

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 29, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 55

HOUSE OF REPRESENTATIVES

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

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

PRAYER

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

Thank you, Mr. Speaker.

Let us pray:

Glorious God, precious and loving Father, all-knowing, wise, and everlasting God, the one who cannot be contained by heaven or earth, we come to You today. We come with a psalmist's heart and panting for a little sip of Your presence during these uncertain times.

As always, we seek Your guidance and ask You to order our footsteps that we may do justice, love mercy, and move humbly in the right direction, the way that You would have us go so that we might serve Your people in a manner that is pleasing to You. Help us to endure, help us to understand, and help us to embrace, and by all means help us to reflect on the message of justice, democracy, hope, and love in serving this Commonwealth as it continues to grow to where our forefathers had ordained and envisioned it should be from the beginning.

Bless us now as we go forth humbly in Your service. Amen.

PLEDGE OF ALLEGIANCE

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

The SPEAKER. The members will report to the floor.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, September 28, 2010, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, the majority whip, Representative Dermody, who requests a leave of absence

for Representative BELFANTI from Northumberland County for the day. Without objection, the leave will be granted.

The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai, who requests a leave of absence for the gentelady from Lancaster County, Representative TRUE, for the day. Without objection, the leave will be granted.

The members will report to the floor.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Belfanti	Parker	Swanger	True
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LEAVES ADDED—1

Godshall

LEAVES CANCELED—1

True

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

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
September 27, 2010

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Tuesday, October 12, 2010, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, October 4, 2010, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. GALLOWAY called up **HR 918, PN 4206**, entitled:

A Resolution recognizing the month of November 2010 as "National Family Caregiver Month" in Pennsylvania, and commending the service and dedication family caregivers provide to older adults.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentlelady from Lancaster County, Representative True, on the House floor. Her name will be added to the master roll.

CONSIDERATION OF HR 918 CONTINUED

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

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair would like to welcome Representative Dave Kessler's son, Matt; his daughter-in-law, Rebecca; and his granddaughter, Matilyn. Will the guests please rise. Welcome to the hall of the House. A very proud grandfather.

RESOLUTION PURSUANT TO RULE 35

Mr. SAYLOR called up **HR 954, PN 4322**, entitled:

A Resolution designating October 10, 2010, as "Put the Brakes on Fatalities Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Longiotti	Reed
Baker	Farry	Maher	Reese
Barbin	Fleck	Mahoney	Reichley
Barrar	Frankel	Major	Roae
Bear	Freeman	Manderino	Rock
Benninghoff	Gabig	Mann	Roebuck
Beyer	Gabler	Markosek	Rohrer
Bishop	Galloway	Marshall	Ross
Boback	Geist	Marsico	Sabatina
Boyd	George	Matzie	Sainato
Boyle	Gerber	McGeehan	Samuelson
Bradford	Gergely	McI. Smith	Santarsiero
Brennan	Gibbons	Melio	Santoni
Briggs	Gillespie	Metcalfe	Saylor
Brooks	Gingrich	Metzgar	Scavello
Brown	Godshall	Miccarelli	Schroder

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

NAYS—1

Cohen

NOT VOTING—0

EXCUSED—3

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

VOTE CORRECTION

The SPEAKER. The gentleman from Philadelphia, Representative Cohen. Did your switch malfunction on HR 954? The record will reflect that the gentleman would have voted in the affirmative.

RESOLUTIONS PURSUANT TO RULE 35

Mr. ROEBUCK called up **HR 956, PN 4324**, entitled:

A Resolution designating the month of October 2010 as "Disability Employment Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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Mr. SHAPIRO called up **HR 957, PN 4331**, entitled:

A Resolution designating the month of September 2010 as "Prostate Cancer Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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Mr. EACHUS called up **HR 965, PN 4375**, entitled:

A Resolution recognizing the Luzerne County Colorectal Cancer Task Force for its work to combat colon cancer and encouraging citizens of Luzerne County to undergo screening.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Belfanti Parker Swanger

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

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Mr. SOLOBAY called up **HR 967, PN 4377**, entitled:

A Resolution designating the month of October 2010 as "Pennsylvania Fire Prevention Month," observing the week of October 3 through 9, 2010, as "National Fire Prevention Week" and urging Pennsylvanians to follow all safety measures to prevent fires, including making sure to install smoke alarms in required places in their homes.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

DePasquale	Keller, W.	Petrarca	Wansacz
Dermody	Kessler	Petri	Waters
DeWeese	Killion	Phillips	Watson
DiGirolamo	Kirkland	Pickett	Wheatley
Donatucci	Knowles	Preston	White
Drucker	Kortz	Pyle	Williams
Eachus	Kotik	Quigley	Youngblood
Ellis	Krieger	Quinn	Yudichak
Evans, D.	Kula	Rapp	
Evans, J.	Lentz	Ravenstahl	McCall,
Everett	Levdansky	Readshaw	Speaker
Fabrizio			

NAYS—0

NOT VOTING—0

EXCUSED—3

Belfanti Parker Swanger

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 176, PN 4329**, entitled:

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

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 Philadelphia County, Representative Cohen.

Mr. **COHEN**. Mr. Speaker, this bill makes synthetic marijuana, which is a new invention, to be a controlled substance. The effect of making it a controlled substance is to create criminal penalties for people who possess it or people who sell it. The guy who invented it is a guy named John Huffman, who does research in cannabinoids at Clemson University. It is not clear how this invention became public and created synthetic marijuana in the public domain, but it is out there.

Huffman, the inventor of synthetic marijuana, says that anybody who uses it has to be an idiot. It creates a short high. It can create health problems for people. Huffman was also asked about whether he favors banning it, and he said that, well, marijuana is banned and people still get it. And that is the problem here; now that the invention is out there, it is very difficult to put the genie back in the bottle.

Now, other States have passed a bill similar to this banning it. What has generally happened in the other States has been that people have fooled around with the formula, and you ban it according to one formula and then they create another formula. The effect of it has been very limited, because what happens is the places that are selling it now sell the stuff that is in the new formula that is not banned. It is just a bunch of chemicals mixed together. You can mix other chemicals together and create similar things, and we are only banning some chemicals.

Now, I think this is just an extension of an approach to drug law that has not proven to be very effective. We have banned marijuana, and there is a vast amount of illegal marijuana trade all around this Commonwealth. Just about anybody who wants to find out how to get marijuana can do that. A huge percentage of the people get access to marijuana. Over 80 percent of Pennsylvanians told Terry Madonna's poll that they favor legalizing marijuana for medical purposes and only for medical purposes.

I think this bill just extends the approach of banning to a whole new area where it is unlikely to work very much because anybody can simply take one of these substances that are banned and change the chemical composition and then it is not banned anymore. And if we succeed in coming up with endless bans and we finally come up with so many different bans that it is impossible, then all we are succeeding in doing is we are forcing people to go to the illegal market and giving them one more product to sell. And I think it is not in our interest to encourage people to get things through drug dealers and other people who have contempt for the law.

I well remember when I was a boy that Philadelphia had a tremendous illegal numbers racket and most places in this Commonwealth had a tremendous illegal numbers racket, and when we created the lottery, we gradually drove it out of business because we created a legitimate source for people to play the numbers and gave them a chance to help senior citizens while they were playing the numbers game.

We have not banned cigarettes, and the number of people who smoke cigarettes has gone down dramatically. The Department of Health, under existing law, has the power to regulate substances and declare these substances to be illegal. The Secretary of Health has to conduct an investigation; he has to issue regulations. I think if we want to ban it, it ought to be done by the Secretary of Health after thorough research and thorough evaluation. I know that each time we create a law or expand an existing law that has criminal penalties, the more people are going to be accused of crimes, even as I think in this bill it will only be a few people because the law— This inherently has so many loopholes because of the nature of the substance.

Each time we send a person to jail, we are putting the State on the hock to pay \$35,000 extra a year for that person. Creating more crimes and extending the existing crimes to new things is a spending program, and it is a spending program with real cost.

And so even though this may be quixotic, I am going to vote "no" on this bill. I think it is a bad idea, and I would urge us not to join the other States who support this legislation and vote "no" on it.

The **SPEAKER**. On the question, the Chair recognizes the gentlelady from Lehigh County, Representative Mann.

Miss MANN. Thank you very much, Mr. Speaker.

I just want to take a moment to really clarify what this legislation's intention is and to really address some of the misstatements made by the previous speaker.

First and foremost, the reason for this legislation is to get a dangerous substance off the streets. If you have seen the product, you will see that this is very clearly targeted towards young people. It comes in crafty little packaging. It comes in flavors – blueberry, strawberry, mint – and it says that it is herbal incense, not meant to be smoked. I do not know about you, but I do not know anybody that is paying upwards of \$110 for a very small amount of something to watch it burn.

This is something where they are targeting our young people and we are sending them a wrong and unclear message that this is okay, that this is safe simply because it is legal. Mr. Speaker, nothing is further from the truth. We have seen calls to poison control centers across the country explode, especially in the last 45 days as young people have returned to high school and colleges and universities across Pennsylvania and the nation. We have seen the number of young people present in emergency rooms and health-care facilities with symptoms like a rapid heart rate, elevated blood pressure, hallucinations, anxiety, seizures, and the use of this substance has been linked to death in a number of States across the country. If you think I am overreacting, then so be it, but I think these are very, very clear signs that we need to take action and we need to send a message.

I also want to say a couple of things. We list in this legislation specifically five chemicals that are used in varying combinations in treating these herbs. You can use them to varying degrees to create a different intensity of the high. Some are more intense, some are less intense. There are other chemicals, and I am aware of that. This is definitely a growing trend as people try to find a legal way to reach some kind of high, but, Mr. Speaker, to do nothing is not the answer. We need to attempt to keep up with this, and in my opinion, this is merely the beginning of what we need to do.

Additionally, I would comment that from a medical standpoint, there are more negative side effects and very, very much of this is unknown at this point because it is so new, but we are attempting to make a step in the right direction.

The last thing that I will address is I know many of you have received e-mail messages from folks across the country claiming that somehow, some way, by implementing legislation such as HB 176, that we are going to set back research as it addresses cancer. What I want you to know is, today there is research done across this Commonwealth in using controlled substances. The Department of Health authorizes that on a case-by-case basis. If there is a legitimate reason to use these chemicals and research as it relates to cancer or some other effort, all they have to do is apply for a waiver from the Department of Health. That happens today. This would be treated no differently.

We have enough of a problem in this Commonwealth as it relates to drug and alcohol abuse. The last thing we need to do is to send an unclear message with a very unsafe substance. It is targeted clearly towards young people. Let us step up. Let us do the right thing. Let us ban this substance in Pennsylvania.

I ask for your support on HB 176. Thank you, Mr. Speaker.

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

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

I enthusiastically rise to support this legislation and commend the gentlelady for introducing the bill. I appreciate her leadership, and this is a tremendous help in advancing and differentiating what good medicine is all about and bad medicine.

And the whole issue of marijuana – I am sure we will have another day to discuss the pros and cons about the so-called issue of medical marijuana, but smoking anything and consuming these harmful chemicals are very, very injurious to the body and to the mind, the reproductive system, and I just want to commend the gentlelady for her legislation and ask the members to please support it. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Lancaster County, Representative True.

Mrs. TRUE. Thank you, Mr. Speaker.

I would like to add my voice in commending the sponsor of HB 176; I certainly give it my full support.

All her comments were right on target, and I just want to address ever so briefly one thing that she mentioned and that a previous speaker mentioned regarding medical marijuana. We already have synthetics that are used for cancer treatment. We have Marinol, synthetic THC (tetrahydrocannabinol), and I know there are those out there with anecdotal information that say that any kind of these chemicals helps patients with cancer. As a two-time cancer survivor, I dispute that. I dispute Terry Madonna's poll; I am happy to say it here on the floor of the House.

And I would add just for the record that until we hear from research centers such as our own Penn, our hospitals in Pittsburgh, Sloan-Kettering, Johns Hopkins, that any type of marijuana that is burned, that that is good for patients that have cancer and other ailments, I think this discussion is foolish and moot, and I appreciate the opportunity to say it on the House floor. I ask for your support for HB 176.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentlelady from Lebanon County, Representative Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker.

I rise to both thank and support my colleague from the Lehigh Valley on this particular issue.

In my area we have been experiencing an exponential abuse and use of what is called synthetic marijuana to the point where our school districts throughout the county have sent home a notice and created a criterion within their school that prohibits the possession of this synthetic blend. It is easily accessible to the naivety of our young people who clearly feel this is legal and harmless. Unfortunately, it is legal, and unfortunately, it is not harmless. So we have had a number of young people in our ERs across the county and at the Hershey Med Center, who innocently are being misled with the use of what is labeled as incense, labeled not for human consumption, but at the same time being labeled as flavorful and aromatic. Well, if it is flavorful, they are being led to believe it needs to be ingested.

So this is not something I think we can ignore, and it is separate from the medical marijuana issue. This is a different blend of herbs carelessly thrown together; being shipped in huge bundles, generally from the Las Vegas area; packaged up any old way when it gets here; being sold in our gas stations and

our head shops and different smoking paraphernalia retail businesses.

Let us pay attention to this before some young person's heart goes so rapidly, so fast that it just does not recover. Thank you. The SPEAKER. The Chair thanks the lady.

On the question recurring, Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

NAYS—1

Cohen

NOT VOTING—0

EXCUSED—3

Belfanti 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.

* * *

The House proceeded to third consideration of SB 1157, PN 1909, entitled:

An Act designating Traffic Route 283 (State Route 300), from the PA Turnpike Interchange in Lower Swatara Township, Dauphin County, to State Route 30 in Manheim Township, Lancaster County, as the 283rd Field Artillery Battalion 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—199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Belfanti	Parker	Swanger
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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.

* * *

The House proceeded to third consideration of **HB 1572, PN 4062**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for school foods reform and imposing duties on schools relating to the sale of food and beverages and on the Department of Education and the Department of Health.

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-116

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

NAYS-83

Adolph	Fleck	Krieger	Quigley
Baker	Gabig	Maher	Quinn
Barrar	Gabler	Major	Rapp
Bear	Geist	Marshall	Reed
Benninghoff	Gillespie	Marsico	Reese
Boyd	Godshall	Metcalfe	Reichley
Brooks	Grell	Metzgar	Roae
Causer	Grove	Miccarelli	Rock
Christiana	Hahn	Millard	Rohrer
Clymer	Harhart	Miller	Ross
Cox	Harper	Moul	Sainato
Creighton	Harris	Mustio	Saylor
Cutler	Helm	O'Neill	Smith, S.
Day	Hennessey	Oberlander	Sonney
Delozier	Hess	Payne	Stern
Denlinger	Hickernell	Peifer	Stevenson
Ellis	Hutchinson	Perry	Tallman
Evans, J.	Kauffman	Petri	Toepel
Everett	Keller, M.K.	Phillips	True
Fairchild	Killion	Pickett	Vereb
Farry	Knowles	Pyle	

NOT VOTING-0

EXCUSED-3

Belfanti	Parker	Swanger
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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 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 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 Schuylkill County, Representative Knowles.

Will the gentleman yield.

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

The Chair recognizes the gentleman from Schuylkill County, Representative Knowles.

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

Mr. Speaker, I have at the podium with me my two colleagues from Schuylkill County, Representative Neal Goodman and Representative Tim Seip.

Several months ago I was approached by some local officials in northern Berks County, and they asked me if I would consider sponsoring a House bill naming a bridge or a stretch of highway in northern Berks County in tribute to the late Senator Jim Rhoades. Since Jim was a moving force on a project – it was a \$6 million rehabilitation of the State Street Bridge, and it connects a portion of the 125th District and the 124th District, that is Tilden Township and Hamburg Borough – and since Jim was a driving force in that project, I thought that it would be appropriate that we would rename the State Street Bridge the Senator Jim Rhoades Memorial Bridge.

Mr. Speaker, many of you in this hall – and I know you did – knew Jim Rhoades well and we considered him a friend. The Senator served the folks in the 29th Senatorial District for approximately 28 years. I worked with the Senator for those 28 years in my capacity as a county commissioner, as a local borough councilman, as a mayor, and as a staffer with the House of Representatives.

Mr. Speaker, at times the Senator I think was described as a maverick, because there were times that he disagreed with his leadership, and when he did, he let them know. He was not shy about it. I remember I had a conversation with the Senator at one point, and it was on that very topic, and he said, "Babe" – and that was a favorite saying; he would call you Babe – he said, "Babe, you never forget who brought you to the dance," and by that he meant, you never forget who you represent. And everyone who knew the Senator will tell you that he represented his constituents well.

The Senator had a passion for education. As many of you know, he served as the chairman of the Senate Education Committee and before he became a Senator, he was a teacher, he was a principal, he was a football coach, and there was nothing that was more important to Senator Rhoades than the

young people of this Commonwealth, and he did whatever he could do to help them.

Mr. Speaker, we were all saddened by the unexpected and untimely death of the Senator. It was a tremendous shock, and I can tell you that he is sadly missed by the folks in my area, by the folks in the 29th Senatorial District, and by many people here at the Capitol.

Mr. Speaker, I would ask my colleagues for an affirmative vote on HB 2614. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Schuylkill County, Representative Seip.

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, I was a constituent of Senator Rhoades's for a great number of years, and when I became a member of this body in 2007, I had the great opportunity to work with Senator Rhoades as his legislative colleague. I never would have guessed that that collegial relationship would have ended so abruptly with the tragic automobile accident that resulted in the passing of Senator Rhoades in October of 2008.

Just days before that I had spent an incredibly grueling day on the floor of this House – one of the most memorable in my short career to that point in this chamber. And that day was the culmination of months of work with Senator Rhoades and his staff on a piece of legislation that we both believed in so, so very much. Some of you people may even remember that day; it was certainly one of the most memorable I had on the floor, regarding the spot appeal issue.

I remember being at his memorial service at the Mahanoy Area High School.

The SPEAKER. Will the gentleman yield.

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

The gentleman may proceed.

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, I remember being at the Mahanoy Area High School at his memorial service, and I remember many, many people coming out, and I remember also many people, members of this body, being there to say goodbye one last time to Senator Rhoades.

Mr. Speaker, this is a very fitting tribute to a passionate man who had touched the 29th Senatorial District and his community in so many ways. And as Representative Knowles had mentioned, he was a teacher, he was a coach, and Senator Rhoades was even my mother's biology teacher at Pottsville Area High School. So he was a great man who helped our community, our Senatorial district in many ways, and again, this is a very fitting tribute to Senator Rhoades.

I ask for an affirmative vote on HB 2614. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Schuylkill County, Representative Goodman.

Mr. GOODMAN. Thank you, Mr. Speaker.

Very quickly, although this bridge does not touch my legislative district, I thank the members of the Schuylkill County legislative delegation for allowing me to speak very quickly on this bill.

As most of you know, Jim Rhoades was a colleague of mine, but he was also my junior high school principal and my high school football coach.

I know I speak for everyone in the delegation when I say that his loss is still being felt by many of us. And there have been many things in Schuylkill County as of recently named after the Senator – walking trails, the downtown center – but I think Jimmy would like the fact that a bridge is being named after him, because as my colleagues can attest, that was Jimmy's role in our delegation. He was the Senator, but he was also the bridge between many disputes that we would have as Democrats and Republicans. He would often remind us that we are Schuylkill Countians first. So I think that the Senator would enjoy the fact that a bridge is being named after him.

I ask my colleagues for an affirmative vote on HB 2614. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

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

Eachus	Kotik	Quigley	Youngblood
Ellis	Krieger	Quinn	Yudichak
Evans, D.	Kula	Rapp	
Evans, J.	Lentz	Ravenstahl	McCall,
Everett	Levdansky	Readshaw	Speaker
Fabrizio			

NAYS—0

NOT VOTING—0

EXCUSED—3

Belfanti	Parker	Swanger
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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.

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

HB 2479, PN 4398 (Amended) By Rep. JOSEPHS

An Act relating to support for law enforcement authorities and safe neighborhoods.

STATE GOVERNMENT.

HB 2633, PN 4068 By Rep. THOMAS

An Act providing for the rights and duties of manufactured home community owners and operators and manufactured home residents; and repealing the Mobile Home Park Rights Act and related provisions of The Landlord and Tenant Act of 1951.

URBAN AFFAIRS.

HB 2697, PN 4218 By Rep. JOSEPHS

An Act adopting the Honor and Remember Flag as an official flag to recognize and honor fallen members of the armed forces; and imposing duties on the Department of Military and Veterans Affairs.

STATE GOVERNMENT.

HB 2698, PN 4219 By Rep. JOSEPHS

An Act amending the act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as "Soldiers' Grove" in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation," adopting the Honor and Remember Flag as an official emblem of the Commonwealth and providing for its placement in Soldiers' Grove.

STATE GOVERNMENT.

SB 900, PN 2239 (Amended) By Rep. THOMAS

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for neighborhood blight reclamation and revitalization.

URBAN AFFAIRS.

RESOLUTION

Mr. CRUZ called up **HR 701, PN 3428**, entitled:

A Resolution urging the Citizens' Advisory Committee of the United States Postal Service to issue a United States postal stamp honoring the heroism of the "Borinqueneers" of the 65th Infantry Regiment of the United States Army, the only all-Hispanic unit in the history of the United States Army.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Belfanti Parker Swanger

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

DEMOCRATIC CAUCUS

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

Mr. COHEN. Mr. Speaker, the Democrats will caucus at 11:30 a.m. Our goal is to return to the floor at 12:30 p.m.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Appropriations announcement?

Mr. COHEN. The Appropriations Committee, Mr. Speaker, will meet immediately in the majority caucus room.

The SPEAKER. An immediate meeting of the House Appropriations Committee in the majority caucus room followed by a Democratic caucus at 11:30, back to the floor at 12:30.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 11:30. I would ask our Republican members to please report to our caucus room at 11:30. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

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 at the recess in 302 Irvis Office Building; House Agriculture Committee in 302 Irvis as soon as we recess.

The SPEAKER. The Chair thanks the gentleman.

There will be an Agriculture and Rural Affairs Committee meeting in room 302, Irvis Office Building, at the call of recess.

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.

The Labor Relations Committee will have an immediate meeting in 39 East Wing.

The SPEAKER. The Chair thanks the gentleman.

The Labor Relations Committee will have an immediate meeting in 39 East Wing.

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. Thank you, Mr. Speaker.

Representative Fairchild and I have requested the Veterans Affairs and Emergency Preparedness Committee will meet in room G-50, Irvis Office Building, immediately upon the break. We are asking the members to be prompt. We hope the meeting will be quick, and I say the Veterans Affairs and Emergency Preparedness Committee will meet in room G-50, Irvis Office Building, immediately upon the break. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Veterans Affairs and Emergency Preparedness Committee will meet in room G-50, Irvis Office Building, immediately upon the break.

INSURANCE COMMITTEE MEETING

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

Mr. DeLUCA. Thank you, Mr. Speaker.

The Insurance Committee will meet at the break in room 108, Irvis Building, for a voting meeting on two bills; 108 Irvis Building immediately at the break. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Insurance Committee will meet at the break in room 108, Irvis Building.

Any further announcements?

RECESS

The SPEAKER. This House stands in recess until 12:30 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 1 p.m.; further extended until 1:15 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 of the House.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1404 By Representatives PAYTON and JOSEPHS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for annual registration fee for passenger cars; establishing the Transit Oriented Development Loan Fund; and imposing duties upon the Department of Community and Economic Development.

Referred to Committee on TRANSPORTATION, September 29, 2010.

No. 2124 By Representatives PAYTON, BRIGGS, CALTAGIRONE, COHEN, JOSEPHS, STURLA and YOUNGBLOOD

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Public School Construction Authority and the Pennsylvania Public School Construction Task Force; providing for their powers and duties; establishing the Public School Construction Reserve Fund, the Public School Building and Facility Adequacy Grant Program, a direct grant program and an interest subsidy program; and authorizing the issuance of bonds.

Referred to Committee on EDUCATION, September 29, 2010.

SENATE BILL FOR CONCURRENCE

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

SB 890, PN 2207

Referred to Committee on EDUCATION, September 29, 2010.

BILLS REREPORTED FROM COMMITTEE

SB 59, PN 2222

By Rep. D. EVANS

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for application for registration certificate, for issuance of registration certificate and for records; providing for disclosure; and further providing for emergency closure.

APPROPRIATIONS.

SB 910, PN 1752

By Rep. D. EVANS

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, as to civil service for police and firemen, further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period, for physical examination and for promotions.

APPROPRIATIONS.

SB 912, PN 1754

By Rep. D. EVANS

An Act amending the act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period, for promotions and for physical examinations.

APPROPRIATIONS.

SB 1328, PN 2078

By Rep. D. EVANS

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions and for unlawful acts by manufacturers or distributors.

APPROPRIATIONS.

SB 1360, PN 2188

By Rep. D. EVANS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, further providing for hearing, for alternative procedure for relinquishment and for grounds for involuntary termination; providing for voluntary agreement for continuing contact; further providing for impounding of proceedings and access to records and for medical history information; providing for records and access to information; establishing an information registry; and making editorial changes.

APPROPRIATIONS.

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

BILLS REREPORTED FROM COMMITTEE**HB 40, PN 3799**

By Rep. D. EVANS

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing, in general principles of justification, for definitions, for use of force in self-protection, for use of force for the protection of other persons, for grading of theft offenses and for licenses to carry firearms; and providing for civil immunity for use of force.

APPROPRIATIONS.

SB 1161, PN 2241 (Amended)

By Rep. D. EVANS

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, further providing for adoption of guidelines for sentencing, for guidelines for State intermediate punishment; providing for adoption of risk assessment instrument; further providing for sentencing generally, for revocation of State intermediate punishment sentence; in general administration, providing for definitions and for powers and duties of department; in county jail oversight board in counties of the second class and second class A, further providing for scope, for definitions and for county jail oversight board; in inmate labor, further providing for disposition of proceeds of labor and providing for State correctional institutions; providing for evaluation in motivational boot camps; in State intermediate punishment, further providing for evaluation; further providing for recidivism reports; providing for confidentiality of victim information; in administration, further providing for board action,

providing for offenders in group-based homes and further providing for general powers, parole power, terms of parole, victim participation in hearings and supervision of offenders; in interstate compacts, further providing for administration and providing for a compact application fee; making a related repeal; and making editorial changes.

APPROPRIATIONS.

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED****HB 2685, PN 4399 (Amended)**

By Rep. MUNDY

An Act establishing the Pennsylvania Mature Worker Task Force, and providing for its powers and duties.

AGING AND OLDER ADULT SERVICES.

SB 288, PN 2240 (Amended)

By Rep. GERGELY

An Act providing for plumbing contractors licensure; establishing the State Board of Plumbing Contractors and providing for its powers and duties; conferring powers and imposing duties on the Department of Labor and Industry; establishing fees, fines and civil penalties; creating the Plumbing Contractors Licensure Account; and making an appropriation.

LABOR RELATIONS.

SB 906, PN 2121

By Rep. HANNA

An Act amending Titles 3 (Agriculture) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the definitions of "agricultural biosecurity area" and for "posted notice"; and further providing for keeping and handling of domestic animals, for ecoterrorism and for criminal trespass.

AGRICULTURE AND RURAL AFFAIRS.

SUPPLEMENTAL CALENDAR A**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 1328, PN 2078**, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions and for unlawful acts by manufacturers or distributors.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 1360, PN 2188**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, further providing for hearing, for alternative procedure for relinquishment and for grounds for involuntary termination; providing for voluntary agreement for continuing contact; further providing for impounding of proceedings and access to records and for medical history information; providing

for records and access to information; establishing an information registry; and making editorial changes.

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

* * *

The House proceeded to second consideration of **SB 910, PN 1752**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, as to civil service for police and firemen, further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period, for physical examination and for promotions.

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

Mrs. **GINGRICH** offered the following amendment
No. **A07893**:

Amend Bill, page 3, line 21, by inserting a bracket before "other"
Amend Bill, page 3, line 21, by inserting after "himself"
] person is
Amend Bill, page 3, line 22, by inserting a bracket before "the" where it occurs the first time
Amend Bill, page 3, line 22, by inserting after "action"
] refusal
Amend Bill, page 3, line 22, by inserting a bracket before the comma after "commission"
Amend Bill, page 3, line 22, by inserting a bracket after "refusing"
Amend Bill, page 3, line 22, by inserting a bracket before "him"
Amend Bill, page 3, line 23, by inserting after "him"
] or certify the applicant
Amend Bill, page 3, line 24, by inserting a bracket before "such"
Amend Bill, page 3, line 24, by inserting after "person"
] the applicant
Amend Bill, page 3, line 25, by inserting a bracket before "where"
Amend Bill, page 3, line 26, by inserting after "Whereupon"
] for a public hearing, with or without counsel, at which time
Amend Bill, page 3, line 26, by inserting a bracket before "then"
Amend Bill, page 3, line 26, by inserting after "then"
] take testimony and
Amend Bill, page 3, line 26, by inserting a bracket before "make"
Amend Bill, page 3, line 27, by inserting after "such" where it occurs the first time
] provide
Amend Bill, page 3, line 27, by inserting a bracket before "and"
Amend Bill, page 3, line 28, by inserting a bracket after "offered"
Amend Bill, page 4, lines 14 and 15, by striking out "ranks all passing applicants, assigns veterans" in line 14 and "preference points and" in line 15
Amend Bill, page 4, lines 15 through 18, by striking out "The" in line 15, all of lines 16 and 17 and "a duly authorized commission meeting, extend the" in line 18 and inserting "Prior to expiration of the one-year period, the commission may extend the validity of the eligibility"
Amend Bill, page 4, line 19, by inserting after "months" "by a majority vote of the commission at a duly authorized commission meeting"
Amend Bill, page 4, line 27, by inserting a bracket before "a"

Amend Bill, page 4, line 27, by inserting after "eligibles"
] an eligibility list
Amend Bill, page 4, line 28, by inserting a bracket before "eligible"
Amend Bill, page 4, line 28, by inserting after "eligible"
] eligibility
Amend Bill, page 4, line 29, by inserting after "of"
the
Amend Bill, page 4, line 29, by inserting a bracket before "thereon,"
Amend Bill, page 4, line 29, by inserting a bracket after "thereon"
Amend Bill, page 5, line 1, by inserting a bracket before "thereupon,"
Amend Bill, page 5, line 2, by inserting a bracket after "candidates,"
Amend Bill, page 5, line 3, by inserting a bracket before "unless"
Amend Bill, page 5, line 3, by inserting after "make"
] based solely on the merits and fitness of the candidates, unless borough council makes
Amend Bill, page 5, line 4, by inserting a bracket before "as"
Amend Bill, page 5, line 4, by inserting after "to" where it occurs the second time
] regarding
Amend Bill, page 5, line 4, by inserting a bracket before "persons"
Amend Bill, page 5, line 4, by inserting a bracket after "so"
Amend Bill, page 5, line 5, by inserting after "certified"
persons
Amend Bill, page 5, line 7, by inserting a bracket before "said"
Amend Bill, page 5, line 7, by inserting after "section,"
] section 1183 of this act.
Amend Bill, page 5, line 10, by inserting a bracket before "thereupon"
Amend Bill, page 5, line 10, by inserting a bracket after "thereupon"
Amend Bill, page 5, line 10, by inserting a bracket before "such"
Amend Bill, page 5, line 10, by inserting after "such"
] the
Amend Bill, page 5, line 10, by inserting a bracket before "eligible"
Amend Bill, page 5, line 10, by inserting after "eligible"
] eligibility
Amend Bill, page 5, line 11, by inserting a bracket before "off."
Amend Bill, page 5, line 11, by inserting after "off"
] from the eligibility list
Amend Bill, page 5, line 27, by inserting a bracket before "such" where it occurs the first time
Amend Bill, page 5, line 27, by inserting after "such" where it occurs the first time
] the
Amend Bill, page 5, line 27, by inserting a bracket before "such" where it occurs the second time
Amend Bill, page 5, line 27, by inserting after "such" where it occurs the second time
] the
Amend Bill, page 5, line 29, by inserting a bracket before "such"
Amend Bill, page 5, line 29, by inserting after "such"
] the
Amend Bill, page 6, line 10, by inserting a bracket before "of" where it occurs the second time
Amend Bill, page 6, line 10, by inserting after "of" where it occurs the second time
] or
Amend Bill, page 6, line 13, by inserting a bracket before the period after "appointment"
Amend Bill, page 6, line 13, by inserting after "his"
] , and the

Amend Bill, page 6, line 14, by inserting a bracket before the semicolon after "cease"

Amend Bill, page 6, line 14, by inserting after "otherwise"

]. If the probationer is not notified or dismissed in accordance with this section.

Amend Bill, page 6, lines 20 through 30; page 7, lines 1 through 4, by striking out "BOROUGH COUNCIL SHALL," in line 20, all of lines 21 through 30 on page 6 and all of lines 1 through 4 on page 7 and inserting

Borough council shall notify the commission of a vacancy in the police force or as a paid operator of fire apparatus in the borough which is to be filled by promotion and shall request the certification of an eligibility list. The commission shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the commission shall certify the names remaining on the eligibility list. The borough council shall make an appointment from the names certified, based solely on the merits and fitness of the candidate, unless council makes objections to the commission regarding one or more of the persons so certified for any reason provided under section 1183 of this act.

Amend Bill, page 8, line 1, by striking out "his or her" and inserting

the person's

Amend Bill, page 8, line 2, by striking out "he or she" and inserting

the person

Amend Bill, page 8, lines 7 and 8, by striking out "or" in line 7 and "persons" in line 8

Amend Bill, page 8, line 10, by striking out "focused on the issue of" and inserting

on

Amend Bill, page 8, line 14, by striking out "process" and inserting

under subsection (c)

Amend Bill, page 8, line 17, by striking out "as authorizing" and inserting

to authorize

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentelady from Lebanon County, Representative Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker.

You will actually see this amendment on another following bill – this one is SB 910 – again on SB 912.

It is an editorial language amendment. It changes some of the verbiage, like providing for general neutrality, and it of course involves compliance with the ADA (Americans with Disabilities Act) Federal laws. Do you need more on that now?

The SPEAKER. That will suffice.

On the question recurring,

Will the House agree to the amendment?

YEAS—199

Adolph	Fairchild	Longiotti	Reed
Baker	Farry	Maher	Reese
Barbin	Fleck	Mahoney	Reichley
Barrar	Frankel	Major	Roae
Bear	Freeman	Manderino	Rock

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

On the question,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 912, PN 1754**, entitled:

An Act amending the act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period, for promotions and for physical examinations.

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

Mrs. **GINGRICH** offered the following amendment No. **A07916**:

Amend Bill, page 3, line 8, by inserting a bracket before "eligible"
Amend Bill, page 3, line 8, by inserting after "eligible"
] eligibility
Amend Bill, page 3, line 10, by inserting after "for"
a
Amend Bill, page 4, line 6, by inserting a bracket before "feels"
Amend Bill, page 4, line 6, by inserting after "himself"
] is
Amend Bill, page 4, line 7, by inserting a bracket before "the" where it occurs the first time
Amend Bill, page 4, line 7, by inserting after "action"
] refusal
Amend Bill, page 4, line 7, by inserting a bracket before "in"
Amend Bill, page 4, line 7, by inserting a bracket after "refusing"
Amend Bill, page 4, line 7, by inserting a bracket before "him,"
Amend Bill, page 4, line 7, by inserting after "him"
] or certify the applicant
Amend Bill, page 4, line 9, by inserting a bracket before "such"
Amend Bill, page 4, line 9, by inserting after "person"
] the applicant.
Amend Bill, page 4, line 10, by inserting a bracket before "where"
Amend Bill, page 4, line 11, by inserting after "whereupon"
] for a public hearing, with or without counsel, at which time
Amend Bill, page 4, line 11, by inserting a bracket before "then"
Amend Bill, page 4, line 11, by inserting after "then"
] take testimony and
Amend Bill, page 4, line 11, by inserting a bracket before "make"
Amend Bill, page 4, line 12, by inserting after "such" where it occurs the first time
] provide
Amend Bill, page 4, line 12, by inserting a bracket before "of"
Amend Bill, page 4, line 12, by inserting after "of"
] or
Amend Bill, page 4, line 12, by inserting a bracket before "and"
Amend Bill, page 4, line 13, by inserting a bracket after "offered"
Amend Bill, page 4, lines 28 through 30; page 5, line 1, by striking out "The" in line 28, all of lines 29 and 30 on page 4 and "a duly authorized commission meeting, extend the" in line 1 on page 5 and inserting
Prior to expiration of the one-year period, the commission may extend the validity of the eligibility
Amend Bill, page 5, line 2, by inserting after "months"
by a majority vote of the commission at a duly authorized commission meeting

Amend Bill, page 5, line 3, by inserting after "expire"
at the end of the original one-year period
Amend Bill, page 5, line 10, by inserting a bracket before "a"
Amend Bill, page 5, line 10, by inserting after "eligibles"
] an eligibility list
Amend Bill, page 5, line 11, by inserting a bracket before "for"
Amend Bill, page 5, line 11, by inserting a bracket after "list,"
Amend Bill, page 5, line 12, by inserting after "of"
the
Amend Bill, page 5, line 12, by inserting a bracket before "therefrom"
Amend Bill, page 5, line 12, by inserting after "therefrom"
] on the eligibility list
Amend Bill, page 5, line 15, by inserting after "J"
for each vacancy
Amend Bill, page 5, line 15, by inserting a bracket before "thereupon,"
Amend Bill, page 5, line 16, by inserting a bracket after "candidates,"
Amend Bill, page 5, line 17, by inserting after "certified"
, based solely on the merits and fitness of the candidates.
Amend Bill, page 5, line 18, by inserting a bracket before "he"
Amend Bill, page 5, line 18, by inserting after "objections"
] the appointing officer or body makes an objection
Amend Bill, page 5, line 18, by inserting a bracket before "as"
Amend Bill, page 5, line 18, by inserting after "to" where it appears the second time
] regarding
Amend Bill, page 5, line 19, by inserting a bracket before "so"
Amend Bill, page 5, line 19, by inserting after "certified"
] on the eligibility list
Amend Bill, page 5, line 19, by inserting a bracket before "stated"
Amend Bill, page 5, line 19, by inserting after "in"
] provided under
Amend Bill, page 5, line 20, by inserting a bracket before "such"
Amend Bill, page 5, line 20, by inserting after "objections"
] an objection
Amend Bill, page 5, line 21, by inserting a bracket before "said"
Amend Bill, page 5, line 21, by inserting a bracket after "said"
Amend Bill, page 5, line 21, by inserting after "section"
thirteen of this act
Amend Bill, page 5, line 24, by inserting a bracket before "commissioner"
Amend Bill, page 5, line 24, by inserting after "commissioner"
] commission
Amend Bill, page 5, line 24, by inserting a bracket before "thereupon"
Amend Bill, page 5, line 24, by inserting a bracket after "thereupon"
Amend Bill, page 5, line 25, by inserting a bracket before "such"
Amend Bill, page 5, line 25, by inserting after "such"
] the
Amend Bill, page 5, line 25, by inserting a bracket before "eligible"
Amend Bill, page 5, line 25, by inserting after "eligible"
] eligibility
Amend Bill, page 5, line 26, by inserting a bracket before "off."
Amend Bill, page 5, line 26, by striking out the period after "off" and inserting
] from the eligibility list.
Amend Bill, page 6, line 8, by inserting a bracket before the period after "appointment"
Amend Bill, page 6, line 8, by inserting after "his"
] and the
Amend Bill, page 6, line 9, by inserting a bracket before the comma after "cease"
Amend Bill, page 6, line 9, by inserting after "otherwise,"

]. If the probationer is not notified or dismissed in accordance with this section

Amend Bill, page 6, line 18, by striking out "A LIST OF ELIGIBLES" and inserting an eligibility list

Amend Bill, page 6, line 19, by striking out "FROM THE ELIGIBLE LIST."

Amend Bill, page 6, line 20, by inserting after "OF" the

Amend Bill, page 6, line 20, by inserting after "THE" where it occurs the first time eligibility

Amend Bill, page 6, line 21, by inserting after "AVERAGE" score

Amend Bill, page 6, line 21, by striking out "PROMOTIONAL" and inserting promotion

Amend Bill, page 6, line 22, by striking out "NEXT"

Amend Bill, page 6, line 23, by striking out "ELIGIBLES" and inserting the eligibility list

Amend Bill, page 6, line 24, by inserting after "THE" where it occurs the second time eligibility

Amend Bill, page 6, lines 25 and 26, by striking out "THEN, WITH SOLE REFERENCE TO" in line 25 and "THE MERITS AND FITNESS OF THE CANDIDATES." in line 26

Amend Bill, page 6, line 27, by inserting after "CERTIFIED" based solely on the merits and fitness of the candidate

Amend Bill, page 6, lines 28 and 29, by striking out "AS TO ONE OR MORE OF THE" in line 28 and "PERSONS SO CERTIFIED" in line 29 and inserting

regarding any of the persons on the eligibility list for any reason provided under section thirteen of this act

Amend Bill, page 7, line 26, by striking out "his or her" and inserting the person's

Amend Bill, page 7, line 27, by striking out "he or she" and inserting the person

Amend Bill, page 8, lines 2 and 3, by striking out "or" in line 2 and "persons" in line 3

Amend Bill, page 8, line 5, by striking out "focused on the issue of" and inserting on

Amend Bill, page 8, line 10, by striking out "process" and inserting under subsection (c)

Amend Bill, page 8, line 14, by striking out "as authorizing" and inserting to authorize

Amend Bill, page 9, line 8, by inserting after "16" , 18

Amend Bill, page 9, line 9, by inserting after "appointments" or promotions

Amend Bill, page 9, lines 10 through 12, by striking out "NOTHING CONTAINED IN THE AMENDMENT OF SECTION 18" in line 10 and all of lines 11 and 12

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

The SPEAKER. On the amendment, the Chair recognizes the gentlelady from Lebanon County, Representative Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker.

This amendment is identical to the amendment that just passed unanimously on the prior bill. 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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2629, PN 4328**, entitled:

An Act providing for the Pennsylvania Officer Down Advisory; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Officer Down Advisory; assessing costs; and providing for immunity and penalties.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 384, PN 382

By Rep. MELIO

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the offense of violation of Fort Indiantown Gap regulations and providing for the powers and duties of police officers employed at State military installations.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

RESOLUTION REPORTED FROM COMMITTEE

HR 921, PN 4209

By Rep. MELIO

A Resolution recognizing December 2, 2010, as "The Order of the Silver Rose Day" in Pennsylvania.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

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

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from Westmoreland, Representative Pallone, rise? Does he wish to be recognized?

Mr. PALLONE. Yes. Thank you, Mr. Speaker.

To correct the record.

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

Mr. PALLONE. Thank you, Mr. Speaker.

On HB 1572 my button malfunctioned. I should be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

For the information of the members, I am about to recess regular session and convene special session at 1:42 p.m.

RECESS

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

AFTER RECESS

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

GUEST INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair would like to welcome Karen Wilson. She is an advocate for childhood cancer awareness following the passing of her son, Jeremy, from cancer. She is the guest of Representative Milne. Will Karen please rise. Welcome to the hall of the House. Sorry for your loss, Karen.

APPROPRIATIONS AND RULES COMMITTEE MEETINGS

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

Mr. EACHUS. Thank you, Mr. Speaker.

May I get some order from the members, please?

The SPEAKER. The House will come to order.

Mr. EACHUS. For the information of the members, we have an immediate meeting of the Appropriations Committee in the majority caucus room. Once again, Appropriations Committee members, please report to the majority caucus room, and Rules Committee members, please report to the majority caucus room. That will be right after Appropriations is finished. Thank you, Mr. Speaker.

Members should stay on the floor and we will come right back as soon as we are done. The action should not take that long.

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the majority caucus room and a Rules Committee meeting to follow in the same location.

RECESS

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

AFTER RECESS

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

The SPEAKER. The House will come to order.

BILL REREPORTED FROM COMMITTEE**SB 123, PN 884** By Rep. D. EVANS

An Act providing for the protection of consumers from having spyware deceptively installed on their computers and for criminal and civil enforcement.

APPROPRIATIONS.

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

BILL REREPORTED FROM COMMITTEE**HB 2619, PN 4406** (Amended) By Rep. D. EVANS

An Act amending Titles 53 (Municipalities Generally) and 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for municipal aggregation of electric generation supply.

APPROPRIATIONS.

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

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 1281, PN 4021** By Rep. EACHUS

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, providing for notice and a public hearing relating to community corrections facilities.

RULES.

**BILL ON CONCURRENCE
REREPORTED FROM COMMITTEE****SB 260, PN 2134** By Rep. EACHUS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for corruption of minors and for the offense of sexual abuse of children.

RULES.

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

SUPPLEMENTAL CALENDAR C**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 123, PN 884**, entitled:

An Act providing for the protection of consumers from having spyware deceptively installed on their computers and for criminal and civil enforcement.

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

The SPEAKER. It is the Chair's understanding the gentleman from York County, Representative DePasquale, is withdrawing his amendment? The gentleman from York, Representative DePasquale. The gentleman is withdrawing his amendment? The Chair thanks the gentleman.

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

SUPPLEMENTAL CALENDAR B**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1281, PN 4021**, entitled:

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, providing for notice and a public hearing relating to community corrections facilities.

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

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Belfanti	Parker	Swanger
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 260, PN 2134**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for corruption of minors and for the offense of sexual abuse of children.

On the question,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—199

Adolph	Fairchild	Longiotti	Reed
Baker	Farry	Maher	Reese
Barbin	Fleck	Mahoney	Reichley
Barrar	Frankel	Major	Roae
Bear	Freeman	Manderino	Rock
Benninghoff	Gabig	Mann	Roebuck
Beyer	Gabler	Markosek	Rohrer
Bishop	Galloway	Marshall	Ross
Boback	Geist	Marsico	Sabatina
Boyd	George	Matzie	Sainato
Boyle	Gerber	McGeehan	Samuelson
Bradford	Gergely	McI. Smith	Santarsiero
Brennan	Gibbons	Melio	Santoni
Briggs	Gillespie	Metcalfe	Saylor
Brooks	Gingrich	Metzgar	Scavello
Brown	Godshall	Miccarelli	Schroder
Burns	Goodman	Micozzie	Seip
Buxton	Grell	Millard	Shapiro
Caltagirone	Grove	Miller	Siptroth

Carroll	Grucela	Milne	Smith, K.
Casorio	Hahn	Mirabito	Smith, M.
Causer	Haluska	Moul	Smith, S.
Christiana	Hanna	Mundy	Solobay
Clymer	Harhai	Murphy	Sonney
Cohen	Harhart	Murt	Staback
Conklin	Harkins	Mustio	Stern
Costa, D.	Harper	Myers	Stevenson
Costa, P.	Harris	O'Brien, D.	Sturla
Cox	Helm	O'Brien, M.	Tallman
Creighton	Hennessey	O'Neill	Taylor, J.
Cruz	Hess	Oberlander	Taylor, R.
Curry	Hickernell	Oliver	Thomas
Cutler	Hornaman	Pallone	Toepel
Daley	Houghton	Pashinski	True
Day	Hutchinson	Payne	Turzai
Deasy	Johnson	Payton	Vereb
Delozier	Josephs	Peifer	Vitali
DeLuca	Kauffman	Perry	Vulakovich
Denlinger	Keller, M.K.	Perzel	Wagner
DePasquale	Keller, W.	Petrarca	Wansacz
Dermody	Kessler	Petri	Waters
DeWeese	Killion	Phillips	Watson
DiGirolamo	Kirkland	Pickett	Wheatley
Donatucci	Knowles	Preston	White
Drucker	Kortz	Pyle	Williams
Eachus	Kotik	Quigley	Youngblood
Ellis	Krieger	Quinn	Yudichak
Evans, D.	Kula	Rapp	
Evans, J.	Lentz	Ravenstahl	McCall,
Everett	Levdansky	Readshaw	Speaker
Fabrizio			

NAYS—0

NOT VOTING—0

EXCUSED—3

Belfanti	Parker	Swanger
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MR. GIBBONS

The SPEAKER. The gentleman from Lawrence County, Representative Gibbons, wishes to address the House under unanimous consent. Without objection, unanimous consent is granted.

Mr. GIBBONS. Thank you, Mr. Speaker.

I just want to offer my thanks to the majority and minority chairmen of the Judiciary Committee along with the gentleman from Lancaster, Representative Creighton, who went through a similar situation that I went through with the community corrections facilities. This act will make certain that no other community has to go through what our communities went through, being surprised by these facilities moving in without the access to a public hearing and public debate in their communities.

I want to thank all of you in the House for supporting this, and I hope that none of you have to go through what my community went through and what Representative Creighton's communities went through.

So thank you for your support, and again, thanks to the chairmen as well.

BILL SIGNED BY SPEAKER

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

HB 1281, PN 4021

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, providing for notice and a public hearing relating to community corrections facilities.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, the Speaker is about to call up SB 1155, Senator Eichelberger's bill. The bill cannot be voted until 8:21 p.m. However, we anticipate there may be some extensive debate on the legislation. So we will allow the members to debate the bill. If the debate ceases or ends, we will recess the House until 8:21, when we could vote the bill on final passage.

CALENDAR CONTINUED**BILL ON FINAL PASSAGE**

The House proceeded to consideration on final passage of **SB 1155, PN 2232**, 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.

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

(Bill analysis was read.)

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

On the question, the Chair recognizes the gentleman from Lycoming County, Representative Everett, on final passage.

Mr. EVERETT. Thank you, Mr. Speaker.

Mr. Speaker, I first would like to just touch base again on the constitutionality of this measure. All of us when we took our oaths of office were sworn to uphold the Constitution of the Commonwealth of Pennsylvania. This bill is obviously in violation of Article III, section 1, which 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."

SB 1155 was originally a Title 16, counties providing for bonds and insurance for elected officials, and has now been

changed drastically into a severance tax bill and a bill that does a number of other things which are not related to Title 16, to do with counties.

It is also in violation of Article III, section 3, which says that "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title...." And with the addition of the Marcellus severance tax, SB 1155, as I said, now contains more than one subject.

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.

Article III, section 10, states that "All bills for raising revenue shall originate in the House of Representatives...." SB 1155 obviously did not originate in the House of Representatives, and it contains significant new revenue-raising provisions, and as I said did not originate in the House.

And while I am not going to make a motion at this time to challenge the constitutionality of the bill, I just want the record to reflect that this bill is clearly, since the time I have been here, and while that has not been that long, is clearly a bill that is in most violation of the Constitution of the Commonwealth of Pennsylvania.

My other concern is on the bill itself, despite the way it has been manipulated. I do want to correct the record from the lady from Chester County yesterday who questioned the number of jobs that are being created as a result of this Marcellus development. In Lycoming County alone, it is estimated that within the next— We have already had numerous companies that I could cite their names that have already located there and are hiring local people, but in the next 2-year period, we are going to have 75 new companies locate in Lycoming County, and it is estimated that that is going to create 3500 new jobs. Penn College of Technology, located in Lycoming County, has developed a new curriculum just to fill the jobs that are being created by this industry. We have had numerous job fairs. We have advertisements in the newspaper and on the radio constantly, looking for people to come to work for the companies that are locating in our area to develop this industry. The hotels and restaurants are full and being expanded. The construction companies are fully operational despite the economic downturn in the rest of the State. In fact, you cannot get a dump truck load of aggregate to come and do a small construction job right now because they are all fully engaged and doing development for the industry.

So this is an economic mover. That is just Lycoming County; that is just Lycoming County, and there is much more activity in the neighboring counties of Tioga and Bradford than there even is in Lycoming. So this is generating jobs and they are good jobs, and there are more of them coming. We have engineering firms who cannot hire surveyors, engineers, and layout technicians fast enough and expand their workforce fast enough. So this is an economic driver in the Commonwealth of Pennsylvania, and to say that it is not is just totally false and a manipulation of facts.

And the fact is that we do have people working here out of State. I have a house across the street that was just bought from a family from Texas. Those folks are going to be residing here in Pennsylvania. They have already changed their license plates, and like anybody else who moves to Pennsylvania to work, they are going to be taxed in Pennsylvania. The housing values are

rising instead of falling. We have got new construction of homes, and this is a positive thing that is happening in Pennsylvania, and to say that it is not is just to ignore the facts.

And the other point that I want to make is that despite the spin that is trying to be put on this, this will be the severance tax that is the highest of any gas-producing State in the country. Now, you can add other taxes from those other States on to them, but if you are going to do that to apples-and-apples compare it, you are going to have to add our other taxes on the industry and take into account – and this is a good thing – our regulatory scheme is much more strict than in the rest of the country. And this is the most expensive place for companies to do business and we are just going to make it more expensive. And if you think that that is not going to affect the amount of development that is done in the future, you, again, are ignoring the facts.

If we make Pennsylvania an unfriendly place and a more expensive place for these companies to do business, they do have other options, and in the future, they will exercise those options. They are right now committed to a certain amount of development. They have got land under lease in Pennsylvania on State land and on private land. They will develop that, but in the next round, for those who have not experienced the development yet, they will make decisions to go someplace else. So if we want to, if we want to drive this opportunity away, we in the legislature here in Pennsylvania can do that, and by putting this onerous tax on the industry, we will accomplish that.

And one of the last things that I want to point out is that this bill totally fails, totally fails to deal with local impacts of this development. When you take the total of this, when you look at the whole total of where this money is going, only 7.5 percent of it is going to go to local impacts, and 7.5 percent is not nearly enough. Now, it might make you feel good to put money into Growing Greener to take care of other environmental problems that have taken place in the past. This bill does nothing, absolutely nothing to address the possible impacts of the industry that are taking place now.

The townships, the small townships that I represent in Lycoming County— If you have not looked at this formula, you should. The formula caps them at 50 percent of their budget. I have townships that are geographically very large and have a lot of activity going on in them, and I know it may be laughable for some of you from other parts of the Commonwealth, but their total budgets are, like, \$200,000 a year. We have capped them at receiving 50 percent of their budget. That means they are capped at receiving \$100,000 to deal with problems in their townships. That will fix about, maybe if you do a lot of in-house work yourself, maybe you can fix a third of a mile of roads with \$100,000. So if you think you are dealing with the environmental impacts and the impacts on the ground in the areas where this development is taking place, you are fooling yourself, and if you are saying that you are taking care of the environment of Pennsylvania, you are also fooling yourself and you are not being honest with your constituents.

So this is not a good bill. It is not good for Pennsylvania. If you want to feed the General Fund, if that is what your goal is, even with the Harper amendment from yesterday, 73 percent of what we are voting on, 73 percent is going to go into the General Fund of the Commonwealth of Pennsylvania in the first year. If that is your goal, vote "yes."

Thank you, Mr. Speaker.

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

Mr. ROAE. Thank you, Mr. Speaker.

Just to kind of follow up a little bit about what my colleague just stated. The part I am very concerned with is Article III, section 10. The Pennsylvania Constitution states, "All bills for raising revenue shall originate in the House of Representatives...." Mr. Speaker, this is why I am concerned: If that would be challenged in court and that funding falls through, that would be a \$110 million hole in this year's budget. I want to remind the members, we already have a \$250 million hole in the budget because we assumed we were going to get all this FMAP (Federal Medical Assistance Percentages) money, and we did not get \$250 million of it.

Mr. Speaker, there is also the \$716 million from the whole Mcare (Medical Care Availability and Reduction of Error) debacle, from that transfer that took place, that the courts are saying we have to put back. So if people vote for this bill, Mr. Speaker, that will take us to \$1 billion of revenue in the budget that does not really exist. So this is going to make the problem a lot worse, if we pass this.

The second issue I have is this is a \$1.9 billion tax increase over the next 5 years, and the people that pay that \$1.9 billion – it is not the gas companies; it is not the well owners – it is going to be anybody that has natural gas service. Natural gas utilities, they charge us what they pay for the gas. If there is \$1.9 billion worth of taxes placed on that gas, that gets passed on to the consumer. So households, hospitals, schools, churches, anybody that uses natural gas, they are going to be paying for this.

So I would urge the members to vote "no" on making the budget deficit reach the \$1 billion level of funding that is not really there, and I would urge my colleagues to vote "no" on the \$1.9 billion tax increase.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Representative Petri.

Mr. PETRI. Mr. Speaker, what a difference a day makes in some ways, but in some ways there is no difference.

Mr. Speaker, yesterday before the Harper amendment was adopted, I spoke vehemently against this bill. I am now only quasi-vehemently against the bill, and let me tell you why. The Harper amendment significantly improves the formula in that, as we all know, it cut down the share for the State from 60 percent to 40 percent, but that is only, Mr. Speaker, after you have already taken \$75 million off the top. So it does very little in the end to protect the environment.

Mr. Speaker, when I look at the formula, while the Growing Greener money is greater, the ultimate question for me is, will we have the dollars to enforce, up front and on the back end, the consequences of this industry's actions? I have heard from many people and many groups, as you have, many of whom are very fearful, legitimately, of the consequences that will occur. We know in any significant operation there are mistakes that are made and we know that there are consequences.

Mr. Speaker, this bill does very little, if anything, to ensure that we will have DEP (Department of Environmental Protection) officers available to enforce the regulations and to ensure our water quality safety. Well, one might say the money is going to be in the General Fund, so we can use that to pay DEP inspectors. I would say to you, where in this bill does it

guarantee that we will have DEP inspectors watching over our waterways and our Commonwealth? The answer is, there is no guarantee, and that is a fatal flaw in the way this bill is being handled.

Most significantly, what we do know is that the allocation available for the one fund that will be impacted in order to remediate, the one fund that is available, it is called the Oil and Gas Environmental Disaster Recovery Fund, and, Mr. Speaker, let me read from the bill, "THE MONEY IN THE ACCOUNT..."— Mr. Speaker, may I have some order?

The SPEAKER. The House will come to order. The members will please take their seats.

The gentleman from Bucks may continue.

Mr. PETRI. Thank you, Mr. Speaker.

The Oil and Gas Environmental Disaster Recovery Fund is a fund where "...MONEY IN THE ACCOUNT SHALL ONLY BE USED TO PROVIDE MONEY TO FUND..." escrow "...COSTS ASSOCIATED WITH AN ENVIRONMENTAL DISASTER OCCURRING AS A RESULT OF OIL AND GAS DRILLING WITHIN THIS COMMONWEALTH AND SHALL ONLY BE EXPENDED UPON APPROPRIATION BY THE GENERAL ASSEMBLY." Now, if you think about it, you know that there is going to be a disaster, you know that some gas company is going to be bankrupt, and your constituent is going to call you on the phone and say, I have damages. Who is going to pay for it? You are going to say, we have this great fund we set up anticipating this very situation. You are going to call the Treasurer, and they are going to say the fund is empty. How do I know that? Because we are only putting approximately \$4 million into that fund.

Now, anybody in this chamber that has ever seen an environmental disaster knows that \$4 million does not go anywhere. It does not go anywhere to remediate. So you are going to have \$4 million out of \$300 million to actually take care of the problems that you and I know are going to occur. That is irresponsible, Mr. Speaker, and here is the point. Some of you are sitting in your chairs thinking, well, you know what? We are going to send it over to the Senate. They are going to change it; my Senator already told me that. It is going to be far different, and that part is true, but if you vote for this bill the way it is, you are sending them a message that \$4 million a year is okay. That is all the people of Pennsylvania need to protect them. How many times did I hear one of my colleagues in this chamber stand up and talk about the coal industry and what they did to your constituents? And you are right. And now you are going to allow the gas industry to do the same thing, are you not? You are. That is what you are doing, because we are going to put it in the General Fund. Fifty-two percent of it, we are going to spend it like drunken sailors and it is not going to be left and it is not going to go to job creation and it is not going to go to property tax relief. It is not going to go to any of the things that are on our constituents' minds – pension reform. We are going to spend it, and there is only going to be \$4 million to take care of the problems. Mr. Speaker, I do not know what other reason you need at this point to say, hold it; time out. Let us change this distribution formula for the protection of the environment.

Lastly, Mr. Speaker, many of you have heard from land trust folks and the like who want to preserve farmland. That is all well and good, but what is our first and primary function in this chamber? The protection of basic health and human services. So before we go preserving ground that has not been developed,

before we go do other things, let us make sure our constituents are protected from the hazards that we know that are coming, that will occur as a result of mistakes.

Thank you, Mr. Speaker. I would urge the members to vote this down so we can take another crack at redistributing this money. You know, it is interesting, and I will part with this: I talked to a constituent this morning who wanted me to vote for this, wanted me to vote for this amendment – you probably heard from many constituents like that – and I explained this flaw, and they said, oh; wait a minute. We trust you on the details. We trust you will do the right thing.

I also talked to an environmentalist last night from one of the groups, and they said, you know the problem with you, Representative? You are too much of a purist. You are too much of an idealist. Well, do you know what? When it comes to basic health and human safety, I want to be that idealist. I do not want to be telling my kid 20 years from now that we made a major mistake and I was part of it and we ended up hurting people. Let us not do that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Schuylkill County, Representative Seip.

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, in the 125th Legislative District there was one portion of one project that was funded at a level of a half a million dollars, and that was to remediate crop fall damage from anthracite coal mining activity near the city of Pottsville. One portion of one project, half a million dollars, something that we could have avoided by doing the right thing many years ago. With the proper proactive environmental oversight, the Commonwealth could have done something else with that half million dollars. Unfortunately, we just did not think it through or we just did not know how wrong and costly what we were doing was and how difficult it would be to repair many years later.

Mr. Speaker, many areas of my legislative district have been the site for mine reclamation activity. Unfortunately, many areas of my district are still desperately in need of remediation. It would have been much better and much cheaper, I might add, if we would have just not damaged them in the first place.

The action that must be taken today, as already remarked by some of the previous speakers who addressed this bill last evening, including the gentleman from Clinton County, he remarked that if we do not do this today, then we are placing areas of this Commonwealth at risk for no less than 5 years. Mr. Speaker, I would guess that it will probably be even many, many more years, longer than that 5-year period that we will have our Commonwealth at risk.

Mr. Speaker, we have to start at some time, somewhere, and at some place with some amount. Today is the time, this is the place, and SB 1155 spells out the amount. I think that amount has even been approved by the gentlelady from Chester County's amendment. I applaud her for offering it last evening, and again, that improves the amount that we can dedicate to our environment.

We are also going to help our local governments, and very importantly, we are going to help fund our local conservation districts who desperately need that funding, not to mention additional money going into the LIHEAP program (Low-Income Home Energy Assistance Program), which desperately needs it as well.

I have many constituents that have asked me to support this legislation. Yesterday I was lobbied by one of those constituents, Brad Huber, from Pine Grove. Brad is a young man who is on the Governor's youth council for hunting and fishing. He was in advocating for passage of the severance tax, and he wanted a bill that would support the Fish and Boat Commission and the Game Commission in their efforts to protect fishing waters and hunting lands across this Commonwealth.

Mr. Speaker, today I am standing for my constituent, Brad Huber, and for sportsmen and for sportswomen from my district, and those that are counting on me to do the right thing for them today.

Mr. Speaker, today I will be voting in favor of SB 1155.

That concludes my remarks, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I have made it very clear that I could support a fair and balanced severance tax, one that supports our priorities and still encourages investment, and most importantly, job growth in the Commonwealth of Pennsylvania. Unfortunately, what SB 1155 stands for I cannot support.

First and foremost – and I stated yesterday and I will continue to state throughout this process – I believe the process in which this legislation reached the floor countered the exact reforms and calls for openness and transparency we have advocated in this House. As a result of the way this bill was moved, bypassing all standing committees, neither a Republican nor a Democrat was afforded the opportunity to offer an amendment, a timely amendment. And when we consider the complexity of this severance tax issue, I think we would be hard-pressed, anyone in this House, that would not agree with that.

Today we are asked to enact the largest severance tax in the nation's history. Just to show you the rate of tax that we are being asked to pass today, back in February of 2010, Governor Rendell proposed a 5-percent severance tax. Mr. Speaker, this is a 100-percent increase over what the Governor proposed just several months ago. No matter how you look at this proposal, this will place Pennsylvania at a competitive disadvantage and will stymie an industry that brought jobs and more jobs to this fine Commonwealth. Penn State University, as I stated yesterday, this industry created 88,000 new jobs in 2010 and is projected to grow to over 111,000 by 2011.

In today's economy, Mr. Speaker, at a time when our communities are struggling throughout the Commonwealth, where unemployment has reached 10 percent in most of our areas, we are creating a tax that will stymie this job growth. Given our existing economic conditions, we should be doing everything in our power to foster job growth in this Commonwealth, not stunt it.

The startup costs for these companies in this State are \$1 million more a well than other States. We have already seen in our neighboring State, West Virginia, how that revenue into West Virginia is slow. The reason, because at that time they had the highest tax rate in the country. We should learn by the other States. Last night we were able to fix some of the problems by voting on Representative Harper's amendment that took care of some of the environmental concerns, and I supported that measure. But however, as a result of the process, not having the

time to research, to prepare a proper amendment, Representative Harper's amendment is flawed. We did not realize that until this morning. And if you take a look at it, just one little aspect of it, the 1 percent that goes to the environmental board, they will receive \$452,000 this year, but by 2014-15, the Environmental Hearing Board, which has a current budget of \$1.5 million, will be receiving \$5.8 million under that amendment. Flawed; a flawed amendment.

What else are we going to find out about this piece of legislation after we vote on it today? That is just one problem. This bill before us now does not do enough to support the local communities where these drilling sites are located and on the areas that most directly are impacted by this drilling. I will give you an example. After the first 3 years, they receive 16 percent of the funding set aside for local communities. But I want you to take a look at it: The first 3 years, those local communities that you represent will only be receiving 6 percent; not 16 percent, 6 percent. Either way, the first 3 years, next 3 years, these communities will receive a pittance in the grand scheme of this tax. In the last several months the Republican Appropriations Committee traveled to Washington County and Bradford County, and we heard firsthand from the local businesses, the local residents, the local public officials. They expressed the need for funds to help support their municipality and their county – road repairs, water and sewer upgrades, utility upgrades, employee training – all these needs require new funding as a result of the growing natural gas industry in those communities.

I believe that if they are bearing the brunt of this drilling, then they should be receiving their fair share. Unfortunately, this bill does not give them their fair share. I will repeat one more time, Mr. Speaker: I have made it very clear that I can support a fair and balanced severance tax that takes care of our priorities and still encourages job investment in Pennsylvania. Had this measure gone through the proper process and we were able to vet our differences and come up with an agreement on the rate of tax and the percentage that goes to the local communities, and come up with an environmental amendment that makes sense and puts caps on certain areas that do not need the funding and puts the money into areas that need it, we could have worked this out. That is bipartisan support, not getting a 30-page amendment and saying, can you help us pass it? No; we cannot.

With this in mind, I will be voting "no," and I hope that we can work in a truly open and transparent way the next time we are addressing this issue.

Thank you, Mr. Speaker.

The SPEAKER. This Chair thanks the gentleman.

The Chair recognizes the gentelady from Warren County, Representative Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

I strongly oppose SB 1155. Yesterday the members here received a letter from Pennsylvania General Energy Company. That company's headquarters, Mr. Speaker, are in Warren, Pennsylvania, my hometown. The perception of a lot of members and people throughout the Commonwealth is that the companies who are drilling in the Marcellus Shale are the big, big gas and oil producers in our nation. As a matter of fact, Mr. Speaker, in my district in northwestern Pennsylvania, I have many small, family-owned businesses, oil and gas producers, who are being contracted to work on the Marcellus Shale.

PGE in Warren is a relatively small company, but a large company in Pennsylvania, a company that employs over 100 people in my district, employees who are traveling to Bradford, Tioga, and Sullivan Counties, who are helping with the gas extraction on the Marcellus Shale. In the context of this letter, PGE raises some very big concerns, which hit my district directly because of the number of people employed by the gas and oil people in Warren, Forest, and McKean Counties.

As stated, the writer of the letter says, "Compared to our competitor states, this makes Pennsylvania's tax climate hostile to our industry." Again, this is not a producer that is out of State, Mr. Speaker; this is a producer in my hometown, Warren, PA. Any tax is a tradeoff with economic development and jobs. This tax, at this rate, will mean the loss of tens of thousands of jobs in Pennsylvania. These are good-paying jobs filled by Pennsylvanians. This company projects also to hire more people in the oil and gas production industry. The tax will force companies to invest some of their resources in other States and countries, just as we are seeing our companies are no longer, or there is a moratorium in the Gulf of Mexico, but we can allow other countries to drill there. We are putting a job-crushing tax on this industry. This tax takes resources out of the hands of companies that are creating tens of thousands of jobs and turns it over to the Harrisburg bureaucracies – a bureaucracy and a State government that have increased Pennsylvania's budget by \$1 billion a year under this administration. If you believe the government is better at creating jobs, vote for the tax. If you think the industry has created more jobs than government, vote against the bill.

Pennsylvania residents will pay this tax. While proponents of a severance tax want you to believe that only big companies pay the bill, the reality is your friends and neighbors that lease the ground will pay the tax as well. The Senate bill tries to break contracts between the company and leaseholders. The Pennsylvania Constitution expressly prohibits this. The mom-and-pop wells are supposed to be exempt, but those same small wells have to incur enormous costs to purchase the equipment necessary to prove they are exempt because of the metering. As my colleague from Armstrong County pointed out yesterday, the cost will exceed \$150 million and will seriously damage the conventional oil and gas industry. It seems, Mr. Speaker, that for some reason, when you mention oil and gas companies, people think they are evil. Quite frankly, I heat my home with gas and I put petroleum, in the form of gasoline, into my car. I use many products that are oil-based in my home, in my car, in my offices, and I certainly prefer to drive on roads made of asphalt instead of dirt or gravel, all thanks to the oil and gas industry.

These are small businesses in my district. Every time there are people campaigning for office, everybody runs on jobs, jobs, jobs. This bill puts up a barrier to our producers, our small producers in Pennsylvania, our entrepreneurs who have businesses that are being developed because of this industry. Another thing that I wanted to point out about Pennsylvania General Energy: When we talk about the environment, Pennsylvania General Energy donated over 14,000 acres of land to the Northern Allegheny Conservancy and DCNR (Department of Conservation and Natural Resources) in northern Pennsylvania. They also donated 13,600 acres to Potter County for the Hammersley wilderness area. Big, bad oil and gas. They are also currently working – we do not have to wait for tax revenue in northern Pennsylvania to provide this –

Pennsylvania General Energy is already working with the University of Pittsburgh at Bradford to develop a curriculum on petroleum technology and training that will train our young people for jobs, to stay in Pennsylvania.

Lastly, Mr. Speaker, as we have watched the national news and the sweep across this nation against tax and spending, job-crushing taxes, there is a new phrase that I am hearing, Mr. Speaker. It is called "the makers and the takers." The makers are those who create the wealth in this country and in this Commonwealth. The takers, Mr. Speaker, at the top of the list is always government. And we have a list right here, Mr. Speaker, of all the takers just waiting to take the wealth of the industry. These are jobs, Mr. Speaker, that are done by hardworking people in our Commonwealth. These industries are already paying permit fees; they are paying big-business taxes, some of the highest in the nation; the employees are paying taxes; the Commonwealth is receiving taxes from the royalties. This is a double tax on this industry.

Please do not vote for this job-crushing tax bill. Support the Marcellus Shale drilling. Support the goose that is laying the golden egg in Pennsylvania; do not strangle it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Schuylkill County, Representative Goodman.

Mr. GOODMAN. Thank you, Mr. Speaker.

Mr. Speaker, my comments are going to be short. I did not plan on speaking on this bill today until I heard some of the other comments, but I feel compelled as a son of the coal region that I must stand up and show my support for SB 1155. Mr. Speaker, I believe that we are in a crossroads right now. And I believe that the vote that we will cast today could be one of the most important votes that we ever cast as members of the General Assembly, and I do not say that lightly.

No other industry, to my knowledge, has the potential to create the jobs that the Marcellus Shale formation does, but no other industry, to my knowledge, has the potential to cause the environmental damage that this industry may cause. I believe we are moving too fast and too quickly at this time. And I believe that we are behind with regulations in regards to this industry. As someone who grew up in the slag heaps of Schuylkill County, who swam in the stripping pits left behind by the coal industry, I can tell you that we have faced the scars of an industry that has made these exact same promises to us before.

Coal was king, first discovered in 1762. And the Speaker shares this with me, as grandsons of coal miners. My grandmother lost her husband at the age of 44 from a tragic accident in the mining industry, and that industry did absolutely nothing to help this woman raise her five sons after his loss. This industry also fueled the industrial revolution, which furnished the factories that helped us win World War II. It is a two-edged sword. And I say to you that the Marcellus Shale is also a two-edged sword. No other industry will create these jobs, but the vote that we make today will drive back the money that our local communities will need to improve their infrastructures. They will provide the environmental protection that we will need. DEP must be able to move at a moment's notice if there is a problem. When acid mine water runs into a cold stream, it pollutes it. That pollution lasts for generations. If natural gas is allowed to go into our reservoirs, streams, and lakes, the ramifications of that will be felt for generations.

I agree that we can argue and squabble over how much money should be spent here, and how much money should go there; how much should go to the General Fund, how much should be driven back to the locals. But I remind everyone: Without a Marcellus Shale tax, there will be no funding.

I know many people are nervous about making a vote like this so close to the election, that some unscrupulous people will simply call it a tax increase, but to me, this is a life insurance policy for this Commonwealth that will protect us for generations to come. I ask you to use your better judgment, side on your better angels, and vote your conscience.

Thank you, Mr. Speaker.

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this has been a 2-year odyssey or ordeal for me and my staff, depending on how you look at it. But let me begin by saying this: We in Pennsylvania are blessed with natural resources – the most bountiful water supply in the country next to Alaska; hardwood forests, the envy of the forest timber industry in other States; rich coal reserves; oil, which was first discovered in Pennsylvania; and now proven gas reserves that can be used to power the northeast United States for the next three decades.

Mr. Speaker, I also believe that God created the earth and everything in it, including the minerals, and in this case, gas, and that it is incumbent upon us as public officials to be the wise stewards of the environment that our creator has bestowed upon us. Gas is a resource, and a resource, in my judgment, that ought to be used to benefit the common wealth of all Pennsylvanians.

I have heard a lot of discussion up to this point about taxes. So let me first offer a little perspective as Finance Committee chairman on the issue of taxes. Taxes are a factor, but they are only one factor that affects business investment and decision locations that corporations make. There are other factors that are important as well that you need to factor in to your decision today. Corporations look at the cost of capital. They look at the availability of skilled labor. They look at the availability of suppliers. And most importantly, they look at the proximity to market.

Our market for our gas is within a couple hundred miles of the northeast, the lucrative northeast market for this gas. And according to the Energy Information Administration, 40 to 45 percent of the cost of natural gas that homeowners and business paid for, 40 to 45 percent of your monthly gas bill includes transportation-related charges. Now, in Pennsylvania, 85 percent of our gas is pumped from other States like Louisiana, Texas, New Mexico, Oklahoma, and that gas has to be drilled and pumped a couple thousand miles to reach Pennsylvania.

So our gas rates that we pay include those high transportation-related charges. The gas that is going to be produced in Pennsylvania will not have to be pumped a couple thousand miles; it will be piped and pumped a couple dozen or a couple hundred miles before it reaches market. So just on transportation-related cost savings alone, the industry in Pennsylvania will enjoy a significant cost advantage over gas produced in other States.

In addition, you need to factor in the reality that Pennsylvania's gas is the best quality gas on the market. It burns at the highest Btu (British thermal unit) value, and it is a wet

gas, meaning that it has other by-products like pentanes and butanes and propanes, all rich by-products that are sold to the petrochemical industry across Pennsylvania and the nation.

Mr. Speaker, you also ought to look at other taxes. The reality is that two-thirds of the drilling going on in Pennsylvania is done by drillers that are not subject to the Pennsylvania corporate net income tax. They are organized as LLCs (limited liability companies), and thus pay the personal income tax rate of 3.07. You also need to consider the fact that, Mr. Speaker, they do not pay property taxes on their reserves under Pennsylvania law. And finally, Mr. Speaker, in this legislation before us is a small producer exemption so that those historical small gas producers in Pennsylvania will not be subject to this tax.

Mr. Speaker, Pennsylvania residents are already paying the severance tax. The problem is that they are paying it to the other States where our gas originates from. Now, if we are going to pay a severance tax to Louisiana, Oklahoma, Texas, New Mexico, Wyoming, then why should not people from New York, New Jersey, Baltimore, Washington, and Boston, why should they not – they are going to be the beneficiaries of our gas – why should they not pay a severance tax to Pennsylvania so that we could take that money and invest it in our communities, in our environment, and in our conservation programs as well. It just does not make any sense to me.

Mr. Speaker, just to rebut a couple of points by a couple of previous speakers: Regarding the disaster recovery account, understand that this account will be set up and modeled similar to the Hazardous Sites Cleanup Fund. The money in that fund will only be used if DEP needs to take an emergency cleanup action and the responsible party is either unwilling or unable to undertake the clean up on their own. It does not absolve the responsible party from financial responsibility. Ultimately, the financially responsible party will have to pay. It is just a fund of money to enable DEP to take an action and engage in cost recovery later on, and the funding contained in the amendment and this bill is adequate in my judgment to satisfy that requirement, to get this program up and going.

One other point, Mr. Speaker, relative to DEP inspectors. They say there is not money in here for DEP inspectors. Well, indirectly, there is, because under this amendment 40 percent of the revenue goes into the State General Fund, and it is the General Fund allocation to DEP that pays for the staff at DEP to undertake field actions and enforcements. So there is money because it is going to the General Fund to fund the necessary inspection people in DEP.

Mr. Speaker, I have spent a couple of years working on this issue. I have introduced legislation, HB 2443. Representative George has introduced legislation, HB 1489. Representative Mirabito has introduced legislation, and recently, Representative Evans. I can honestly tell you that after long, hard work and a lot of debate – a lot of debate internally in our caucus and externally with stakeholder groups in the industry – I can tell you that this bill in its present form before us is the best severance tax legislation that has been introduced and before this body in this term of the legislature.

Mr. Speaker, a severance tax bill passed this body, HB 1531, about a year ago. On October 2 of last year we passed HB 1531. That should have been enacted in law last year. I am not going to lament the fact that it was not – it was not. Now, Mr. Speaker, we have SB 1155, as introduced by Representative Evans, that was before us. That legislation was better than last

year's HB 1531, but in my judgment, not as good as Representative George's bill. But, Mr. Speaker, SB 1155, with the Harper amendment, represents a true bipartisan effort to enact the best severance tax legislation that has been brought before the House of Representatives in my lifetime.

Now, Mr. Speaker, I have heard a lot of discussion about how a severance tax is going to kill the goose that lays the golden egg, that the drillers are going to pull up stakes and go into other States. Mr. Speaker, there are two things you need to consider relative to that. First is this: These companies are sophisticated companies; they are large; they are technologically advanced. These are some of the best drillers in the world that know what they are doing. That is not to say that problems do not happen from time to time, because they do. Mr. Speaker, they are also savvy businessmen, okay? And whenever they make decisions relative to where they are going to invest their capital and put their drilling rigs, they have already built into their business model a severance tax. They know that sooner or later we are going to pass a severance tax. The only question is when and at what rate and how it is going to be implemented. So a severance tax, they have already built it onto their business models; they anticipate it.

But, Mr. Speaker, I will tell you what the greatest threat is; it is not the severance tax, it is the uncertainty that surrounds this issue. Uncertainty is what affects investment. These companies need to raise money on Wall Street, and many times they look at institutional investors. If there is uncertainty, they have a harder time attracting capital investment. What they need is some certainty so that they can project exactly what their costs are so that they can then raise the necessary funds that they need to conduct their drilling operations.

Mr. Speaker, let me end by saying this: Governor Casey – who in my judgment had the most outstanding record, at least in my tenure, on environmental matters – Governor Casey once said this, and I quote— For him, he challenged us once when I was a young legislator. He came into our caucus and he said this: "What did you do when you had the power?" What did you do when you had the power?

Mr. Speaker, the question for us is, will we abdicate our responsibility to the people of Pennsylvania and to our environment, or will we find the wisdom and the courage to promote the common wealth and protect the environment for our citizens, our children, and generations to come.

Mr. Speaker, this afternoon I am voting for the environment, I am voting for the common wealth, and I am voting for present and future generations of all Pennsylvanians. Let us work together to pass this excellent piece of legislation, send it to the Senate, roll up our sleeves, and get the work done for the people of Pennsylvania. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HANNA. Thank you, Mr. Speaker.

Let me remind the members that 16 percent of nothing is nothing; 20 percent of nothing is nothing; 30 percent of nothing is nothing. You need to understand, a "no" vote kills this bill, kills the severance tax, so you will be voting to eventually give nothing to the environment or to local government. Yesterday it was the environmental funding that was the concern. Well, the Harper amendment fixed that. All the serious environmental

organizations are firmly behind this legislation now. They know this is our only hope to get a severance tax, our only hope to do anything for the environment.

Today it is the local share. Well, we can fix that as well. And you cannot hide behind that. You need to understand that this is our opportunity to do something, both for the local share and for the environment. And if we choose to vote "no", we will be choosing to send them nothing, absolutely nothing. And we cannot hide behind the jobs claim anymore either. We finally have an independent study done by Penn State University's professors, an independent study, and let me read what it says. It says: "The question in this study was by how much would Pennsylvania's economy be slowed down (by the severance tax)..." And the answer is very clear: It is pretty much a wash; it is pretty much a wash. The jobs that would be lost in the oil and gas industry would be made up with the local government share, would be made up by the State government spending, so you cannot hide behind the job claims as well.

You need to remember, a "no" vote means zero. A "no" vote means it does not matter what percentage you are going to tell your folks you were arguing for, that percentage of nothing is nothing. The only way you get anything for the environment, the only way you get anything for local governments is to vote for this bill today. You have to vote "yes" if you are for your local governments and if you are for your environment. I urge you all to vote "yes."

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentlelady from Northampton County, Representative Beyer.

Mrs. BEYER. Thank you so much, Mr. Speaker.

I had not really intended to speak on the bill. I had intended to just cast my vote and sit back down and quietly finish the end of my term and the end of my service in this wonderful chamber, but I thought maybe I would stand and talk to you all from my heart about why I am about to vote "yes" on this bill. A few weeks ago I had a conversation with a gas company executive from Dallas, Texas, and his company has been operating in Pennsylvania for the past couple years. I asked him point-blank how he viewed an extraction tax and how much an extraction tax would hurt his company and this industry. And he told me that he could not understand why Pennsylvania did not already have an extraction tax and that he felt the time had come for an extraction tax and that it would not hurt his industry.

Now, I have listened to the incredible, articulate comments by my friend from Bradford County, the gentlelady. And I listened to my friend's comments from Armstrong County, my good friend. And I do not want to hurt this industry, and I definitely do not want to harm their communities, but when a person from the industry tells me that they are ready for an extraction tax and this is the only bill that I have to vote for— And by the way, this bill, without question, has flaws. I do not like how high the rate is, but what I am hoping is at the end of this term we can finally fix what is wrong, and that is that we do not have an extraction tax in this State. In fact, we are the only State that does not have an extraction tax, and frankly, that is an outrage.

So I am prepared to vote "yes" on this bill with a proviso that the Senate will take this bill and fix it. Do what is right on behalf of the residents of the Commonwealth of Pennsylvania.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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

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

I rise in opposition to SB 1155. The bottom line is, this is the highest tax in the nation with respect to an extraction tax. It is, over 5 years' time, a \$2 billion tax increase – period. In the first year 75 percent of that will be going in directly to the General Fund for more spending. In essence, if you are doing the local versus the State share split, it is really 92.5 percent of those moneys that are going to General Fund – Pennsylvania bureaucratic spending – and it is not solving the issues that have been brought to the table.

It is also a bill, given the fact that it is the highest tax in the nation, that is designed to ultimately ban drilling and stop economic activity. One of the members from the other side of the aisle said, oh, come on; there are no jobs in the Pennsylvania area. I would say, have you been to any of the areas where the drilling has occurred or where the offices are being located? Have you met the drillers, the geologists, the surveyors, the welders, the linemen, the truck drivers? Let me give you an example: A truck driver up in Tioga County has been making \$150 to \$175 an hour, a small independent truck driver for this industry. The salary was over six figures. Have you been to the restaurants or have you been to the hotels in some of the small towns across this State? Note, you want to just shut down that economic activity? The average wages paid on these new jobs are over \$60,000 and they are 47 percent higher than the State's private sector overall. And you know what? Manufacturers are staying in the State because of the lower natural gas prices. Manufacturers of steel are creating the pipes. The largest manufacturer of steel is in this State. Landowners, farmers whose businesses were going bankrupt are now making money off of their properties. Why would we want to shut down economic activity with the highest tax in the nation?

If you want to protect safety and health and the environment, you do it through the regulatory process. And Governors of both parties and legislators of both parties have enacted our Clean Streams Law, our Solid Waste Management Act, our Pennsylvania Air Pollution Control Act – these are all environmental rules that apply to the process at hand. We need to make sure those regulations are adequately enforced.

In fact, there have been new rules recently promulgated, total dissolved solids or TDS, that basically say that any emissions into our State's waterways have to be potable, drinkable. And we have strength in the standards for the cementing and encasing of wellbores as they are drilled into the earth. Permit applications cannot be given out by the Department of Environmental Protection unless they comply with all applicable laws and regulations and will meet standards for ensuring minimal environmental impact. You do not protect the environment by doing a tax; you protect the environment through the regulatory process and adequate enforcement. We have already added 37 DEP field inspectors and are ready to add another 68 more. That is important and I support that.

We need to have an appropriate balance. And I understand that a lot of the local communities keep asking for some money with respect to their roads. The commissioners association for the counties, the boroughs, and the townships say that they need 30 percent, and they have in fact said that the distribution of this money is not adequate with respect to the local share. In fact,

they make clear that there is no change in the amounts for local government, or any other, based on the amendment that was incorporated.

We want to be pro-job, pro-taxpayer, control out-of-control spending, but we also want to be pro-energy independent. And natural gas produces roughly 60 percent lower carbon emissions than coal, roughly 30 percent lower carbon emissions than oil, and it is home-based. It is based here in Pennsylvania so that we are no longer dependent on the Middle East. Natural gas is clean and it also allows us to be energy independent.

With all due respect, I realize that there are policy differences and I am respectful of that, but in the end, a pro-job, pro-taxpayer, pro-energy independence, pro-environment is to be opposed to SB 1155. And if we want to make sure that we continue to provide for safety and the environment, make sure that the regulatory laws that are in place are adequately enforced, which they will be under the fee-permitting system that we already have in place.

Thank you very much, Mr. Speaker. I would urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman and recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support SB 1155. I have listened to a lot of debate over the last couple of days, and let me say that there is common ground between our position with our Republican colleagues and the position we take today. We have moved the percentage to a 40-percent share to the General Fund and 60 percent to local priorities and local communities, counties, and environmental strategies to assist communities in dealing with the burden that is associated with the drilling industry. Thousands of trucks for each well run on rural roads throughout northern, central, and western Pennsylvania. Local taxpayers should not be the ones who foot the bill to repair infrastructure and fix environmental problems in these communities. Those communities face real challenges and those local taxpayers should not pay for business activity. The frank facts are that we need to put resources in those communities that address those problems associated with activity on roads that were constructed for much less weight than heavyweight trucks that are associated with this drilling industry.

Beyond that, safe drinking water standards need to be met. In communities like mine, where most of the communities have wells, those communities where drilling will take place, that safe drinking water must be the highest priority for Pennsylvania. And this bill puts resources into safe drinking water standards and remediation should there be environmental problems.

I hear this rhetoric about how big this is, but frankly, anybody who has a pilot light on right now in your kitchen, if you are burning natural gas, you are sending an extraction tax back to Texas to fix their environmental problems and Louisiana to fix their environmental problems and Colorado and Alaska. Wherever that gas comes from, there is a severance tax. You are paying in your bill right now to repair environmental problems in all the States that drill natural gas. We would be foolhardy not to apply resources to focus on the issues of environmental safety, safe drinking water, and community needs that need to be met as this industry evolves. And frankly, the argument that this severance tax kills jobs – frankly, this severance tax creates jobs. The simple truth is that without the

severance tax, these companies do not have the certainty that they need in the markets to invest in Pennsylvania. With the severance tax, Pennsylvania will see more jobs.

In a recent Penn State Institute for Research in Training and Development report, it found that every \$100 million raised in severance taxes from gas producers in Pennsylvania would result in the net gain of 1100 jobs, even after factoring in higher production costs for this industry. That is Penn State University's study. The results are echoed in studies from Wyoming and Utah and the Intermountain West, indicating that severance taxes have little impact on drilling decisions, but can have major implications in host States and local counties and communities where the drilling takes place. The economics of this severance tax are favorable because there is such a huge resource under the ground in Pennsylvania.

Let me say to my friends on the other side: Pushing this bill forward today will result in the ability to reach common ground with our Senate colleagues. This is not the final act, not the final act in a result that will help our local communities. We must support this bill today to ensure that Pennsylvania is not considered a second-class State compared to all the other States in the Union that have severance taxes that are applied to safe drinking water, clean environment, and job creation. The frank issue is that I heard the arguments and I am not buying it. The issue for us is that both this revenue and job creation are not mutually exclusive; they go hand in hand in every other State.

So I am asking members today to support final passage of SB 1155. This is a strong movement forward and will result in, I think, a strong compromise between the House and our Senate colleagues. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.
Anyone else seeking recognition on final passage?

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Readshaw, who moves that pursuant to rule 24, that members have had sufficient time to review the language and that the House proceed with consideration of SB 1155, PN 2232.

On the motion to proceed, those in favor of the motion to proceed will vote "aye"; those opposed to the motion to proceed will vote "no."

One hundred thirty-five votes are necessary to pass the motion.

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

The following roll call was recorded:

YEAS—126

Barbin	Everett	Mahoney	Roebuck
Beyer	Fabrizio	Major	Ross
Bishop	Fleck	Manderino	Sabatina
Boback	Frankel	Mann	Sainato
Boyle	Freeman	Markosek	Santarsiero
Bradford	Galloway	Marshall	Santoni
Brennan	George	Matzie	Scavello
Briggs	Gerber	McGeehan	Seip
Brown	Gergely	Melio	Shapiro

Burns	Gibbons	Micozzie	Siptroth
Buxton	Godshall	Mirabito	Smith, K.
Caltagirone	Goodman	Mundy	Smith, M.
Carroll	Grucela	Murphy	Solobay
Casorio	Haluska	Murt	Staback
Cohen	Hanna	Mustio	Stern
Conklin	Harhai	Myers	Sturla
Costa, D.	Harkins	O'Brien, D.	Taylor, J.
Costa, P.	Harper	O'Brien, M.	Taylor, R.
Cruz	Harris	Oliver	Thomas
Curry	Hornaman	Pallone	Vereb
Daley	Houghton	Pashinski	Vitali
Deasy	Johnson	Payton	Wagner
DeLuca	Josephs	Peifer	Wansacz
DePasquale	Keller, W.	Perzel	Waters
Dermody	Kessler	Petrarca	Wheatley
DeWeese	Kirkland	Phillips	White
DiGirolamo	Kortz	Preston	Williams
Donatucci	Kotik	Quigley	Youngblood
Drucker	Kula	Ravenstahl	Yudichak
Eachus	Lentz	Readshaw	
Evans, D.	Levdansky	Reed	McCall,
Evans, J.	Longietti	Reese	Speaker

NAYS—73

Adolph	Gabig	Krieger	Quinn
Baker	Gabler	Maher	Rapp
Barrar	Geist	Marsico	Reichley
Bear	Gillespie	McI. Smith	Roae
Benninghoff	Gingrich	Metcalfe	Rock
Boyd	Grell	Metzgar	Rohrer
Brooks	Grove	Miccarelli	Samuelson
Causar	Hahn	Millard	Saylor
Christiana	Harhart	Miller	Schroder
Clymer	Helm	Milne	Smith, S.
Cox	Hennessey	Moul	Sonney
Creighton	Hess	O'Neill	Stevenson
Cutler	Hickernell	Oberlander	Tallman
Day	Hutchinson	Payne	Toepel
Delozier	Kauffman	Perry	True
Denlinger	Keller, M.K.	Petri	Turzai
Ellis	Killion	Pickett	Vulakovich
Fairchild	Knowles	Pyle	Watson
Farry			

NOT VOTING—0

EXCUSED—3

Belfanti	Parker	Swanger
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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.

SENATE BILLS FOR CONCURRENCE

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

SB 890, PN 2207

Referred to Committee on EDUCATION, September 29, 2010.

SB 1280, PN 2231

Referred to Committee on INSURANCE, September 29, 2010.

SB 1429, PN 2204

Referred to Committee on LOCAL GOVERNMENT, September 29, 2010.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 47, PN 3776; HB 101, PN 4389; HB 727, PN 3144; HB 1516, PN 4284; HB 1517, PN 4285; HB 1518, PN 4286; HB 1799, PN 4384; HB 1990, PN 4387; HB 2172, PN 4388; HB 2212, PN 4391; HB 2246, PN 4397; and HB 2291, PN 4386**, 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 BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2375, PN 3938**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 2375, PN 3938

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, proscribing indemnity agreements in motor carrier transportation contracts.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentlelady from Bucks County, Representative Quinn, for the purpose of correcting the record.

Ms. QUINN. Thank you, Mr. Speaker.

I was recorded as a "no" on HB 1572 and I would like to correct the record to reflect an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentlelady. Her remarks will be spread upon the record.

The House will be at ease.

The House will come to order.

INSURANCE COMMITTEE MEETING

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I would like permission to reconvene the Insurance Committee meeting in room 108 of the Irvis Building to report SB 1280 out of committee today.

The SPEAKER. The Speaker will grant the gentleman permission and put the House back at ease.

Mr. DeLUCA. Thank you.

The SPEAKER. The House will come to order. Members will please report to the floor.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 400, PN 4289**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

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

SB 260, PN 2134

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for corruption of minors and for the offense of sexual abuse of children.

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 2420, PN 4409 (Amended)** By Rep. DeLUCA

An Act providing for the regulation of senior-specific certifications and professional designations in the sale of life insurance and annuities; authorizing the Insurance Department to promulgate a regulation; and imposing penalties.

INSURANCE.

SB 1181, PN 2187 By Rep. DeLUCA

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 immunity from liability; and making a related repeal.

INSURANCE.

SB 1280, PN 2231

By Rep. DeLUCA

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance, for Medical Care Availability and Reduction of Error Fund and for actuarial data; and providing for conflict.

INSURANCE

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 125, PN 2770, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions; and providing for regulation of genetic counselors.

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

Mr. KILLION offered the following amendment No. A09250:

Amend Bill, page 3, line 8, by striking out "interpreting" and inserting reviewing

Amend Bill, page 3, line 14, by striking out "interpreting" and inserting reviewing

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

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

Mr. KILLION. Thank you, Mr. Speaker.

HB 125 provides a licensing regulation of genetic counselors. And what this amendment does, it changes one word from "interpret" to "review" so that— Interpret is really the purview of doctors as their scope of practice. So this amendment changes that one word in the bill from "interpret" to "review." I would ask for a positive vote.

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

The following roll call was recorded:

YEAS—199

Table listing names of members who voted 'YEAS' (199 total): Adolph, Baker, Barbin, Barrar, Bear, Benninghoff, Beyer, Bishop, Boback, Boyd, Boyle, Bradford, Brennan, Briggs, Fairchild, Farry, Fleck, Frankel, Freeman, Gabig, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Longietti, Maher, Mahoney, Major, Manderino, Mann, Markosek, Marshall, Marsico, Matzie, McGeehan, McI. Smith, Melio, Metcalfe, Reed, Reese, Reichley, Roae, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Saylor.

Table listing names of members who did not vote 'YEAS': Brooks, Brown, Burns, Buxton, Caltagirone, Carroll, Casorio, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Curry, Cutler, Daley, Day, Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Drucker, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Gingrich, Godshall, Goodman, Grell, Grove, Grucela, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Johnson, Josephs, Kauffman, Keller, M.K., Keller, W., Kessler, Killion, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lentz, Levdansky, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, Mustio, Myers, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Oliver, Pallone, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Ravenstahl, Readshaw, Scavello, Schroder, Seip, Shapiro, Siproth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stern, Stevenson, Sturla, Tallman, Taylor, J., Taylor, R., Thomas, Toepel, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Wansacz, Waters, Watson, Wheatley, White, Williams, Youngblood, Yudichak, McCall, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—3

Table listing names of members who were excused: Belfanti, 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.)

* * *

The House proceeded to second consideration of HB 127, PN 2771, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions; and providing for regulation of genetic counselors.

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

Mr. **KILLION** offered the following amendment
No. **A09251**:

Amend Bill, page 3, line 6, by striking out "interpreting" and inserting

reviewing

Amend Bill, page 3, line 12, by striking out "interpreting" and inserting

reviewing

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

The **SPEAKER**. On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Killion.

Mr. **KILLION**. Thank you, Mr. Speaker.

The first bill, HB 125, amended the Medical Practice Act. This bill, HB 127, amends the Osteopathic Medical Act, doing the same thing, providing for licensing and regulating of genetic counselors. And again, this amendment does the same thing, changes the word "interpret" to "review."

Thank you, and I appreciate a "yes" vote.

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

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

The following roll call was recorded:

YEAS—199

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

DePasquale	Keller, W.	Petrarca	Wansacz
Dermody	Kessler	Petri	Waters
DeWeese	Killion	Phillips	Watson
DiGirolamo	Kirkland	Pickett	Wheatley
Donatucci	Knowles	Preston	White
Drucker	Kortz	Pyle	Williams
Eachus	Kotik	Quigley	Youngblood
Ellis	Krieger	Quinn	Yudichak
Evans, D.	Kula	Rapp	
Evans, J.	Lentz	Ravenstahl	McCall,
Everett	Levdansky	Readshaw	Speaker
Fabrizio			

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 2381, PN 3474**, entitled:

An Act designating Route 202 Parkway on State Route 202 connecting State Route 63 in Montgomery Township, Montgomery County, and State Route 611 in Doylestown Township, Bucks County, as the George A. Penglase Memorial Parkway.

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

LEAVE OF ABSENCE

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

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

The **SPEAKER**. The Chair recognizes the gentleman from Allegheny County, Representative Readshaw, who moves that pursuant to rule 24, that members have had sufficient time to review the language and the House proceed with consideration of SB 1155, PN 2232.

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

The following roll call was recorded:

YEAS—135

Barbin	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Ross
Bishop	Freeman	Markosek	Sabatina
Boback	Gabig	Marshall	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	George	McGeehan	Santarsiero
Brennan	Gerber	McI. Smith	Santoni
Briggs	Gergely	Melio	Scavello
Brown	Gibbons	Micozzie	Seip
Burns	Goodman	Mirabito	Shapiro
Buxton	Grucela	Mundy	Siptroth
Caltagirone	Haluska	Murphy	Smith, K.
Carroll	Hanna	Murt	Smith, M.
Casorio	Harhai	Mustio	Solobay
Causer	Harkins	Myers	Staback
Cohen	Harper	O'Brien, D.	Stern
Conklin	Harris	O'Brien, M.	Sturla
Costa, D.	Hornaman	O'Neill	Taylor, J.
Costa, P.	Houghton	Oliver	Taylor, R.
Cruz	Johnson	Pallone	Thomas
Curry	Josephs	Pashinski	Veréb
Daley	Keller, W.	Payton	Vitali
Deasy	Kessler	Peifer	Wagner
DeLuca	Killion	Perzel	Wansacz
DePasquale	Kirkland	Petrarca	Waters
Dermody	Kortz	Petri	Watson
DeWeese	Kotik	Phillips	Wheatley
DiGirolo	Kula	Preston	White
Donatucci	Lentz	Quigley	Williams
Drucker	Levdansky	Quinn	Youngblood
Eachus	Longiatti	Ravenstahl	Yudichak
Evans, D.	Maher	Readshaw	
Evans, J.	Mahoney	Reed	McCall,
Everett	Major	Reese	Speaker
Fabrizio			

NAYS—63

Adolph	Fairchild	Keller, M.K.	Rapp
Baker	Farry	Knowles	Reichley
Barrar	Gabler	Krieger	Roae
Bear	Geist	Marsico	Rock
Benninghoff	Gillespie	Metcalfe	Rohrer
Boyd	Gingrich	Metzgar	Saylor
Brooks	Grell	Miccarelli	Schroder
Christiana	Grove	Millard	Smith, S.
Clymer	Hahn	Miller	Sonney
Cox	Harhart	Milne	Stevenson
Creighton	Helm	Moul	Tallman
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	True
Delozier	Hickernell	Perry	Turzai
Denlinger	Hutchinson	Pickett	Vulakovich
Ellis	Kauffman	Pyle	

NOT VOTING—0

EXCUSED—4

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

CONSIDERATION OF SB 1155 CONTINUED

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.)

The SPEAKER. Nothing is in order but the taking of the vote.

The following roll call was recorded:

YEAS—104

Beyer	Fabrizio	Longiatti	Ross
Bishop	Frankel	Mahoney	Sabatina
Boyle	Freeman	Manderino	Samuelson
Bradford	Galloway	Mann	Santarsiero
Brennan	George	Matzie	Santoni
Briggs	Gerber	McGeehan	Seip
Brown	Gergely	McI. Smith	Shapiro
Burns	Gibbons	Melio	Siptroth
Buxton	Goodman	Micozzie	Smith, K.
Caltagirone	Grucela	Milne	Smith, M.
Carroll	Haluska	Mirabito	Solobay
Cohen	Hanna	Mundy	Staback
Conklin	Harkins	Murphy	Sturla
Costa, D.	Harper	Murt	Taylor, R.
Costa, P.	Hennessey	Myers	Thomas
Cruz	Hornaman	O'Brien, D.	Vitali
Curry	Houghton	O'Brien, M.	Wagner
Daley	Johnson	O'Neill	Wansacz
Deasy	Josephs	Oliver	Waters
DeLuca	Keller, W.	Pashinski	Wheatley
DePasquale	Kessler	Payton	Williams
Dermody	Killion	Preston	Youngblood
DiGirolo	Kirkland	Quinn	Yudichak
Donatucci	Kortz	Ravenstahl	
Drucker	Kula	Readshaw	McCall,
Eachus	Lentz	Roebuck	Speaker
Evans, D.	Levdansky		

NAYS—94

Adolph	Farry	Markosek	Reed
Baker	Fleck	Marshall	Reese
Barrar	Gabig	Marsico	Reichley
Bear	Gabler	Metcalfe	Roae
Benninghoff	Geist	Metzgar	Rock
Boback	Gillespie	Miccarelli	Rohrer
Boyd	Gingrich	Millard	Sainato
Brooks	Grell	Miller	Saylor
Casorio	Grove	Moul	Scavello
Causer	Hahn	Mustio	Schroder
Christiana	Harhai	Oberlander	Smith, S.
Clymer	Harhart	Pallone	Sonney
Cox	Harris	Payne	Stern
Creighton	Helm	Peifer	Stevenson
Cutler	Hess	Perry	Tallman
Day	Hickernell	Perzel	Taylor, J.
Delozier	Hutchinson	Petrarca	Toepel
Denlinger	Kauffman	Petri	True
DeWeese	Keller, M.K.	Phillips	Turzai
Ellis	Knowles	Pickett	Veréb
Evans, J.	Kotik	Pyle	Vulakovich
Everett	Krieger	Quigley	Watson
Fairchild	Maher	Rapp	White
	Major		

NOT VOTING—0

EXCUSED—4

Belfanti Godshall 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 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.

The SPEAKER. There will be no further votes other than housekeeping. There are some housekeeping items that the Speaker has to take care of, but there will be no votes on legislation.

RESOLUTIONS

Mr. EACHUS called up **HR 653, PN 3281**, entitled:

A Concurrent Resolution petitioning the Congress of the United States to call a convention to amend the Constitution of the United States on the subject of election spending.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 653 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 653 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 775, PN 3634**, entitled:

A Resolution memorializing the Congress of the United States to refrain from imposing unfunded mandates on the Commonwealth of Pennsylvania and its citizens.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 775 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 775 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.

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 2685;
HB 2633;
SB 900;
HB 2697;
HB 2698;
HB 2479;
SB 906;
SB 1280;
SB 1181;
HB 2420;
SB 288; and
SB 384.

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 2685;
HB 2633;
SB 900;
HB 2697;
HB 2698;
HB 2479;
SB 906;
SB 1280;
SB 1181;

HB 2420;
SB 288; and
SB 384.

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

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER. The Chair recognizes the gentleman from Westmoreland County, Representative Krieger, who moves that this House do now recess for today and reconvene on Monday, October 4, 2010, at 1 p.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 5:27 p.m., e.d.t., the House recessed.

HOUSE RECALLED

The House was recalled at 5:33 p.m., e.d.t.

VOTE CORRECTIONS

The SPEAKER. The House will come to order.
The Chair recognizes the gentlelady, Representative Watson, for correcting the record.

Mrs. WATSON. Thank you very much, Mr. Speaker.

Mr. Speaker, on the last vote, SB 1155, I was recorded in the negative. I was pressing the green button. I do know the difference, but my switch would not change. I wish to be recorded that I voted in the affirmative.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady. We are going to check that switch.

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

Mr. PETRI. Thank you, Mr. Speaker.

I was trying to change my vote from a "no" to "yes" at the time of the vote and the machine did not register a "yes" vote. I would like also to record my previous comments of a long way to go on this bill and I am only reluctantly voting "yes."

The SPEAKER. We will make sure the technicians check the switches.

RECESS

The SPEAKER. The Chair recognizes the gentleman from Westmoreland County, Representative Krieger, who moves that this House do now recess for today and reconvene on Monday, October 4, 2010, at 1 p.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 5:35 p.m., e.d.t., the House recessed.