr. PYLE. —are underlain by the Marcellus.

Would the lady know how many counties are underlain by the Utica or Rutherford Shales?

Ms. HARPER. Mr. Speaker, I have to say I do not know how many counties are underlain by the Rutherford Shale.

Mr. PYLE. Mr. Speaker, may I conclude my interrogation and speak on the amendment?

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

Mr. PYLE. Thank you.

As the point I made earlier to the respected members, this redistribution of wealth on a first-time tax of 39 cents that has never been borne by a Pennsylvania landowner is nothing more than increased spending. As we have seen, we have passed successive budgets for the last 2 years that spent more than our means. I view this amendment, Mr. Speaker, as just another taking of money from a prosperous industry that has huge potential for growth, that last year, according to Penn State, generated over 88,000 new jobs, Mr. Speaker. And again, these shales are all over the United States. They will go elsewhere. Think carefully before you vote on this amendment.

I would urge a "no" vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Mustio. The gentleman declines.

Will the House agree to the amendment? On that question, the Chair recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. Mr. Speaker, I just want to speak on this amendment since we did not get an opportunity to caucus on it. We had asked for a caucus; it was denied. I want to just make it clear exactly what the amendment does to the underlying bill so that everybody has a clear understanding as to how the distribution amounts have been changed.

In fact, it is true that where it was a 60 percent General Fund to 40 percent and that that has been reversed – it is now 40 percent going into the General Fund and 60 percent for other line items – the specific items that have been increased are these. The 12 percent to the Environmental Stewardship Fund has been increased by 20 percent to 32 percent. So 32 percent of this new tax is going to go to the Environmental Stewardship Fund. Under the original bill without the amendment, it is 12 percent.

However, for those that are concerned about— And I understand for some people that is a significant issue. With respect to the Local Government Services Account, under the original bill it is 16 percent. That remains the same. That is not being increased by this amendment.

The other percentage that is a quote, unquote, "local line item" is the Conservation District Fund for distribution to county conservation districts. That is 2.4 percent, and that remains the same.

The 2.4 percent to the Fish and Boat Commission is being reduced. The Fish and Boat Commission is being reduced from 2.4 percent to 1.4 percent.

Mr. Speaker, if I could have order, please.

The SPEAKER. The House will come to order.

Mr. TURZAI. That reduction is allowing for a 1-percent new line item going to the Environmental Hearing Board, which is essentially a DEP (Department of Environmental Protection) entity – to go to the Environmental Hearing Board.

So that everybody understands, the increase in the 20 percent, from 40 percent to other items to 60 percent, there is really a jump in one line item – a 20-percent jump for the Environmental Stewardship Fund from 12 percent to 32 percent. There is one significant decrease: The Pennsylvania Fish and Boat Commission is getting 1 percent less. It is going from 2.4 percent to 1.4 percent. There is a new line item: 1 percent for the Environmental Hearing Board. There is zero change for the Local Government Services Account, and there is a zero change for the Conservation District Fund for distribution to county conservation districts. Those are the changes that are at play here.

There is not additional money going to infrastructure like roads or municipalities or to the counties. There are not additional moneys in this amendment for that type of infrastructure or money specifically going to the municipalities or the counties.

Now, I just want to make sure that everybody is clear, because we are attempting, each and every one of us, to do good policy here. With respect to the overall issue of taxes, I think it is the wrong time to increase taxes, but people are having discussions about these moneys. Do not think— And I must, this is no disrespect to the gentleman on the other side, the leader, but we have to be clear, this is not an increase in local money to the extent of municipalities, counties, local government services accounts, or conservation districts. It is an increase for those that care only, really that mostly care about and are focused on the Environmental Stewardship Fund, which will increase from 12 percent to 32 percent.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentledady from Luzerne County, Representative Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

May I please interrogate the maker of the amendment?

The SPEAKER. The gentlelady, Representative Harper, indicates she will stand for interrogation. The gentlelady, Representative Boback, is in order and may proceed.

Ms. BOBACK. Thank you.

Mr. Speaker, I do applaud your efforts on behalf of the environment, but I received something from PSATS (Pennsylvania State Association of Township Supervisors), the County Commissioners, and the Pennsylvania Association of Boroughs. Their contention is they are in opposition to this bill, or had been prior to your amendment. I just want to make sure that nothing has changed.

In this letter it says "failure to enact a severance tax with a robust local share means that county and municipal government – and their taxpayers – will continue to bear the brunt of local gas exploration and development impacts through their property taxes." My hope is that your distribution does take local municipalities and counties into account?

Ms. HARPER. Thank you, Mr. Speaker.

To the gentlelady's question, what my amendment does is increase the size of the pie that is being distributed under the second part of the formula. Thus, 16 percent is going to the Local Government Services Account under the bill as written, but the pie is going to be bigger, because instead of putting 40 percent into that part of the formula, I am putting 60 percent in. So the local governments will actually do better under my amendment than they would under the bill unamended.

Ms. BOBACK. Thank you, Mr. Speaker. And if I could pursue?

Their request was—

The SPEAKER. The gentlelady is in order.

Ms. BOBACK. Thank you.

Their request was for 30 percent of the severance tax proceeds to be dedicated to a local government fund. So if I understand you correctly, by putting money into the Stewardship or the Growing Greener Fund, that will impact local municipalities directly?

Ms. HARPER. Yes indeed.

Mr. Speaker, the Environmental Stewardship Fund, and Growing Greener, is a great benefit to local governments. When they are trying to do farmland preservation, open space, parks, watershed projects, they can apply to Growing Greener, the Environmental Stewardship Fund, for money for those projects. My amendment increases dramatically the amount of money available in the Environmental Stewardship Fund, which funds Growing Greener, and it increases somewhat the local government share as well for the affected municipalities in the shale area.

Ms. BOBACK. And will that have a major impact on roads, bridges, and general infrastructure in the local municipalities?

Ms. HARPER. Mr. Speaker, I believe that the bill will provide more money if amended by my amendment because I have increased the size of the pie, and if you take the same percentage of a bigger pie, there is more money available. So the 16 percent to local government services that is in the bill that we are debating is increased. It is still 16 percent, but there is going to be more money there because I am putting 60 percent into that part of the formula where the bill only puts 40 percent. So my amendment is better for local governments in the affected areas by giving them more money and better for all local governments by funding the Environmental Stewardship

Fund, which is about out of money and about to go broke on Growing Greener.

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

The SPEAKER. The Chair thanks the gentlelady.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Mr. Speaker, I am not at the moment rising to speak on the amendment but rather with a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MAHER. Given the illustration of delays that can be caused when there is confusion about what is transpiring, I want to make sure I have got some clarity, that if this amendment were to be adopted on third consideration, then the bill would need to be reprinted and could not be subject to a vote on final consideration until, if it was passed right now, 8 p.m. tomorrow night – Wednesday evening, 8 p.m.

The SPEAKER. That is correct.

Mr. MAHER. So the members who would support this amendment should probably make sure that their plans include being here at 8 p.m. tomorrow evening. Is that correct?

The SPEAKER. That is correct, unless there is a motion to proceed.

Mr. MAHER. Thank you, Mr. Speaker. I just wanted to make sure I understood what people are doing.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. Will the House agree to the amendment? On that question, those in— The Chair recognizes the gentleman from Lehigh County, Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. REICHLEY. Mr. Speaker, under rule 19(a), paragraph (5), has there been a fiscal note provided for this amendment?

The SPEAKER. There has not, but the House suspended the rules. Therefore, a fiscal note is not required for the immediate consideration of the amendment.

Mr. REICHLEY. Mr. Speaker, again, because you have the transcript, I believe that meant suspension of the rules for consideration of the amendment, not for the waiver of all rules pertaining to consideration of the amendments.

The SPEAKER. Our practice has been when you suspend the rules for the suspension of the rules on an amendment, you also suspend the need to have a fiscal note for that amendment.

Mr. REICHLEY. I believe it says under rule 19(a)(5), Mr. Speaker, that no vote can be taken unless "...a fiscal note is available for distribution to the members—"

The SPEAKER. We have a number—

Mr. REICHLEY. "—with respect to such changes—"

The SPEAKER. Excuse me, Mr. Reichley, but we have a number of precedent-setting rulings by Speakers, including Speaker Ryan, that once the rules are suspended to consider a

bill, it is not necessary to suspend offering amendments.

Mr. REICHLEY. Does that mean, Mr. Speaker, that other amendments can be offered to the bill?

The SPEAKER. Or the immediate consideration also suspends requirements for fiscal notes – I am sorry – and that is Journal page 284 from the year 2000, the first one. And there are a number, but at least for our purposes, Speaker Ryan ruled in 2000 that immediate consideration also suspends requirements for fiscal notes of the bills.

Mr. REICHLEY. And, Mr. Speaker, based upon your previous statement to the gentleman from Allegheny that we would not be able to proceed with consideration until 24 hours have elapsed, and since we have now suspended the rules, does that mean that all other amendments that would be filed are in order to be considered by the House?

The SPEAKER. No; you would have to individually suspend the rules for those amendments. We only suspended the rules for the immediate consideration of amendment 09235.

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

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

The SPEAKER. The gentlelady, Representative Harper, indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. MUSTIO. Thank you.

Representative Boback had inquired previously to you about the local distribution, and what I heard you say was that the General Fund was being reduced from 60 percent to 40 percent, and then I heard you say that there would be more money then available for local distribution, which is currently 16 percent to the Local Government Services Account – is that correct? – under the bill. Now, I just want to make sure that I did not hear you incorrectly.

Ms. HARPER. The mike is not on. Whoops, now the mike is on. I am sorry.

Mr. MUSTIO. I just wanted to make sure I did not hear you—

Ms. HARPER. Yes, that is correct that the 16 percent does not change, but the amount going towards that does.

Mr. MUSTIO. But that is not what your amendment says. Your amendment says that you are increasing the Stewardship Fund from 12 percent to 32 percent, which has nothing to do with the Local Government Services Account.

Ms. HARPER. No, you are incorrect in that regard, Mr. Speaker.

There are two line items under which municipal governments benefit under my amendment. The first is the Local Government Services Account, which is directed towards those counties and municipalities with producing sites. Okay?

Mr. MUSTIO. Fine. Thank you.

Ms. HARPER. So that line item is still 16 percent, but it is actually 16 percent of a larger number because I am putting more money there.

Secondly, municipal governments, counties and municipal governments all over the State routinely benefit from the Environmental Stewardship Fund, which gets a big bump because it is the Growing Greener Program that so many of them have used.

Mr. MUSTIO. Thank you. With all due respect, I think you have mixed up your pots.

Mr. Speaker, on the amendment, please.

The SPEAKER. The gentleman is in order.

Mr. MUSTIO. I would respectfully disagree with the assumption that the lady has made on the distribution to local government services and would encourage the members to vote "no" on the amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Clearfield County, Representative Gabler.

Mr. GABLER. Thank you, Mr. Speaker.

Tying in with the point made from the previous speaker from Allegheny County, I think it is important to clarify that the discussion as this begins starts with, the bill as written without the amendment, 60 percent of the money to the General Fund, 40 percent to other stuff, of which 12 percent is environmental stewardship, 16 percent is local government. That is percentages out of the full 100, not out of the 40 or out of the 60. So when this amendment goes in and increases environmental stewardship from 12 to 32, that 16 percent to local governments remains unchanged, and I think that is a very important fact to be clarified.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

I had raised the issue and I just want to reiterate two points. First, the 16 percent is the 16 percent. The pot does not increase under this draft amendment. That 16 percent is going to stay 16 percent of the full amount that the tax brings in. So that amount does not change under the bill, from the bill or under the amendment. It stays the same.

The second thing, I just want to point out that the County Commissioners Association, the PSATS, which is the townships, and others had put out, and the Pennsylvania Association of Boroughs, had put out a joint memo and they talked about local shares, and their joint proposal called for 30 percent of the total tax proceeds, which is at issue here, to be dedicated to a local government fund. Under both the original bill and under the amendment, it remains 16 percent. That does not change. It is not in any way increasing that local government fund as the county commissioners, the boroughs, and the township association have suggested.

Just pointing out the facts with respect to this particular amendment vis-à-vis the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MAHER. Thank you, Mr. Speaker.

I am hoping I can interrogate the majority leader.

The SPEAKER. On the amendment?

Mr. MAHER. Yes, sir.

POINT OF ORDER

Mr. EACHUS. Mr. Speaker, a point of order.

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

Mr. EACHUS. Thank you, Mr. Speaker.

I think it is the tradition of the body to have the interrogation be directed at the maker of the amendment, Mr. Speaker. I am familiar with the content, but actually I think it would be more appropriate for the gentleman to interrogate the maker of the amendment.

Mr. MAHER. Well, if you do not want to answer questions—

The SPEAKER. The gentleman is correct.

Mr. MAHER. —I cannot stop that.

So if the gentleman is declining, my interest was that he had enunciated that among those who are going to receive more money, instead of your townships, instead of your counties—

The SPEAKER. The gentleman will yield.

If the gentleman would like to debate—

Mr. MAHER. I am speaking on the amendment.

The SPEAKER. The gentleman may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

What I was hoping to clarify was the enunciation by the majority leader of who he believed would be the beneficiaries of this amendment. It is not going to be your townships, and if you are from Washington County, you probably heard from your townships that they believe they need a better accounting. If you are from Fayette County, you probably have heard that, too. If you are from Beaver County, you probably have heard that, too. From Westmoreland, Armstrong, Indiana – anywhere where the Marcellus drilling is being undertaken, those townships, those boroughs, those municipalities are all saying, please remember we are bearing the brunt and we should be remembered. Instead, this amendment does not go to them, it does not go to the counties that have asked for more help, but it does go to the Environmental Defense Fund, according to the majority leader.

And I wanted to know from the majority leader, in his enthusiasm for delivering funds to this Environmental Defense Fund, is there any prohibition? Can these funds be used to actually sue the State? to sue the counties? to sue the municipalities?

The SPEAKER. The gentleman, Mr. Maher, on the amendment.

Mr. MAHER. I am speaking on the amendment, sir. Because if the goal here is that such bodies, such independent nonprofits à la ACORN (Association of Community Organizations for Reform Now) can be funded with State dollars—

The SPEAKER. The gentleman will yield.

The gentleman is not on the amendment.

Mr. MAHER. I am speaking about the amendment, sir, because the—

The SPEAKER. The gentleman will yield.

You are not on the amendment. You will keep your remarks directed to the Harper amendment and the confines of that amendment.

Mr. MAHER. Thank you, Mr. Speaker, and I apologize – generally, you and I have had a good working relationship during your tenure – I apologize for any confusion, but I was speaking specifically about this amendment changes who receives funds, and I was speaking about the relative merits of who receives funds and who does not receive funds. It seems to

me it is very much on the amendment, and it is important to understand who these beneficiaries are going to be.

I would also observe that it is a darn shame that the Appropriations Committee has chosen not to provide us with a fiscal note, because there seemed to be some confusion about who the winners and losers are under this amendment. I believe the gentlelady who offered the amendment believes what she said, but I believe she is mistaken. I believe the gentleman from Allegheny who spoke earlier, Mr. Mustio's arithmetic is correct. If you are going to vote for this amendment in the belief that it is actually going to lend assistance to your townships and your counties, you are mistaken.

And understand the importance of this issue, the importance of this issue as you contemplate your vote. I am very much considering making a motion that we adjourn for the evening to allow the Appropriations Committee the time that they need to develop the information that would be so beneficial to the members. And, Mr. Speaker, I just was curious if I might interrogate the chairman of the Appropriations Committee to see what sort of time he thinks might be necessary to develop that information.

The SPEAKER. The gentleman declines.

Mr. MAHER. And if I understand correctly, the Appropriations chairman for the Democrats is not prepared to comment on what time might be required to provide the information that our rules ordinarily require.

Well, we are at an interesting spot, Mr. Speaker. We are at a very interesting and troubling spot. And clearly if the effort here is to— Well, I think we all know what is before us. And the word came up earlier and it needs to be repeated, and I have not said this on this floor this session, I do not believe: It is "skulduggery." It is simply skulduggery.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentlelady from Montgomery County— The Chair recognizes the gentleman from Indiana County, Representative Reed. Waives off.

Does the gentlelady from Montgomery County, Representative Harper, wish to be recognized? The Chair recognizes the gentlelady.

Ms. HARPER. Am I on the amendment at this point, Mr. Speaker?

The SPEAKER. On the amendment.

Ms. HARPER. Well, that is a nice change. Thank you very much, Mr. Speaker.

I think we have had a lot of arguments tonight. I just want to point out that my amendment deals solely with the distribution of the funds. Hence, the fiscal note, if there were one, would be exactly the same as the main bill. There is no confusion about that. What my amendment does is provide funding for the Environmental Stewardship Fund with Pennsylvania's very popular Growing Greener Program, which is just about broke. It helps every corner of this Commonwealth, and it mitigates for the environment any adverse impacts of any industrial work, including the drilling.

The Marcellus Shale is a wonderful opportunity for Pennsylvania. It is giving jobs in places that have not had jobs for a long time, but it comes with some environmental costs and we need to be prepared to deal with them. My amendment would put the money from the tax into places where we can be prepared to deal with the costs of any errant fracking or any

errant drilling. It would allow us to provide for clean water. It would allow us to provide for the Hazardous Sites Cleanup Fund. It is just a better distribution of the money raised than was in the original bill.

I would respectfully ask for your support of my amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—154

Adolph	Evans, J.	Levdansky	Ravenstahl
Baker	Everett	Longiotti	Readshaw
Barbin	Fabrizio	Mahoney	Reed
Barrar	Fairchild	Major	Reese
Belfanti	Farry	Manderino	Reichley
Benninghoff	Fleck	Mann	Roebuck
Beyer	Frankel	Markosek	Ross
Bishop	Freeman	Marshall	Sabatina
Boback	Gabler	Matzie	Sainato
Boyle	Galloway	McGeehan	Samuelson
Bradford	George	McI. Smith	Santarsiero
Brennan	Gerber	Melio	Santoni
Briggs	Gergely	Metzgar	Scavello
Brown	Gibbons	Micozzie	Schroder
Burns	Gillespie	Millard	Seip
Buxton	Godshall	Miller	Shapiro
Caltagirone	Goodman	Milne	Siptroth
Carroll	Grove	Mirabito	Smith, K.
Casorio	Grucela	Moul	Smith, M.
Christiana	Haluska	Mundy	Solobay
Cohen	Hanna	Murphy	Staback
Conklin	Harhai	Murt	Sturla
Costa, D.	Harkins	Myers	Taylor, J.
Costa, P.	Harper	O'Brien, D.	Taylor, R.
Cruz	Harris	O'Brien, M.	Thomas
Curry	Hennessey	O'Neill	Vereb
Daley	Hess	Pallone	Vitali
Day	Hornaman	Pashinski	Wagner
Deasy	Houghton	Payton	Wansacz
DeLozier	Johnson	Peifer	Waters
DeLuca	Josephs	Perry	Watson
DePasquale	Keller, W.	Perzel	Wheatley
Dermody	Kessler	Petrarca	White
DeWeese	Killion	Petri	Williams
DiGirolamo	Kirkland	Phillips	Youngblood
Donatucci	Kortz	Pickett	Yudichak
Drucker	Kotik	Preston	
Eachus	Kula	Quigley	McCall,
Evans, D.	Lentz	Quinn	Speaker

NAYS—45

Bear	Gingrich	Maher	Rohrer
Boyd	Grell	Marsico	Saylor
Brooks	Hahn	Metcalfe	Smith, S.
Causar	Harhart	Miccarelli	Sonney
Clymer	Helm	Mustio	Stern
Cox	Hickernell	Oberlander	Stevenson
Creighton	Hutchinson	Payne	Tallman
Cutler	Kauffman	Pyle	Toepel
Denlinger	Keller, M.K.	Rapp	True
Ellis	Knowles	Roae	Turzai
Gabig	Krieger	Rock	Vulakovich
Geist			

NOT VOTING—0

EXCUSED—3

Oliver Parker Swanger

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

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

Bill as amended was agreed to.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Saylor. For what purpose does the gentleman stand?

Mr. SAYLOR. Mr. Speaker, you stated earlier this evening you wanted to help Republican members with their amendments, so I am sure you will help me tonight in my offering of the Marcellus Works plan as an amendment to this bill, which provides clean fuel for Pennsylvanians. It is efficient in the way of our tractor-trailers and fleet leases and helps our mass transit systems here in Pennsylvania convert to natural gas, a natural resource that will benefit Pennsylvanians, not only by clean air but also in creating jobs as well as helping us all cut our costs in our mass transit fleets as well as helping us create a corridor across our turnpike and creating a natural gas corridor, Mr. Speaker.

So I rise to suspend the rules to offer amendment A09246.

The SPEAKER. The gentleman will have to yield and do the same that he did for the prior amendment.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Speaker rescinds his announcement that the bill will be on final passage, was agreed to on third consideration and final passage, and puts the bill back on third consideration.

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

The SPEAKER. The Chair recognizes the gentleman from York County, who moves that this House do now suspend its rules for the immediate consideration of amendment A09246?

Mr. SAYLOR. Yes.

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

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. EACHUS. Thank you, Mr. Speaker.
Mr. Speaker, I rise to oppose the gentleman's amendment.
I would ask all members to vote "no."

The SPEAKER. On the question of suspension of the rules, those in favor of suspending the rules—

Mr. SAYLOR. Mr. Speaker? I would like to be recognized for speaking.

The SPEAKER. On suspension of the rules, the gentleman is recognized.

Mr. SAYLOR. Mr. Speaker, I find it amazing that the gentleman across the aisle, the majority leader, is opposed to creating jobs in Pennsylvania. He is opposed to cleaning the air in Pennsylvania.

Mr. EACHUS. Mr. Speaker? Point of order.

Mr. SAYLOR. And, Mr. Speaker, this legislation, this amendment—

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

The gentleman will state his reasons for and against suspension of the rules, not the substance of the amendment. And it is a brief, brief description of the amendment as according to rule 77.

Mr. SAYLOR. Mr. Speaker, I rise in support of suspension of the rules. We in this Commonwealth need new jobs. We all know that. We have talked about it, about getting off the dependency of foreign oil. This bill, if enacted, would put Pennsylvania as the leading State in this nation not only in job creation but also would put us as a leading State, the number one State in the nation, in cleaning our air.

This State has been penalized by the Federal government over our clean air solutions. This bill allows us to convert our mass transit fleets in this State from the city of Philadelphia to the city of Pittsburgh. We have State College, their mass transit system uses natural gas. We need to follow the lead of State College. And more importantly, this amendment also offers us an opportunity to help local governments convert their fleets to natural gas as well, as well as the opportunity for us to give to tractor-trailers across this State to be converted to natural gas.

It is very important that this Commonwealth start leading in job creation, leading in cleaning up the air and the pollution of this Commonwealth. We can no longer afford to be the 50th State in doing everything, Mr. Speaker, and I ask for a "yes" vote on suspension of the rules.

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

The following roll call was recorded:

YEAS—104

Adolph	Gabler	Marshall	Rapp
Baker	Geist	Marsico	Reed
Barrar	Gergely	Metcalfe	Reese
Bear	Gibbons	Metzgar	Reichley
Benninghoff	Gillespie	Miccarelli	Roae
Beyer	Gingrich	Micozzie	Rock
Boback	Godshall	Millard	Rohrer
Boyd	Grove	Miller	Ross
Brooks	Hahn	Milne	Saylor
Causar	Harhart	Moul	Scavello
Christiana	Harper	Murt	Schroder
Clymer	Harris	Mustio	Smith, S.

Conklin	Helm	O'Brien, D.	Solobay
Cox	Hennessey	O'Neill	Sonney
Creighton	Hess	Oberlander	Stern
Day	Hickernell	Pallone	Stevenson
Delozier	Hornaman	Payne	Tallman
Denlinger	Hutchinson	Peifer	Taylor, J.
DiGirolamo	Kauffman	Perry	Toepel
Ellis	Keller, M.K.	Perzel	True
Evans, J.	Killion	Petri	Turzai
Everett	Knowles	Phillips	Vereb
Fairchild	Kotik	Pickett	Vulakovich
Farry	Krieger	Pyle	Wansacz
Fleck	Maher	Quigley	Watson
Gabig	Major	Quinn	White

NAYS—95

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

NOT VOTING—0

EXCUSED—3

Oliver	Parker	Swanger
--------	--------	---------

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 agree to the bill on third consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to third consideration of **HB 2321, PN 3346**, entitled:

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, consolidating statutory provisions relating to firefighters, the State Fire Commissioner and grants to fire companies and other services; making editorial changes; and making related repeals.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Oliver Parker Swanger

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

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2614, PN 4228**, entitled:

An Act designating the State Street (SR4028) Bridge over the Schuylkill River in Hamburg Borough and Tilden Township, Berks County, as the Senator Jim Rhoades Memorial Bridge.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2728, PN 4330**, entitled:

An Act establishing standards for managing concussions and head injuries to student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

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

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

(Bill analysis was read.)

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this is legislation that, though it is well intended, I do have some major considerations about it. For the members who may not be aware, this is legislation to protect those who may receive neck and head injuries to be reviewed by medical experts to make sure they can go back and play or that they do not go back and play.

So here is my concern. Mr. Speaker, when the Representative from Montgomery County offered an amendment, he took out of this legislation an important piece that dealt with independent contractors. An independent contractor would be like a referee or an umpire at a football game or those who referee field hockey. Those are independent

contractors, and the amendment that was in there – it was the Perry amendment – excluded them from any lawsuits, that they could not be sued under the circumstances if a player was injured.

So, Mr. Speaker, I am very concerned that here we are, we want to pass legislation that is going to allow attorneys to go and in some unique circumstances where a player has received a head injury or head trauma, they may blame the independent contractors, and those independent contractors also extend to volunteers. So you think about this for a while and you say, now, this General Assembly has a law and they are going to protect children in high school, and that is certainly – and elementary school – that is certainly a worthwhile endeavor, but what is the risk that I might be sued?

In the legislation, and I am going to ask the sponsor of the bill if he would stand for interrogation, because there is a provision here as it deals with a medical psychologist that I am not clear about. And even though this bill came out of the House Education Committee, I really need to get a better handle on how a neuropsychologist, a medical psychologist, is going to be involved in treating a head injury, a neck injury to a player, because I think we all understand that there are doctors and there are nurses that are along the sideline – let us use football as an example – who are there to make certain that the person who receives a head trauma, a concussion, if that is what it is, they are there to provide the necessary medical assistance.

But I need to know how this medical psychologist or neurologist—

The SPEAKER. The gentleman, Representative Clymer, would you like to phrase that as a point of interrogation?

Mr. CLYMER. Yes.

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

Mr. CLYMER. Thank you.

Mr. Speaker, can you tell me, if there is a doctor on the sidelines and the doctor says that the patient – now, this is the physical part – he examines the player and says, you are not going to go back in again and we are going to keep you out for at least a week, now, the psychologist is not a member or is not employed by the school district. Am I correct in that assumption, that the medical psychologist is not employed by the district, the school district?

Mr. BRIGGS. I do not know where they would be employed, Mr. Speaker. But I do want to add, I want to thank you for your support of the amendment that fixed the "independent contractor" language that I had concerns about from the committee, so I want to thank you before we begin this interrogation.

Mr. CLYMER. Well, the independent contractors are still out of the bill.

Mr. BRIGGS. Correct. Well, you voted yesterday to amend the language to fix – independent contractors got added in committee. We were able to fix that yesterday with your support.

Mr. CLYMER. All right. So, Mr. Speaker, as we look at this issue, did you say that you did not know if the medical psychologist would be employed by the school board?

Mr. BRIGGS. Well, I am not sure; can you explain what a "medical psychologist" is?

Mr. CLYMER. Well, that is in the bill. Neuropsychologist; would that be better?

Mr. BRIGGS. Neuropsychologists are employed by hospitals, by universities, by many institutions. I am not sure if school districts in Pennsylvania employ them or not.

Mr. CLYMER. All right. But a neuropsychologist could be asked to look at the person who has been injured. Is that correct?

Mr. BRIGGS. That is correct.

Mr. CLYMER. And who would then pay the bill?

Mr. BRIGGS. However; if it is the student's medical insurance. The participant, case by case.

Mr. CLYMER. And who would make the decision to say to the neuropsychologist that we would like to have your expert opinion on this young man or young woman who has been injured?

Mr. BRIGGS. Well, in order for the student to return to play, they would have to get a written clearance by a wide variety of professionals that are trained in the management of concussions, and it would be up to the student and his family to choose where he goes.

Mr. CLYMER. And could you name some, who those people would be, the medical professionals who would look at the student and then sign off and say, this young boy, John Jones, is ready to go back and to participate in athletics?

Mr. BRIGGS. Sure. Section (c), there is a very clear definition: "The student shall not return to participation until the student is evaluated and cleared for return to participation in writing by a licensed or certified health care practitioner whose scope of practice includes the management and evaluation of concussions."

Mr. CLYMER. Mr. Speaker, so what you are saying is that a neuropsychologist will not be mandatory? It is not mandatory that as various students may have a head injury or neck injury, that the neuropsychologist does not have to look at each one of those injured students? Is that what you are saying?

Mr. BRIGGS. That is correct.

Mr. CLYMER. Okay. And what was the motivating factor to bring in a neuropsychologist when we know that, at least from reports that I have seen, that when there is a neck injury, a head injury, and the doctor or the nurse has looked at it and they have recommended the person go to the hospital or they come back and see the doctor the following day, can you give me the driving force that would bring a neuropsychologist into the picture?

Mr. BRIGGS. Absolutely. The driving force behind the bill is to protect our student athletes that do receive a head injury, and I want to be able to allow that student to go to the best physician, best medical professional they can, to allow them to return. I do not want to limit it to the people I want them to see; I want to limit it to the people that are trained in concussion management and as part of their scope of practice.

So a neuropsychologist may be one person they go see. In Pennsylvania, we have leading institutions that have neuropsychologists that are cutting-edge technology on the management of concussions and are really advancing the ball on this. So I am leaving it open, based on the scope of practice of the individual health-care practitioner. If concussion management fits that definition, then they should be able to have the ability to give them return-to-play clearance.

Mr. CLYMER. Mr. Speaker, since you had indicated to me earlier that the neuropsychologist is not employed by the school district, are they apt to be sued? Since they are doing it on their own, they do not have any contract with the district, are they liable for a lawsuit?

Mr. BRIGGS. This bill does not change any current liability immunity issue. That is the point of the amendment that you voted for yesterday.

Mr. CLYMER. Well, now, wait a minute. If the neuropsychologist is treating the student and they are not part of the school district and they are doing it on their own, you know, they have been called in to look at the student, and the family feels that there has been a wrong diagnosis, would they not be liable for a lawsuit?

Mr. BRIGGS. It is current practice now if the physician or the neuropsychologist or athletic trainer is liable. If they are negligent and there is an incident, then the individual could bring it to a lawsuit.

Mr. CLYMER. Do they carry – a neuropsychologist – do they carry liability insurance for this particular activity? And in their scope of practice, do they have liability insurance?

Mr. BRIGGS. Based on information I have received, an academic neuropsychologist is covered by the institution's policy, so if he is at a university. If you are an applied neuropsychologist working outside of a lab or classroom, you must carry a policy because you cannot get reimbursed without it. So they do have to provide proof of coverage of insurance to get reimbursed, and the standard policy is \$1 million per occurrence and \$3 million in aggregate.

Mr. CLYMER. Now, Mr. Speaker— Oh, the last question, Mr. Speaker, the last question is that neuropsychologists, I think to many of us here in the House it is a term we may be learning for the first time, maybe not, but are they available throughout Pennsylvania, because football and sports are across the Commonwealth, 501 school districts. Are they available? Not that you need to call them, but I am just wondering where they are available, because obviously from the bill they are going to have a presence in the sports rehabilitation of injured players.

Mr. BRIGGS. I am sure— I do not know all their addresses. I am sure neuropsychologists are throughout Pennsylvania. I know I have spoken to a number at Penn State University, the University of Pittsburgh Medical Center, and at Children's Hospital of Philadelphia. But one of my main issues of the bill, and it was Representative Wansacz that really nailed this down, was the accessibility and not just to narrow it down that it should be a specific type of practice. If they practice, in their scope of practice, concussion management, they should be allowed to make that decision to allow an athlete not to have to drive to a major urban center to get that clearance. They could go to, if an athletic trainer is working with the physician and has that collaborative agreement, he is allowed to do it. We want it to be as accessible as possible so the student is not limited.

Mr. CLYMER. So this would really be a "may" provision that would allow the school district to make a decision if they would want to bring in the services of a neuropsychologist. Would that be a correct assessment?

Mr. BRIGGS. It is a case-by-case basis, based on the family's decision of which professional they want to go to.

Mr. CLYMER. Mr. Speaker, thank you.

That ends my interrogation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I was wondering if the maker of the bill might stand for brief interrogation.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Cutler, is in order.

Mr. CUTLER. Thank you, Mr. Speaker.

And I would like to also thank the gentleman. I had some concerns on the bill as we moved through the committee process and just wanted to recognize the efforts as we went back and forth. However, I did want to establish some basis to go off the scope-of-practice point for the legislative history regarding the bill and specific to scope of practice.

And, Mr. Speaker, I would like to outline specifically, when the words "licensed or certified health care practitioner" are used, who is the intended scope of individuals that we are trying to get there that would be able to practice in this area of medicine?

Mr. BRIGGS. Well, it is, like I tried to explain before, I want it to be the professionals— I do not want to dictate which professionals are there. I want the professionals that are trained in the management of concussions, that is within their scope of practice, to be making those decisions. It is each professional's personal determination to know what is within their scope of practice. It is relationships they have with their national boards and their liability insurances that allow them to practice in certain areas or not.

Mr. CUTLER. Thank you, Mr. Speaker.

And I know that you and I have had this conversation privately, but for the benefit of the rest of the members and to make sure that nothing has changed, the individual practice areas are in fact governed by their own governing statutes and areas and respective boards. Is that correct, Mr. Speaker?

Mr. BRIGGS. I hope you do not want to start talking about all of our private conversations—

Mr. CUTLER. No.

Mr. BRIGGS. —but that is correct.

Mr. CUTLER. Thank you.

In regard to the bill, Mr. Speaker, I know that this bill is slightly different than the prior iteration. This is a freestanding act. Is that correct, Mr. Speaker?

Mr. BRIGGS. That is correct.

Mr. CUTLER. And one of my concerns is, the defined terms in this bill, the "licensed or certified health care practitioner" and their "scope of practice," are those terms that are defined in and of themselves in the bill or are they referenced tangentially through another act?

Mr. BRIGGS. "Licensed" and "certified" are not defined in statute; they are general practice terms. And also, the "scope of practice" is not necessarily defined by statute; it is within their own profession's definitions.

Mr. CUTLER. Okay. Mr. Speaker, was it your intention to reference the Medical Practice Act, Act 112 of 1985, that deals with both of these sets of terms?

Mr. BRIGGS. It is not mentioned in the bill.

Mr. CUTLER. Thank you, Mr. Speaker.

In regard to the neuropsychologists that were referenced in the prior conversation, Mr. Speaker, are they allowed through their scope of practice to practice in this area or is it only at the determination of their, say, university or employer?

Mr. BRIGGS. My understanding is that it is the determination of their employer if they are currently practicing the concussion management and also their national board.

Mr. CUTLER. Okay. Thank you, Mr. Speaker.

And as a follow-up to that, if they are working independently or through their employer, whichever the case may be, are they, under your bill, required to have liability insurance to cover that scope of practice?

Mr. BRIGGS. It is not required under the legislation.

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

On the bill, if I may.

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

Mr. CUTLER. Thank you, Mr. Speaker.

As I mentioned earlier, I had some concerns coming out of committee, and unfortunately, I still have some concerns about this bill specific to the scope of practice. My wife is a trauma/neuro nurse, so I am intimately aware of these issues and how they impact kids. I understand how important this issue is. I think if anybody watched opening day of football season, we saw a lot of good players go down with concussions. The reality is, Mr. Speaker, that the education portion of this bill is fabulous. I think that it should be required. However, Mr. Speaker, I still have some concerns regarding the "scope of practice" language.

Now, the reason I was specifically referencing the Medical Practice Act, Act 112 of 1985, is because in that act, "health care practitioner" is defined as someone as "An individual, other than a physician assistant, who is authorized to practice some component of the healing arts by a license, permit, certificate or registration..." And "healing arts" is further defined as "The science and skill of diagnosis and treatment in any manner whatsoever of disease or any ailment of the human body."

You see, Mr. Speaker, my concerns stem from the fact that these are two very broad terms. Mr. Speaker, if this language was to be applied specific to this freestanding act as a parallel example of statutory interpretation, Mr. Speaker, these terms would allow anyone who takes a concussion course to open that up. I do not believe that is the intent of the maker as expressed this evening nor is it my intent to allow any licensed professional that receives a license from the Commonwealth to have jurisdiction to practice in this area.

Mr. Speaker, it is in that gray area that I am afraid that we are going to initiate some kind of scope-of-practice turf war amongst some of the professionals. Mr. Speaker, we should resolve these issues now. We should work on them here while we still have the bill before us. As I said, you know, whether or not a neuropsychologist is appropriate to treat this, we have heard that that is within their scope of practice, Mr. Speaker, but the problem is, I think by using this loosely couched term that we open the door for a lot of other licensed health-care professionals to enter into that same treatment area.

Mr. Speaker, the goal of helping kids with concussions is admirable. The goal of educating us as coaches and as legislators and teachers and anybody who might come in contact with an individual with a concussion is one that we should pursue, Mr. Speaker, but we should pursue it with some tighter language. We need to rein in the "scope of practice"

language, and for that, Mr. Speaker, I still have concerns about this bill and will be a "no" vote on the bill.

I do appreciate the gentleman's efforts to try to work through these issues prior to the final vote. Regardless of the outcome of this vote, I certainly look forward to working with him to hopefully tighten this language up a little further. Thank you.

The SPEAKER. On the question, shall the bill pass finally, does the gentleman from York wish to be recognized on final passage? The Chair recognizes the gentleman from York County, Representative Perry, on final passage.

Mr. PERRY. Thank you, Mr. Speaker. On the bill.

While I laud the gentleman's intentions, unfortunately you know what is said about the road to Haiti and intentions. And with that in mind, I view this and have viewed this as an unfunded mandate for our schools, which will hold taxpayers liable or potentially hold taxpayers liable regarding poor decisions or decisions made with the best of intentions but incorrect decisions on the field of play; and finally, discourages contract coaches and trainers from volunteering because they may be held liable for decisions on the athletic field.

I would ask that you support a "no" vote for this bill. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 2728 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—169

Adolph	Fairchild	Levdansky	Reichley
Baker	Farry	Longietti	Rock
Barbin	Fleck	Maher	Roebuck
Barrar	Frankel	Mahoney	Ross
Belfanti	Freeman	Major	Sabatina
Benninghoff	Gabler	Manderino	Sainato
Beyer	Galloway	Mann	Samuelson
Bishop	Geist	Markosek	Santarsiero
Boback	George	Marshall	Santoni
Boyle	Gerber	Marsico	Saylor
Bradford	Gergely	Matzie	Scavello
Brennan	Gibbons	McGeehan	Schroder
Briggs	Godshall	McI. Smith	Seip
Brooks	Goodman	Melio	Shapiro
Brown	Grell	Metcalfe	Siproth

Burns	Grucela	Miccarelli	Smith, K.
Buxton	Hahn	Micozzie	Smith, M.
Caltagirone	Haluska	Milne	Solobay
Carroll	Hanna	Mirabito	Sonney
Casorio	Harhai	Mundy	Staback
Causer	Harhart	Murphy	Stevenson
Christiana	Harkins	Murt	Sturla
Cohen	Harper	Myers	Taylor, J.
Conklin	Harris	O'Brien, M.	Taylor, R.
Costa, D.	Helm	O'Neill	Thomas
Costa, P.	Hennessey	Pallone	Toepel
Cruz	Hess	Pashinski	Turzai
Curry	Hornaman	Payton	Vereb
Daley	Houghton	Peifer	Vitali
Day	Hutchinson	Perzel	Vulakovich
Deasy	Johnson	Petrarca	Wagner
Delozier	Josephs	Petri	Wansacz
DeLuca	Kauffman	Phillips	Waters
DePasquale	Keller, M.K.	Pickett	Watson
Dermody	Keller, W.	Preston	Wheatley
DeWeese	Kessler	Pyle	White
DiGirolamo	Killion	Quigley	Williams
Donatucci	Kirkland	Quinn	Youngblood
Drucker	Knowles	Rapp	Yudichak
Eachus	Kortz	Ravenstahl	
Evans, D.	Kotik	Readshaw	McCall,
Evans, J.	Kula	Reed	Speaker
Fabrizio	Lentz	Reese	

NAYS—29

Bear	Everett	Metzgar	Perry
Boyd	Gabig	Millard	Roe
Clymer	Gillespie	Miller	Rohrer
Cox	Gingrich	Moul	Smith, S.
Creighton	Grove	Mustio	Stern
Cutler	Hickernell	Oberlander	Tallman
Denlinger	Krieger	Payne	True
Ellis			

NOT VOTING—0

EXCUSED—4

O'Brien, D.	Oliver	Parker	Swanger
-------------	--------	--------	---------

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

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

STATEMENT BY MR. BRIGGS

The SPEAKER. The Chair recognizes the gentleman, Representative Briggs, the gentleman from Montgomery County, under unanimous consent, without objection.

Mr. BRIGGS. Thank you, Mr. Speaker.

I have official remarks that I am going to submit for the record, but we have been here a long time, so I do not want to keep talking. But I really want to thank everyone for their support. As we have all read over the last months and years the significance of brain injuries and concussions, it is very important to educate, especially with young students, the risks and symptoms of concussions. We really need to do everything we can to change the mentality of shaking off an injury like a

brain injury, and concussions really need to be taken seriously.

And I want to thank you all, not all of you, but I want to thank those that supported the bill and get it submitted for the record. Thank you.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

Thank you, Mr. Speaker.

I would like to thank all of my colleagues in the House for passing HB 2728. With your vote, you have taken great steps to protect our student athletes here in Pennsylvania.

For me, the journey to pass this legislation has been a long one.

It started exactly where it should have started: at one of my kids' activities with a mother who mentioned that she had heard about a bill being passed in Washington State relating to concussions and youth sports.

My 7-year-old son was just beginning his first football season, and while he has not experienced a concussion, I have seen many others deal with the effects and was familiar with how serious they were. Moreover, I knew the mentality in sports was to "shake it off and get back in the game."

I knew we needed a law similar to Washington State's here in Pennsylvania to protect our student athletes and introduced the bill last October.

A concussion is a brain injury, pure and simple. According to the Centers for Disease Control and Prevention, there are as many as 3.8 million sports and recreational related concussions each year and possibly more than 150,000 in Pennsylvania alone.

One study shows that while 15 percent of high school football players reported having concussion symptoms during the football season, less than half of those players actually reported those symptoms to a school or team official.

These numbers are daunting, but it is my hope that the Safety in Youth Sports Act will improve concussion management in Pennsylvania youth sports and raise awareness regarding the devastating, lifelong effects they can cause when not handled properly.

This legislation we just passed will require that if a high school or junior high school athlete sustains a concussion or brain injury, they could not return to play unless cleared by a professional properly trained in concussion management.

Additionally, the Safety in Youth Sports Act will require an athlete and their parent or guardian to annually sign a concussion and head injury information sheet prior to the student's participating in practice or competition. This is the most important part of the bill, as it helps increase awareness about the seriousness of brain injuries.

This legislation will also require coaches to complete a concussion certification course like the free online course the Centers for Disease Control and Prevention is developing or the course the National Federation of State High School Associations began offering this summer.

These days, the news seems to be more frequent about athletes being sidelined with concussions.

While sports are important for our young people, only a relatively few make it to the professional level – so it is the learning in the classrooms that students do before practice or games that will help them be successful in life. We need their brains to be fit enough not just to get back into the game, but to get back into learning.

I just want to take a moment to thank all of my colleagues who have been supportive of this bill all along. Thank you to the many agencies that have helped me to craft and tweak the legislation, including: the PIAA, the Brain Injury Association, the Department of Health, the PA Athletic Trainers' Society, the National Academy of Neuropsychology,

the PA Psychological Association, and the PA Physical Therapists Association.

Thank you to Pennsylvania's professional sports teams: the Philadelphia Eagles, 76ers, Flyers, and Phillies; the Pittsburgh Pirates and Steelers; and the National Hockey League.

And thank you to the students who have suffered concussions and their devastating effects and have had the courage to tell their stories.

I encourage the Senate to stand up for our student athletes in Pennsylvania and vote "yes" on HB 2728. Thank you.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1769, PN 2460**, entitled:

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations and for prohibitions.

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

The SPEAKER. It is the Chair's understanding that the gentleman, Representative Solobay, is withdrawing his amendments?

Mr. SOLOBAY. Thank you, Mr. Speaker.
Yes, I will be withdrawing both amendments on the bill.
The SPEAKER. The Chair thanks the gentleman.

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

Mr. FAIRCHILD offered the following amendment No. **A04724**:

Amend Bill, page 3, line 2, by inserting after "serve."
The farthest fuel dispensing device shall be no more than 200 feet from the master control emergency shut-off device.

Amend Bill, page 3, by inserting between lines 28 and 29
(6) Each fuel dispensing device shall be in clear view of the attendant at all times. The dispensing of fuel at each fuel dispensing device shall be in clear view of the attendant and no obstacle shall be permitted between the dispensing operation and the attendant so as to obstruct the view of the attendant.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Union County, Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This amendment simply provides for a 200-foot maximum distance between the master control emergency shutoff switch and the farthest gasoline pump. In addition, it establishes in law that a clear line of sight shall be maintained at all times for the station attendant in regard to the view between the cash register and the gas pump fuel islands. This line-of-sight requirement is already in the current regulations for this law, but this further clarifies this in statute.

This compromise amendment is supported by the State Fire Commissioner, the Pennsylvania Fire and Emergency Services Institute, and the Pennsylvania Food Merchants and Convenience Store Council.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Washington County, Representative Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I would like to just thank the gentleman for the work with the amendment from both staffs. As he recommended, there is complete agreement with the fire service community. This amendment, along with the bill, will bring Pennsylvania into compliance with the NFPA (National Fire Protection Association) Code based on shutoffs, and I support the amendment and ask everyone else to do the same.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—4

O'Brien, D. Oliver Parker Swanger

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

SENATE BILLS FOR CONCURRENCE

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

SB 384, PN 382

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, September 28, 2010.

SB 906, PN 2121

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 28, 2010.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 301, PN 300**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for license fee for deployed Pennsylvania National Guard members and for resident license and fee exemptions.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 301 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 301 be removed from the tabled bill calendar and placed on the active calendar.

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

* * *

The House proceeded to second consideration of **SB 535, PN 542**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license requirements.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 535 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 535 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.

RESOLUTIONS

Mr. EACHUS called up **HR 572, PN 3688**, entitled:

A Resolution urging the Congress of the United States to amend the Consumer Product Safety Act to exclude youth all-terrain vehicles, off-highway motorcycles and snowmobiles from the lead-limit requirements of the Consumer Product Safety Act.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 572 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 572 be removed from the tabled bill calendar and placed on the active calendar.

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

* * *

Mr. EACHUS called up **HR 881, PN 4083**, entitled:

A Resolution honoring Andy Stern, former president of the Service Employees International Union, on the occasion of his retirement.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 881 be removed from the active calendar and recommitted to the Committee on Rules.

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

RESOLUTION PURSUANT TO RULE 35

Mr. EACHUS called up **HR 882, PN 4095**, entitled:

A Resolution designating the month of September 2010 as "Alcohol and Drug Addiction Recovery Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 882 be removed from the active calendar and recommitted to the Committee on Rules.

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

BILLS REMOVED FROM TABLE

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

HB 178;
HB 873;
HB 1428;
HB 2164;
HB 2324;
HB 2325;
HB 2656; and
HB 2693.

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

BILLS RECOMMITTED

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

HB 178;
HB 873;
HB 1428;
HB 2164;
HB 2324;
HB 2325;
HB 2656; and
HB 2693.

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

BILLS REMOVED FROM TABLE

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

HB 2255;
HB 2741; and
SB 53.

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

BILLS RECOMMITTED

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

HB 2255;
HB 2741; and
SB 53.

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

REQUEST TO CALL UP DISCHARGE RESOLUTION NO. 10

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

Mr. PERRY. Thank you, Mr. Speaker.

I would like to be recognized for the purpose of calling up Discharge Resolution 10, otherwise known as the Castle Doctrine, for a vote pursuant to House rule 53.

The SPEAKER. Will the gentlemen, Messrs. Turzai and Perry, approach the Chair.

(Conference held at Speaker's podium.)

REQUEST WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

At this time I am going to withdraw my request— Relax, everybody. I am going to withdraw my request, and I have a question for the Appropriations chairman.

It is my understanding, Mr. Speaker, that—

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

Mr. PERRY. Thank you, Mr. Speaker.

It is my understanding that the bill, HB 40, the Castle Doctrine, will be reported out of your committee tomorrow morning.

Mr. D. EVANS. Yes, Mr. Speaker.

Mr. PERRY. And it is also my understanding that we, the full members of the House, will have a vote on the Castle Doctrine on the floor on Monday.

Mr. D. EVANS. I will let the majority leader make that comment.

Mr. EACHUS. The answer to the gentleman's question is yes, Monday we will vote your bill.

Mr. PERRY. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. MUSTIO

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

Mr. MUSTIO. Thank you, Mr. Speaker.

I think it is for a point of personal privilege.

The SPEAKER. Unanimous consent?

Mr. MUSTIO. I will take that as well. Thank you.

The SPEAKER. Without objection, unanimous consent is granted.

Mr. MUSTIO. Earlier this evening we had a somewhat controversial procedural move and some votes, and as a result of that or during the course of that, I made some comments back here to one of my colleagues that were not broadcast over the microphone but they were heard by enough of the other members that I probably should not have said. So I am apologizing to my colleague and friend from Monroe and just wanted to go on the record with that.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be no further votes.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader for the purpose of an announcement.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the Democratic members, no Democratic caucus is required. And for all members, we are going to start at 10 a.m. tomorrow. Once again, at 10 a.m. tomorrow, we are going to start floor action.

Thank you, Mr. Speaker.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1281, PN 4021, and HB 1515, PN 4283**, 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 BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1376, PN 1677; HB 1671, PN 2112; and HB 1774, PN 4065**, with information that the Senate has passed the same without amendment.

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 1376, PN 1677

An Act amending the act of June 18, 1984 (P.L.391, No.82), known as the Continuing-Care Provider Registration and Disclosure Act, further providing for investigations and subpoenas and for audits.

HB 1671, PN 2112

An Act amending the act of August 14, 1963 (P.L.839, No.407), entitled, as amended, "An act creating a county records committee; imposing powers and duties upon it; authorizing the Pennsylvania Historical and Museum Commission to assist and cooperate with it; defining county records; and authorizing the disposition of certain county records by county officers in counties of the second to eighth class," increasing the membership of the committee.

HB 1774, PN 4065

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for marketing and administration of service contracts being distinct from the business of insurance.

SB 699, PN 1888

An Act providing for protection of abused, neglected, exploited or abandoned adults; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of adults; providing for protective services; and prescribing penalties.

SB 1327, PN 1900

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

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

AGING AND OLDER ADULT SERVICES COMMITTEE MEETING

The SPEAKER. Does the gentlelady from Luzerne County, Representative Mundy, seek recognition?

Ms. MUNDY. I would like to announce a meeting of the Aging and Older Adult Services Committee for 9 o'clock tomorrow morning, room G-50. It will be a voting meeting. I would like to urge all members to attend.

Thank you.

The SPEAKER. The Chair thanks the lady.

The Aging and Older Adult Services Committee will meet at 9 o'clock tomorrow morning in room G-50.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Clinton County, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I would like to announce a meeting of the House Agriculture Committee on SB 906 tomorrow at the call of the Chair.

The SPEAKER. The Chair thanks the gentleman.

The Agriculture and Rural Affairs Committee will meet tomorrow at the call of the Chair.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. GERGELY. Thank you, Mr. Speaker.

At the call of the Chair, the House Labor Relations Committee will be meeting in 39 East Wing. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Labor Relations Committee will meet in room 39, East Wing, at the call of the Chair.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

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

Mr. MELIO. The House Veterans Affairs Committee will meet tomorrow at the call of the Chair, Mr. Speaker.

The SPEAKER. The Veterans Affairs Committee will meet tomorrow at the call of the Chair.

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.

ADJOURNMENT

The SPEAKER. The Speaker has in his possession a motion to adjourn, filed by the gentleman from Chester County, Representative Houghton, who moves that this House do now adjourn until Wednesday, September 29, 2010, at 10 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 9:26 p.m., e.d.t., the House adjourned.