

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 1, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 62

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER

HON. BOB BASTIAN, member of the House of Representatives, offered the following prayer:

May we bow our heads in prayer:

Eternal God, we humbly ask for Your guidance and patience in doing the business of this great Commonwealth this day. We need to remember the great vision and the great faith of our founder, William Penn, and we need to remember also in our prayers our President, President Bush, and our Governor, Governor Rendell, and all Senators and Representatives in this building as well. Guide and direct them to know that all power comes from You. You, Lord, have told us through Your prophet, Micah, what is good. What he requires of us is this: to do what is just, to show constant love, and to live in humble fellowship with our God.

Watch over our men and women who are this day in harm's way. Protect them, give them courage and strength, and bless them that they may return home soon with peace in hand.

We pray all of these things in our Heavenly Father's name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, October 31, 2005, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2168 By Representatives GEIST and McCALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for required financial responsibility and for immobilization, towing and storage of vehicle for

driving without operating privileges or registration; and making editorial change.

Referred to Committee on TRANSPORTATION, November 1, 2005.

No. 2169 By Representatives MCGILL, BUNT, CALTAGIRONE, FABRIZIO, GEIST, HENNESSEY, READSHAW, SHAPIRO, E. Z. TAYLOR and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "governmental incident responder," "incident," "incident area," "incident clearance," "responder" and "response personnel"; further providing for accidents involving damage to attended vehicle or property; providing for vehicles involved in accidents and spilled cargo on freeway or limited access highway, for immediate custody and removal of vehicle constituting hazard, for road user duties approaching incidents, for avoidance of lane blockage and expedited removal of vehicles and for liability for authorized incident clearance functions; and establishing the Incident Management Committee and providing for its composition and duties.

Referred to Committee on TRANSPORTATION, November 1, 2005.

No. 2170 By Representatives MCGILL, ARMSTRONG, BAKER, BARRAR, BELFANTI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY, FICHTER, GEIST, GOODMAN, HARRIS, HENNESSEY, HERMAN, KAUFFMAN, KILLION, LEACH, MACKERETH, MANN, O'NEILL, PAYNE, PHILLIPS, PYLE, REICHLEY, SCAVELLO, SCHRODER, E. Z. TAYLOR, J. TAYLOR, WILT and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, November 1, 2005.

No. 2171 By Representatives DALLY, BAKER, BALDWIN, BELFANTI, BEYER, BOYD, CAPPELLI, CAUSER, J. EVANS, GEIST, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HARRIS, HERMAN, HESS, KAUFFMAN, KOTIK, MANN, MARKOSEK, MARSICO, McILHATTAN, METCALFE, MUSTIO, PAYNE, PETRI, PHILLIPS, PICKETT, READSHAW, REED, REICHLEY, SCAVELLO, SCHRODER, SHANER, SONNEY, STABACK, R. STEVENSON, TANGRETTI, E. Z. TAYLOR, TIGUE, TRUE, TURZAI and YOUNGBLOOD

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for conduct relating to sex offenders; imposing a penalty; and providing for sentences for sex offenders.

Referred to Committee on JUDICIARY, November 1, 2005.

No. 2172 By Representatives DeWEESE, MAHER, PISTELLA, B. SMITH, VEON, BEBKO-JONES, BELARDI, BIANCUCCI, BLACKWELL, CALTAGIRONE, CAPPELLI, CAWLEY, DALEY, DERMODY, FABRIZIO, FRANKEL, GEORGE, GOODMAN, JOSEPHS, KIRKLAND, KOTIK, LEACH, MANN, MARKOSEK, PHILLIPS, SURRA, THOMAS, TIGUE, WALKO, WOJNAROSKI, YOUNGBLOOD, COHEN and SOLOBAY

An Act amending the act of December 12, 1994 (P.L.1023, No.139), known as the Independent Living Services Act, further providing for the composition of the Statewide Independent Living Council.

Referred to Committee on STATE GOVERNMENT, November 1, 2005.

No. 2173 By Representatives PAYNE, GEIST, BOYD, CALTAGIRONE, CAPPELLI, GILLESPIE, GINGRICH, GOOD, GOODMAN, HERMAN, KAUFFMAN, KOTIK, LEH, MANN, McILHATTAN, MUNDY, PYLE, R. STEVENSON, TRUE, WATSON, WILT and YOUNGBLOOD

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for rape and for involuntary deviate sexual intercourse; providing for loss of property rights by certain offenders and for conduct relating to sex offenders; further providing for failure to comply with sexual offender registration requirements; defining "GPS" and "GPS tracking device"; further providing for registration and for registration procedures and applicability; providing for GPS tracking, for restricted travel, for alert system and for child protective zones; and further providing for verification of residence and for information made available on the Internet.

Referred to Committee on JUDICIARY, November 1, 2005.

No. 2174 By Representatives GINGRICH, BALDWIN, BELFANTI, BEYER, BUNT, CALTAGIRONE, HARPER, HENNESSEY, HERMAN, JAMES, KOTIK, McGEEHAN, PHILLIPS, REICHLEY, RUBLEY, SCAVELLO, STABACK, E. Z. TAYLOR, TIGUE and WOJNAROSKI

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the millage rate and the manner of imposition of borough taxes related to utilities, fire protection purposes, the construction of certain borough buildings and for ambulance and rescue squad purposes; and making repeals.

Referred to Committee on FINANCE, November 1, 2005.

No. 2175 By Representatives GINGRICH, BALDWIN, BELFANTI, BEYER, BUNT, CALTAGIRONE, DeWEESE, GEORGE, HARPER, HENNESSEY, HERMAN, JAMES, KOTIK, McGEEHAN, S. MILLER, PHILLIPS, PYLE, REICHLEY, RUBLEY, SCAVELLO, STABACK, E. Z. TAYLOR, TIGUE, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, eliminating statutory expenditure limits for support of National Guard units, veterans organizations and auxiliaries, for Memorial Day expenses, for burial ground maintenance, for hospital construction, for tourism promotion agencies and for rentals related to veteran organizations.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 1, 2005.

No. 2176 By Representatives BEBKO-JONES, BIANCUCCI, CALTAGIRONE, CASORIO, COHEN, DeWEESE, DENLINGER, FABRIZIO, GEORGE, GOOD, MARKOSEK, PETRARCA, PISTELLA, READSHAW, ROONEY, THOMAS, YOUNGBLOOD, KIRKLAND and DeLUCA

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, providing for holds on debit cards for fuel purchasers using debit cards.

Referred to Committee on CONSUMER AFFAIRS, November 1, 2005.

No. 2177 By Representatives BEBKO-JONES, CALTAGIRONE, DeLUCA, FABRIZIO, GEORGE, GOOD, HARRIS, HENNESSEY, HERMAN, HERSHEY, JAMES, MARKOSEK, McILHATTAN, MUNDY, PISTELLA, READSHAW, ROBERTS, ROONEY, SONNEY, SURRA, TANGRETTI, THOMAS, WALKO and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for exclusions from the tax.

Referred to Committee on FINANCE, November 1, 2005.

No. 2178 By Representatives CRAHALLA, BELFANTI, FICHTER, ARMSTRONG, BEBKO-JONES, BEYER, CALTAGIRONE, COHEN, DeLUCA, FRANKEL, GINGRICH, GRUCELA, HARHART, LEDERER, MARKOSEK, MUSTIO, NAILOR, O'NEILL, PICKETT, PYLE, REICHLEY, SCHRODER, SHANER, SOLOBAY, E. Z. TAYLOR, TIGUE, WALKO, WATSON, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, regulating the solicitation of insurance to certain elders; and prescribing penalties.

Referred to Committee on AGING AND OLDER ADULT SERVICES, November 1, 2005.

No. 2179 By Representatives CRAHALLA, BELFANTI, FICHTER, ARMSTRONG, BEBKO-JONES, BEYER, CALTAGIRONE, COHEN, DeLUCA, FRANKEL, GINGRICH, GRUCELA, HARHART, LEDERER, MARKOSEK, MUSTIO, NAILOR, O'NEILL, PICKETT, PYLE, REICHLEY, SCHRODER, SHANER, SOLOBAY, E. Z. TAYLOR, TIGUE, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act providing for the licensing and regulation of financial planners; establishing the State Board of Financial Planners and providing for its powers and duties; and imposing penalties.

Referred to Committee on PROFESSIONAL LICENSURE, November 1, 2005.

No. 2180 By Representatives KAUFFMAN, ARGALL, ARMSTRONG, BENNINGHOFF, CALTAGIRONE, DENLINGER, GEORGE, GINGRICH, GRELL, HARRIS, SCAVELLO, SIPTROTH and E. Z. TAYLOR

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for appropriations for hospitals and for tourism promotion agencies.

Referred to Committee on APPROPRIATIONS, November 1, 2005.

No. 2181 By Representatives HASAY, TIGUE, MUNDY, THOMAS, BELFANTI, BLACKWELL, BOYD, BUNT, CALTAGIRONE, CASORIO, COSTA, DeLUCA, FORCIER, GOODMAN, HENNESSEY, HERMAN, HESS, LEVDANSKY, McILHINNEY, MUSTIO, O'NEILL, PETRARCA, PETRONE, PHILLIPS, RAYMOND, REICHLEY, SATHER, B. SMITH, SOLOBAY, E. Z. TAYLOR, WILT and YOUNGBLOOD

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, providing for the definition of "excessive pricing"; further providing for the definitions of "unfair methods of competition" and "unfair or deceptive acts or practices"; prohibiting excessive pricing; and providing for penalties.

Referred to Committee on COMMERCE, November 1, 2005.

No. 2182 By Representatives COHEN, CLYMER, JOSEPHS, BEBKO-JONES, CALTAGIRONE, FRANKEL, HENNESSEY, LEDERER, MELIO, PISTELLA, SAMUELSON and SIPTROTH

An Act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds; and providing for sale of existing inventory, for manufacturers sale to other states or foreign countries and for regulations and preemptions.

Referred to Committee on CONSUMER AFFAIRS, November 1, 2005.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 500 By Representatives BEBKO-JONES, READSHAW, CALTAGIRONE, CAPPELLI, CAWLEY, CLYMER, COHEN, CRAHALLA, DALEY, DeLUCA, DENLINGER, DeWEESE, DIVEN, J. EVANS, FABRIZIO, FICHTER, GEORGE, GERGELY, GINGRICH, GOOD, GOODMAN, GRUCELA, JOSEPHS, KOTIK, MANN, MARKOSEK, NAILOR, PISTELLA, BELARDI, REICHLEY, ROSS, SCAVELLO, SHANER, SOLOBAY, STABACK, SURRA, THOMAS, TIGUE, YOUNGBLOOD, YUDICHAK,

DERMODY, PETRONE, KIRKLAND, LEVDANSKY, FRANKEL, COSTA and WALKO

A Resolution urging the General Assembly to reinstate funding for the Pennsylvania Department of Environmental Protection's Sewage Treatment Plant Operations Grant Program.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 1, 2005.

No. 502 By Representatives SANTONI, LEDERER, BEBKO-JONES, REICHLEY, BUNT, McGILL, CRAHALLA, O'NEILL, GRUCELA, MANN, SATHER, TIGUE, HERSHEY, R. STEVENSON, CAPPELLI, MARKOSEK, GOODMAN, KILLION, READSHAW, KIRKLAND, PAYNE, PISTELLA, GEORGE, JAMES, CALTAGIRONE, THOMAS, BEYER, GERGELY, PALLONE, SCAVELLO, YOUNGBLOOD, STABACK, PHILLIPS, HENNESSEY, COHEN, GEIST, BOYD and CRUZ

A Resolution expressing support for Be TEAM Free, also known as the Efrain Anthony Marrero Foundation, for its dedication to educating individuals about the physical and mental risks of anabolic steroids and performance-enhancing supplements.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 1, 2005.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table:

HB 766;
SB 539;
HB 659;
HB 1350; and
HB 1554.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 766, PN 928; SB 539, PN 872; HB 659, PN 752; HB 1350, PN 1608; and HB 1554, PN 1929.

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 766;
SB 539;
HB 659;
HB 1350; and
HB 1554.

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

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1139, PN 1345**, entitled:

An Act amending the act of June 21, 1939 (P.L.626, No.294), referred to as the Second Class County Assessment Law, repealing provisions relating to triennial assessments.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 1139 be placed on the table.

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 1139 be taken off the table.

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

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The majority leader calls an immediate meeting of the Rules Committee.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 816, PN 2854 By Rep. S. SMITH

An Act amending the act of July 7, 2005 (P.L. , No.6A), entitled "An act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission," making an additional appropriation to the Pennsylvania Public Utility Commission.

RULES.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 348, PN 2999 (Amended) By Rep. O'BRIEN

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for multidisciplinary team; establishing the Child Abuse Multidisciplinary Response Account; providing for additional duties of the Department of Public Welfare; making an appropriation; and further providing for deposits into account.

JUDICIARY.

HB 760, PN 3000 (Amended) By Rep. O'BRIEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in child protective services, for definitions, for release of information in confidential reports, for investigating performance of county agency, for annual reports to the Governor and General Assembly, for services for prevention, investigation and treatment of child abuse and for reports to Department of Public Welfare and coroner.

JUDICIARY.

HB 2017, PN 2778 By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

JUDICIARY.

SB 573, PN 623 By Rep. LEH

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for valuation of persons and property.

FINANCE.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority leader, who requests a leave of absence for the gentleman, Mr. RUFFING, from Allegheny County for the week. Without objection, the leave of absence is granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Rieger, from Philadelphia County, who was placed on leave for the week, and he will be added to the master roll call.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The gentleman, Mr. PALLONE, is added to the leaves of absence for the day, from Westmoreland County. Without objection, the leave is granted.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhattan	Siptroth
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Cappelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra
Causar	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Vitali
Creighton	Hickernell	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenny	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Rieger	Zug
Ellis	Lederer	Roberts	
Evans, D.	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

ADDITIONS—0**NOT VOTING—0****EXCUSED—5**

Gruitza Ruffing Shaner Smith, B.
Pallone

LEAVES ADDED—3

Preston Roebuck True

LEAVES CANCELED—2

Pallone Ruffing

GUESTS INTRODUCED

The SPEAKER pro tempore. The Speaker is pleased to welcome to the hall of the House the Punxsutawney Area High School student council and the Punxsutawney Area High School class officers. These students are the guests of majority leader Sam Smith, and they are seated in the gallery section of the House today. The students are in Harrisburg studying State government. Would the students please rise and be recognized by the House.

Please welcome as guests of Representative Mario Scavello a group from the Older Adult Learning Center of the East Stroudsburg University. The guests are seated in the gallery. Please rise and be recognized.

Welcome to the hall of the House Kaitlynn Davis, who is serving as a guest page today for Representative Sheila Miller. Kaitlynn is from Sinking Spring and is a senior at Conrad Weiser High School. She began volunteering in Representative Miller's district office this past summer and continues doing volunteer work there for her community service project for school. Please rise and be recognized.

Please welcome guests of Representative Chris Ross, seated to the left of the Speaker. The guests are with the Rotary Foundation's group study exchange team from Israel. They are hosted by the Kennett Rotary Club in Chester. I will do my best to pronounce these names. Please rise when your name is called: Yehuda Brin, Ruth Percik, Ifat Kariv, Ofira Mor, Carolina Parada. And with them from the Kennett Rotary Club are Jenny Armitage, and in the gallery, Larry Whittaker. Welcome to the hall of the House.

We are pleased to welcome to the hall of the House guest pages, grandchildren of Dr. Bob Bastian, Representative Bastian, David Bastian and Erika Bastian. Please rise and be recognized.

Also, we are pleased to welcome to the hall of the House guest pages of Representative Lynn Herman: Nathan Sellers, David Sellers, Caitlin Wilson, and Julianne McCobin. Please rise and be recognized.

And guests of Representative Kerry Benninghoff: Courtney Bolich and Katelyn Bolich. Please rise and be recognized.

The Chair welcomes Joshua Boyer, who is the guest of Representative Keith Gillespie and Representative Tom Creighton. He is located to the left of the Speaker.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1413, PN 1701**, entitled:

An Act authorizing State investment tax credits for qualified animal waste recycling facilities; further authorizing limited sales and use tax exemption; and establishing the Animal Waste Recycling Fund.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhatten	Siptroth
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Cappelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra
Causer	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Vitali
Creighton	Hickernell	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kennedy	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Rieger	Zug
Ellis	Lederer	Roberts	

Evans, D.	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Gruitza	Ruffing	Shaner	Smith, B.
Pallone			

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.

RESOLUTIONS

Ms. BISHOP called up **HR 43, PN 168**, entitled:

A Resolution memorializing the Congress of the United States to amend the Social Security Act to provide for long-term caregiver benefits.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhatten	Siptroth
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Cappelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra
Causer	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Vitali
Creighton	Hickernell	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz

Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Rieger	Zug
Ellis	Lederer	Roberts	
Evans, D.	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruitza	Ruffing	Shaner	Smith, B.
Pallone			

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

* * *

Mr. REICHLLEY called up **HR 368, PN 2318**, entitled:

A Resolution urging the United States Army Corps of Engineers to study the effects of the 2004 wet weather events in the Little Lehigh Creek Watershed, Berks and Lehigh Counties, Pennsylvania, to reevaluate the existing flood control projects in the area and make recommendations on future flood control measures.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhattan	Siptroth
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Cappelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra

Causar	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Vitali
Creighton	Hickernell	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Rieger	Zug
Ellis	Lederer	Roberts	
Evans, D.	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruitza	Ruffing	Shaner	Smith, B.
Pallone			

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

* * *

Mr. HERMAN called up **HR 442, PN 2712**, entitled:

A Resolution recognizing the Nutrition Links program of The Pennsylvania State University Cooperative Extension (Penn State Nutrition Links) and the help it provides children, youths, adults and families in attaining healthy eating and lifestyle practices.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhattan	Siptroth
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay

Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Cappelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra
Causer	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Vitali
Creighton	Hickernell	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnarowski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Rieger	Zug
Ellis	Lederer	Roberts	
Evans, D.	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruitza	Ruffing	Shaner	Smith, B.
Pallone			

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

* * *

Mr. SATHER called up **HR 454, PN 2768**, entitled:

A Resolution urging the Congress of the United States to create a task force, working with State and local government, employers and the health care industry, to develop solutions to rapidly increasing health care costs.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson

Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhattan	Siptroth
Bianucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Cappelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra
Causer	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Vitali
Creighton	Hickernell	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnarowski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Rieger	Zug
Ellis	Lederer	Roberts	
Evans, D.	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruitza	Ruffing	Shaner	Smith, B.
Pallone			

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

* * *

Mrs. TAYLOR called up **HR 471, PN 2796**, entitled:

A Resolution designating November 15, 2005, as "Prematurity Awareness Day" in Pennsylvania and encouraging efforts to fund research and programs to find causes of prematurity.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhattan	Siptroth
Bianucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Cappelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra
Causar	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Vitali
Creighton	Hickernell	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGiroloamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Rieger	Zug
Ellis	Lederer	Roberts	
Evans, D.	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Gruitza	Ruffing	Shaner	Smith, B.
Pallone			

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

RESOLUTION PURSUANT TO RULE 35

Ms. RAPP called up **HR 493, PN 2961**, entitled:

A Resolution commemorating Chief Cornplanter and his contributions to Warren County and Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. Those in favor will vote “aye”; those opposed, “no”— Ms. Rapp? Are you seeking recognition, Ms. Rapp? You are recognized. My apologies.

Ms. RAPP. Thank you, Mr. Speaker.

In the east rotunda of the Capitol, there is a display case of some of our prominent people in history of this great Commonwealth, and I was very pleased as a freshman when I first came to this great House to see a prominent leader in leadership from northwestern Pennsylvania, Chief Cornplanter of the Seneca Nation, as his portrait is portrayed in that display case.

Many people walk by that display daily and have no idea who Chief Cornplanter is, but he was a very instrumental person in the history of this Commonwealth. He was a contemporary of President George Washington, Benjamin Franklin, and Thomas Jefferson. Because of Chief Cornplanter, our Erie delegation and the triangle in Erie are a part of the State of Pennsylvania, as Chief Cornplanter sold that land to the United States and to the State of Pennsylvania.

In northwestern Pennsylvania we still enjoy a rich heritage from the Seneca Nation and Chief Cornplanter, as many of our streets in northwestern Pennsylvania still continue to have Seneca names such as Oneida, Seneca, Onondaga, and Conewango.

The land that was given to Chief Cornplanter by George Washington in the 1700s—

The SPEAKER pro tempore. Will the gentle lady suspend.

Ms. RAPP. Yes.

The SPEAKER pro tempore. Ladies and gentlemen of the House, Ms. Rapp is entitled to be heard on her resolution. Please take your seats.

Ms. RAPP. The land that was granted to Chief Cornplanter in the 1700s by George Washington was given to Chief Cornplanter forever until this land was taken away by this very body in the 1960s, and the Seneca Nation was displaced to Cattaraugus County in the State of New York. But the Seneca Nation and Chief Cornplanter continue today to give us a rich heritage in northwestern Pennsylvania, and I would appreciate your support and vote on this resolution.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—198

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato

Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhatten	Siptroth
Bianucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Capelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra
Causar	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Vitali
Creighton	Hickernell	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGiroloamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Rieger	Zug
Ellis	Lederer	Roberts	
Evans, D.	Leh	Roebuck	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Gruitza	Ruffing	Shaner	Smith, B.
Pallone			

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

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Taylor, for a caucus announcement. You may proceed, Mrs. Taylor.

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

At the recess we will have caucus in 1 hour, which would be 1:30. A 1:30 caucus.

The SPEAKER pro tempore. 12:30?

Mrs. TAYLOR. Sorry about that; 12:30. I am still on the other time. At 12:30 we will have— No, I will change that; 1 o'clock – 1 o'clock so they can go eat. A 1 o'clock caucus for the Republicans.

The SPEAKER pro tempore. And that will last about how long, Mrs. Taylor?

Mrs. TAYLOR. At least an hour.

The SPEAKER pro tempore. The Chair thanks the lady.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Semmel, for a committee announcement.

Mr. SEMMEL. Thank you, Mr. Speaker.

At the call of the recess, because of the uncertainty of the hour later this afternoon when we were going to meet in room 39 on HBs 2154 and 2157, we will meet immediately on this first break.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Veterans Affairs and Emergency Preparedness will meet in room 39 at the first break.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, the House Democrats will hold an informal caucus beginning at noon and a formal caucus beginning at 12:30. We urge the members' attendance.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to just submit some remarks for the record.

The SPEAKER pro tempore. The gentleman may submit them to the clerk for the record. Thank you.

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

This bill will provide State investment tax credits for qualified animal waste recycling facilities. At present, many animal wastes are disposed in landfills or processed for animal feed. Because of growing concerns about mad cow and other pathogenic diseases, these methods of disposal may be severely curtailed in the near future, creating a need for alternative methods of disposal. My legislation is designed to promote the development and implementation of technologies which will safely dispose of animal waste while producing useful and commercially viable products.

One of the products which can be produced from animal waste by using existing technology is fuel, specifically diesel oil. This bill provides an opportunity to promote this emerging technology in Pennsylvania.

Under the legislation, the Department of Environmental Protection would certify qualified animal waste recycling facilities. A certified facility would receive an investment tax credit equal to 75 percent of the initial cost of the facility. The legislation would also create an Animal Waste Recycling Fund to be administered by the department, to provide low-interest loans to animal waste recycling facilities.

I ask for your support.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, for an announcement.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, at the call of recess, State Government will meet in the rear of the hall, and we are going to be looking at a bill coming back on concurrence. It is a bill that we had already voted on. There is a slight change; it is not controversial, but we do want to move the bill today because of a time frame. So will all the members of State Government please meet in the rear of the hall upon the declaration of recess.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

State Government will meet at the call of recess in the rear of the hall of the House.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, immediately upon the call of the recess, there will be formal and informal discussions in the House Democratic caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman, again, for that announcement.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Taylor, for another announcement.

Mrs. TAYLOR. There has been a change. Are you all surprised? No more surprised than your chairman. So we will now coincide with our friends on the other side of the aisle, and we will have a 12:30 caucus; 12:30 caucus. Formal.

The SPEAKER pro tempore. The Chair thanks the lady.

We will return to session at the conclusion of caucus. We will let the members know later when we will actually be returning. There will be an announcement.

RECESS

The SPEAKER pro tempore. This House now stands in recess.

AFTER RECESS

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

HOUSE BILL INTRODUCED AND REFERRED

No. 2191 By Representatives KENNEY and S. H. SMITH

An Act creating the Commonwealth Pharmaceutical Recycling Act; providing for redistribution of prescription drugs at State correctional facilities; and imposing powers and duties on the Governor's Office of Administration.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 1, 2005.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

The minority whip requests a leave of absence for the gentleman from Philadelphia, Mr. ROEBUCK. Without objection, that leave will be granted.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2041, PN 3027 (Amended) By Rep. KENNEY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for the Health Care Provider Retention Program.

HEALTH AND HUMAN SERVICES.

HB 2145, PN 2968 By Rep. SEMMEL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pay of officers and enlisted personnel in active State service.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

HB 2157, PN 2980 By Rep. SEMMEL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain duty for emergencies.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

RESOLUTION REPORTED FROM COMMITTEE

HR 490, PN 2958 By Rep. KENNEY

A Resolution urging the Governor to direct the Department of Public Welfare to rescind the plan to implement cost sharing for continued medical assistance services.

HEALTH AND HUMAN SERVICES.

REPORTS SUBMITTED

The SPEAKER. The Speaker acknowledges receipt of the Annual Financial Report from the University of Pittsburgh for fiscal year ended June 30, 2005.

* * *

The Speaker acknowledges receipt of the Annual Report of the Mandate Waiver Program in Pennsylvania submitted pursuant to 24 Pennsylvania Statute, section 17-1714 of the School Code.

* * *

The Speaker acknowledges receipt of the Education Empowerment Act Annual Report submitted pursuant to 24 Pennsylvania Statute, section 17-1711 of the School Code.

* * *

The Speaker acknowledges receipt of the Annual Report of the Pennsylvania Energy Development Authority.

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

SUPPLEMENTAL CALENDAR B

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up **HR 497, PN 3001**, entitled:

A Resolution proclaiming November 14 through 18, 2005, as “American Education Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti

Causer	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

* * *

Mr. READSHAW called up **HR 498, PN 3002**, entitled:

A Resolution recognizing the week of November 13 through 19, 2005, as “Hunger and Homelessness Awareness Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback

Blackwell	Gingrich	Metcalf	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causer	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

* * *

Mr. FAIRCHILD called up **HR 499, PN 3003**, entitled:

A Resolution designating November 15, 2005, as "Pennsylvania GIS Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavallo

Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalf	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causer	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

* * *

Mr. ADOLPH called up **HR 501, PN 3005**, entitled:

A Resolution designating the month of November 2005 as "Pennsylvania Epilepsy Awareness Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causar	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGiroloamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 816, PN 2854**, entitled:

An Act amending the act of July 7, 2005 (P.L. , No.6A), entitled "An act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission," making an additional appropriation to the Pennsylvania Public Utility Commission.

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

The SPEAKER. It is moved by the gentleman, Mr. Feese, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causar	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski

Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 105, PN 97**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for cooperative purchase of fire, rescue and ambulance company supplies.

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

Mr. **PAYNE** offered the following amendment No. **A03542**:

Amend Sec. 1 (Sec. 1913), page 1, line 10, by striking out “annually”

Amend Sec. 1 (Sec. 1913), page 1, line 11, by striking out “a”

Amend Sec. 1 (Sec. 1913), page 1, line 12, by striking out “unit” and inserting

units

Amend Sec. 1 (Sec. 1913), page 1, lines 12 and 13, by striking out “all supplies that” in line 12 and all of line 13 and inserting accessory equipment, apparatus equipment, communications equipment, protective equipment, rescue vehicles and utility or special vehicles, as these terms are defined in the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act.

Amend Sec. 1 (Sec. 1913), page 2, line 3, by inserting after “a” suggested

Amend Sec. 1 (Sec. 1913), page 2, line 3, by striking out “no more than 25”

Amend Sec. 1 (Sec. 1913), page 2, lines 5 through 10, by striking out all of said lines and inserting duties for department procurements under subsection (a).

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

The following roll call was recorded:

YEAS-197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siproth
Beyer	George	McLhattan	Smith, S. H.
Biancucci	Gerber	McLhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causer	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

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

Mrs. BEYER offered the following amendment No. A03281:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for the definition of "school district"; further providing for the definition of "State-affiliated entity"; and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. The definition of "State-affiliated entity" in section 103 of Title 62 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 103. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"School district." A school district, as defined in section 102 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"State-affiliated entity." A Commonwealth authority [or], a Commonwealth entity or a school district. The term includes the Pennsylvania Turnpike Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement System, the Pennsylvania Infrastructure Investment Authority, the State Public School Building Authority, the Pennsylvania Higher Educational Facilities Authority and the State System of Higher Education. The term does not include any court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, any State-related institution, any political subdivision, except for a school district, or any local, regional or metropolitan transportation authority.

Section 2. Title 62 is amended by adding a section to read:

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting 3

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

The following roll call was recorded:

YEAS-197

Table listing names of members who voted 'YEAS-197', including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Beyer, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Butkovitz, Buxton, Caltagirone, Fabrizio, Levdansky, Ross, Fairchild, Mackereth, Rubley, Feese, Maher, Sainato, Fichter, Maitland, Samuelson, Fleagle, Major, Santoni, Flick, Manderino, Sather, Forcier, Mann, Saylor, Frankel, Markosek, Scavello, Freeman, Marsico, Schroder, Gabig, McCall, Semmel, Gannon, McGeehan, Shapiro, Geist, McGill, Siptroth, George, McIlhattan, Smith, S. H., Gerber, McIlhinney, Solobay, Gergely, McNaughton, Sonney, Gillespie, Melio, Staback, Gingrich, Metcalfe, Stairs, Godshall, Micozzie, Steil, Good, Millard, Stern, Goodman, Miller, R., Stetler, Grell, Miller, S., Stevenson, R., Mundy, Stevenson, T., Mustio, Sturla

Table listing names of members who did not vote 'YEAS-197', including Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Corrigan, Costa, Crahalla, Creighton, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Killion, Kirkland, Kotik, LaGrotta, Leach, Lederer, Leh, Lescovitz, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Parker, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Rohrer, Rooney, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, True, Turzai, Veon, Vitali, Walko, Wansacz, Waters, Watson, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Table listing names of members who were 'EXCUSED-6', including Gruitza, Pallone, Roebuck, Ruffing, Shaner, Smith, B.

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

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

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

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

The following roll call was recorded:

YEAS-197

Table listing names of members who voted 'YEAS-197', including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Beyer, Biancucci, Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Levdansky, Ross, Mackereth, Maher, Maitland, Samuelson, Major, Santoni, Manderino, Sather, Mann, Saylor, Markosek, Scavello, Marsico, Schroder, McCall, Semmel, McGeehan, Shapiro, McGill, Siptroth, Smith, S. H., McIlhattan, Solobay

Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causser	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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.

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
October 31, 2005

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 Monday, November 14, 2005, 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, November 14, 2005, 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.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 932, PN 1270

By Rep. CLYMER

An Act amending the act of November 20, 2004 (P.L.886, No.121), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Erie-Western Pennsylvania Port Authority and to Robert L. and Karen N. Doult, Leona B. Disbrow, Louise F. Waller, Mary Schabacker, Paul D. and Mary Ann Brugger, and Ralph and Janet Toland, Sr., certain lands situate in the City of Erie, County of Erie; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Derry Township Municipal Authority a certain easement for sanitary sewer purposes, together with an existing sanitary sewer line and appurtenances, situate in Derry Township, Dauphin County; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Summerdale Associates, L.P., certain lands situate in the Township of East Pennsboro, County of Cumberland; and authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of Doylestown certain lands situate in the Borough of Doylestown, Bucks County," further providing for conveyance to the Borough of Doylestown, Bucks County.

STATE GOVERNMENT.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2019, PN 2946**, entitled:

An Act amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, further providing for abandonment of project.

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

Mrs. **BEYER** offered the following amendment No. **A03487**:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting
Amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, providing for abandonment of project after condemnation; and making a repeal related to abandonment of project after condemnation.
Amend Bill, page 1, lines 7 through 17; pages 2 and 3, lines 1 through 30; page 4, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 1. Title 26 of the Pennsylvania Consolidated Statutes is amended by adding chapters to read:

CHAPTER 1
GENERAL PROVISIONS

Sec.

101. (Reserved).

102. (Reserved).

103. Definitions.

§ 101. (Reserved).

§ 102. (Reserved).

§ 103. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Condemn.” To take, injure or destroy property by authority of law for a public purpose.

“Condemnee.” The owner of a property interest taken, injured or destroyed. The term does not include a mortgagee, judgment creditor or other lienholder.

“Condemnor.” The acquiring agency, including the Commonwealth, that takes, injures or destroys property under authority of law for a public purpose.

CHAPTER 3
PROCEDURE TO CONDEMN

Sec.

301. (Reserved).

302. (Reserved).

303. (Reserved).

304. (Reserved).

305. (Reserved).

306. (Reserved).

307. (Reserved).

308. (Reserved).

309. (Reserved).

310. Abandonment of project.

§ 301. (Reserved).

§ 302. (Reserved).

§ 303. (Reserved).

§ 304. (Reserved).

§ 305. (Reserved).

§ 306. (Reserved).

§ 307. (Reserved).

§ 308. (Reserved).

§ 309. (Reserved).

§ 310. Abandonment of project.

(a) Disposition of property.—If a condemnor has condemned a fee and then abandons the purpose for which the property has been condemned, the condemnor may dispose of it by sale, lease, gift, devise or other transfer with the following restrictions:

(1) If the property is undeveloped or has not been substantially improved, it may not be disposed of within three years after condemnation without first being offered to the condemnee at the same price paid to the condemnee by the condemnor.

(2) If the property is located outside the corporate boundaries of a county of the first or second class and is undeveloped or has not been substantially improved and was devoted to agricultural use at the time of the condemnation, it may not be disposed of within 30 years after condemnation without first being offered to the condemnee at the same price paid to the condemnee by the condemnor.

(3) If the property is undeveloped or has not been substantially improved and the offers required to be made under paragraphs (1) and (2) have not been accepted, the property shall not be disposed of by any condemnor, acquiring agency or subsequent purchaser for a nonpublic use or purpose for a period

of no less than 30 years from the date of abandonment of the purpose for which the property was originally condemned. Upon petition by the condemnor, the court may permit disposal of the property in less than 30 years upon proof by a preponderance of the evidence that a change in circumstances has abrogated the original public purpose for which the property was taken.

(b) Notice.—The condemnee shall be served with notice of the offer in the same manner as prescribed for the service of notices in section 405(b) of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, and shall have 90 days after receipt of notice to make written acceptance.

(c) Certain conditional offers prohibited.—The condemnor may not condition any offer required to be made to a condemnee under subsection (a) on the payment by the condemnee of additional fees, real estate taxes or payments in lieu of taxes or other costs.

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Agricultural commodity.” Any of the following:

(1) Agricultural, apicultural, aquacultural, horticultural, floricultural, silvicultural, viticultural and dairy products.

(2) Pasture.

(3) Livestock and the products thereof.

(4) Ranch-raised furbearing animals and the products thereof.

(5) Poultry and the products of poultry.

(6) Products commonly raised or produced on farms which are:

(i) intended for human consumption; or

(ii) transported or intended to be transported in commerce.

(7) Processed or manufactured products of products commonly raised or produced on farms which are:

(i) intended for human consumption; or

(ii) transported or intended to be transported in commerce.

“Agricultural use.” Land which is used for the purpose of producing an agricultural commodity or is devoted to and meets the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government. Land containing a farmhouse or other buildings related to farming shall be deemed to be in agricultural use. The term includes a woodlot and land which is rented to another person and used for the purpose of producing an agricultural commodity.

Section 2. (a) The General Assembly declares that the repeal under subsection (b) is necessary to effectuate the addition of 26 Pa.C.S. § 310.

(b) Section 410 of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, is repealed.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentelady indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I was just wondering if we could have a brief explanation of what this amendment does.

The SPEAKER. Just one second.

The gentelady, Mrs. Beyer, on a brief explanation of the amendment.

Mrs. BEYER. Thank you, Mr. Speaker.
It is a technical amendment. All this does is converts it from the unconsolidated Title 26 to the consolidated Title 26.

Mr. VITALI. Now, correct me if I am wrong. I am looking at the Democratic pre-session report, and it talks about it guts the bill and then replaces it with additional language. Are you sure what this does is just technical in nature?

Mrs. BEYER. Yes, Mr. Speaker, it is technical in nature. It does not gut the bill.

Mr. VITALI. Okay. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mrs. BEYER. Thank you.

The SPEAKER. The gentleman, Mr. Yewcic.

Mr. YEWCIC. Thank you, Mr. Speaker.

Will the gentlelady rise for brief interrogation?

The SPEAKER. The gentlelady indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. YEWCIC. Thank you, Mr. Speaker.

If your amendment is drafted, would that then declare all the amendments out of order, or is that a parliamentary inquiry?

The SPEAKER. A parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. YEWCIC. All right. A parliamentary inquiry.

Would all the other amendments then be out of order if this amendment is passed?

The SPEAKER. That is correct.

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

So this amendment is not technical in nature. It would then make all the other amendments out of order. So thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman is in order and may proceed. The gentlelady has indicated she will stand for interrogation.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, does your amendment relate directly to farms or agriculture, or does it also affect urban development?

Mrs. BEYER. It does work to preserve farmland, but it does not affect urban economic redevelopment at all.

Mr. THOMAS. Thank you, Mr. Speaker.

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—193

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello

Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Bianucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Causar	Hanna	Nailor	Tangretti
Cawley	Harhai	Nickol	Taylor, E. Z.
Civera	Harhart	O'Brien	Taylor, J.
Clymer	Harris	Oliver	Thomas
Cohen	Hasay	Parker	Tigue
Cornell	Hennessey	Payne	True
Corrigan	Herman	Petrarca	Turzai
Costa	Hershey	Petri	Veon
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—4

Casorio	Harper	O'Neill	Vitali
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NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Would the gentledady, the prime sponsor of the bill, stand for brief interrogation?

The SPEAKER. The gentledady indicates she will stand. The gentleman is in order.

Mr. VITALI. Again, could we have a brief explanation of the bill?

Mrs. BEYER. Mr. Speaker, I think the bill summary summarizes it best. It amends the Eminent Domain Code to provide a further restriction of undeveloped or unimproved land by a condemnor when a project has been abandoned. So really what the goal is here is to put an extra check in place that when a municipality or a school district takes land by eminent domain for a public use, that it be preserved for public use, when that project is abandoned.

Mr. VITALI. And how does it change existing law?

Mrs. BEYER. Well, it changes it in a number of ways. It changes it in terms of extending the time of notification essentially for offering it back to the original owner. It extends the time, too, to a 30-year period where that land remains in its current state of development, and we do that for a 30-year period because it essentially is the length of a mortgage.

Mr. VITALI. Could you maybe give the House an example of a scenario you were thinking of where this legislation would come into play?

Mrs. BEYER. Well, I can give you a scenario where this bill does not necessarily apply but it certainly precipitated my drafting this, and that is, is that there was a school district in my legislative district who took land by eminent domain a little over 30 years ago with the intention of building a school. That school was never built, and recently they made a decision to sell that land to the highest bidder, and so they ended up selling it for a great deal more than what they paid for it and did not allow the heirs of the original owners of the property the right of first refusal.

Mr. VITALI. Thank you.

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—190

Adolph	Evans, J.	Levdansky	Rohrer
Allen	Fabrizio	Mackereth	Rooney
Argall	Fairchild	Maher	Ross
Armstrong	Feese	Maitland	Rubley
Baker	Fichter	Major	Sainato
Baldwin	Fleagle	Manderino	Samuelson
Barrar	Flick	Mann	Santoni
Bastian	Forcier	Markosek	Sather
Bebko-Jones	Freeman	Marsico	Saylor
Belardi	Gabig	McCall	Scavello
Belfanti	Gannon	McGeehan	Schroder
Benninghoff	Geist	McGill	Semmel
Beyer	George	McIlhattan	Shapiro
Bianucci	Gerber	McIlhinney	Siptroth
Birmelin	Gillespie	McNaughton	Smith, S. H.
Bishop	Gingrich	Melio	Solobay
Blackwell	Godshall	Metcalfe	Sonney

Blaum	Good	Micozzie	Staback
Boyd	Goodman	Millard	Stairs
Bunt	Grell	Miller, R.	Steil
Butkovitz	Grucela	Miller, S.	Stern
Buxton	Habay	Mundy	Stetler
Caltagirone	Haluska	Mustio	Stevenson, R.
Cappelli	Hanna	Myers	Stevenson, T.
Causer	Harhai	Nailor	Sturla
Cawley	Harhart	Nickol	Surra
Civera	Harper	O'Brien	Taylor, E. Z.
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	O'Neill	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Wansacz
Cruz	Hutchinson	Phillips	Waters
Curry	James	Pickett	Watson
Daley	Josephs	Pistella	Wheatley
Dally	Kauffman	Preston	Williams
DeLuca	Keller, M.	Pyle	Wilt
Denlinger	Keller, W.	Quigley	Wojnaroski
Dermody	Kenney	Ramaley	Wright
DeWeese	Killion	Rapp	Yewcic
DiGirolo	Kirkland	Raymond	Youngblood
Diven	LaGrotta	Readshaw	Yudichak
Donatucci	Leach	Reed	Zug
Eachus	Lederer	Reichley	
Ellis	Leh	Rieger	Perzel,
Evans, D.	Lescovitz	Roberts	Speaker

NAYS—7

Casorio	Gergely	Tangretti	Walko
Frankel	Kotik	Vitali	

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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 2134, PN 2938**, entitled:

An Act limiting the collection of Social Security numbers on State and local government forms; and further providing for duties of the Department of Transportation.

On the question,

Will the House agree to the bill on third consideration?

Mr. **FAIRCHILD** offered the following amendment No. **A03339**:

Amend Sec. 5, page 2, line 19, by removing the comma after "agency" and inserting
or

Amend Sec. 5, page 2, lines 19 and 20, by striking out “or municipal authority”

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Vitali. The gentleman, Mr. Vitali, waives off.

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

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhatten	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causer	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

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

Mr. FAIRCHILD offered the following amendment No. **A03499**:

Amend Sec. 3, page 2, line 3, by striking out “, occupational license” and inserting

or certification, occupational license or certification,

Amend Sec. 5, page 2, lines 19 and 20, by striking out “, municipality or municipal authority” and inserting or municipality

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

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhatten	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causer	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams

DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

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

Mr. T. STEVENSON offered the following amendment No. A03592:

Amend Title, page 1, line 2, by inserting after "forms;" prohibiting health insurers from using Social Security numbers;

Amend Sec. 2, page 1, by inserting between lines 16 and 17

"Health insurer." An entity licensed in this Commonwealth which issues any individual or group health, sickness and accident insurance policy, group health insurance plans or policies, and all other forms of managed or capitated care plans or policies or subscriber contract or certificate subject to the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, the act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act, or 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

Amend Bill, page 2, by inserting between lines 22 and 23 Section 6. Use of Social Security number prohibited.

No health insurer shall use a SSN for the purpose of identification of an individual insured by the health insurer, nor shall the health insurer place a SSN upon any health insurance identification card issued to an individual insured by the health insurer.

Amend Sec. 6, page 2, line 23, by striking out "6" and inserting
7

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

The following roll call was recorded:

YEAS-197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato

Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siproth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causar	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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

AMENDMENT A03339 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Fairchild, who moves that the vote by which amendment A3339 was passed to HB 2134 be reconsidered.

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

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causar	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGiroloamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

The clerk read the following amendment No. **A03339**:

Amend Sec. 5, page 2, line 19, by removing the comma after “agency” and inserting

or

Amend Sec. 5, page 2, lines 19 and 20, by striking out “or municipal authority”

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Fairchild, who moves to withdraw amendment A3339.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causar	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Kauffman	Pyle	Williams

DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnarowski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Pallone	Ruffing		

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 280, PN 2454**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the sale of unused and unnecessary lands and buildings; and further providing for consideration by General Assembly of State System of Higher Education requests to dispose of real property.

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

Mr. **FLEAGLE** offered the following amendment No. **A03503**:

Amend Title, page 1, lines 6 and 7, by striking out “; AND FURTHER PROVIDING” and inserting

, for home education program and

Amend Bill, page 2, by inserting between lines 24 and 25

Section 2. Section 1327.1(g), (h), (i), (j), (k) and (l) of the act, added December 21, 1988 (P.L.1321, No.169), are amended and the section is amended by adding subsections to read:

Section 1327.1. Home Education Program.—* * *

(g) When documentation is required by this section to be submitted to [the district of residence superintendent or] the hearing examiner, [the superintendent or] the hearing examiner shall return, upon completion of his review, all such documentation to the supervisor of the home education program. The [superintendent or] hearing examiner may photocopy all or portions of the documentation for his files.

(h) Such documentation required by subsection (e)(1) and (2) shall be provided to the public school district of residence superintendent at the conclusion of each public school year. In addition, if the superintendent has a reasonable belief that, at any time during the school year, appropriate education may not be occurring in the home education program, he may, by certified mail, return receipt requested, require documentation pertaining to the portfolio of records and materials required by subsection (e)(1) to be submitted to the

district within fifteen (15) days; and documentation pertaining to subsection (e)(2) to be submitted to the district within thirty (30) days. If the tests as required in subsection (e)(1) have not been administered at the time of the receipt of the certified letter by the supervisor, the supervisor shall submit the other required documentation and shall submit the test results with the documentation at the conclusion of the school year.]

(h.1) An evaluator’s certification that an appropriate education is occurring shall be provided by the supervisor to the superintendent of the public school district of residence by June 30 of each year. If the supervisor fails to submit the certification due on June 30 to the superintendent, the superintendent shall send a letter by certified mail, return receipt requested, to the supervisor of the home education program, stating that the certification is past due and notifying the supervisor to submit the certification within ten (10) days of receipt of the certified letter. If the certification is not submitted within that time, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(i) If the superintendent of the public school district determines, based on the documentation provided, at the end of or during the school year, that appropriate education is not taking place for the child in the home education program, the superintendent shall send a letter by certified mail, return receipt requested, to the supervisor of the home education program stating that in his opinion appropriate education is not taking place for the child in the home education program and shall return all documentation, specifying what aspect or aspects of the documentation are inadequate.]

(i.1) If the superintendent has probable cause, at any time during the school year, that appropriate education may not be occurring in the home education program, he may, by certified mail, return receipt requested, require that an evaluation be conducted in accordance with subsection (e)(2) and that an evaluator’s certification stating that an appropriate education is occurring, be submitted to the district by the supervisor within thirty (30) days of the receipt of the certified letter. If the tests, as required in subsection (e)(1), have not been administered at the time of the receipt of the certified letter by the supervisor, the supervisor shall submit the other required documentation to the evaluator and the test results to the evaluator with the documentation at the conclusion of the school year. If the certification is not submitted to the superintendent within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(j) Upon receipt of the certified letter required by subsection (i), the supervisor of the home education program shall have twenty (20) days to submit additional documentation demonstrating that appropriate education is taking place for the child in the home education program. If documentation is not submitted within that time, the home education program for the child shall be out of compliance with the requirements of this section and section 1327, and the student shall be promptly enrolled in the public school district of residence or a nonpublic school or a licensed private academic school.]

(j.1) If the superintendent has probable cause that the home education program is out of compliance with any other provisions of this section, the superintendent shall notify the supervisor by certified mail, return receipt requested, to submit documentation within thirty (30) days indicating that the program is in compliance. If such documentation is not submitted within that time, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

(k) [If the superintendent determines that the additional documentation submitted still does not demonstrate that appropriate education is taking place in the home education program, he shall so notify the supervisor of the home education program by certified mail, return receipt requested, and] If a hearing is required by the provisions of subsection (g), (h.1) or (i.1), the board of school directors shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing except that he may require the

establishment of a remedial education plan mutually agreed to by the superintendent and supervisor of the home education program which shall continue the home education program. The decision of the examiner may be appealed by either the supervisor of the home education program or the superintendent to the Secretary of Education [or], Commonwealth Court or court of common pleas.

(l) If the hearing examiner finds that the [documentation] evidence does not indicate that appropriate education is taking place in the home education program, the home education program for the child shall be out of compliance with the requirements of this section and section 1327, and the student shall be promptly enrolled in the public school district of residence or a nonpublic school or a licensed private academic school. The home education program may continue during the time of any appeal.

* * *

Amend Sec. 2, page 2, line 25, by striking out “2” and inserting
3

Amend Sec. 3, page 4, line 26, by striking out all of said line and inserting

Section 4. This act shall take effect as follows:

- (1) The amendment of section 1327.1 (g), (h), (i), (j), (k) and (l) of the act shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

Would the maker of the amendment give a brief explanation?

Mr. FLEAGLE. Sure.

Mr. Speaker, basically what this amendment does is take some of the bureaucracy out of the homeschool section of the Public School Code, and it does that by changing the present process of requiring documentation and certification and evaluation to go to both an evaluator and the school superintendent. What this amendment would do is only require that the evaluator get the documentation from the homeschooler, and then they would certify to the school superintendent that that child is receiving an adequate education.

There are safeguards in here for the school superintendent. The school superintendent does have the right to request that that documentation be provided to him, so that in the event there is any question, that would have to be presented to him.

Mr. VITALI. Now, I am under the impression that the Pennsylvania State education agency opposes this; the teachers union opposes this.

Mr. FLEAGLE. They have not told me they opposed it, Mr. Speaker.

Mr. VITALI. Are you aware of the School Boards Association's position on this issue?

Mr. FLEAGLE. No.

Mr. VITALI. Maybe someone could help me. I am under the impression that the teachers do oppose this, and if in fact it does constrict the ability of the school superintendents, I would assume school boards oppose it. Could you help me understand

something that was discussed in caucus? It interjects a probable cause standard into the situation.

Mr. FLEAGLE. Repeat the question.

Mr. VITALI. It is my understanding that it inserts a probable cause standard into the situation, the homeschooling situation. Could you explain the context of that?

Mr. FLEAGLE. Well, all I can tell you is it is a safeguard in there for both the superintendent and the homeschooler, that if the superintendent does have probable cause to believe that the appropriate education is not being provided, that he has to present that probable cause and can require that documentation to be presented to him, and I apologize, Mr. Speaker, if I am not saying that in legal terms. I am not an attorney, but I tried to simplify that.

Mr. VITALI. Thank you.

The SPEAKER. Mr. Surra, the gentleman from Elk.

Mr. SURRA. Thank you, Mr. Speaker.

Would the gentleman rise for brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman is in order and may proceed.

Mr. SURRA. Mr. Speaker, in this process where now the school and the superintendent have some oversight, who is the evaluator? Is that an employee of the school district?

Mr. FLEAGLE. No, it is not. Under our homeschool law, each homeschool child has to have an evaluator that goes through the process of receiving that documentation and making sure that they are in compliance with our homeschool law.

Mr. SURRA. Thank you, Mr. Speaker.

Then what, if any, qualifications would the position of evaluator require? Like people that are involved in education have to have a degree. They have to pass a practice test. We make sure that the people that are teaching our children have certain standards and qualifications.

Mr. FLEAGLE. Let me check in the School Code, Mr. Speaker.

“...a teacher certified by the Commonwealth or by a nonpublic school teacher administrator.” That is wording from the Pennsylvania School Code. Let me see; I can give you the section; 1327.1.

Mr. SURRA. I am sorry. Could you repeat that again? I did not hear it.

Mr. FLEAGLE. It is from 1327.1. The “...administrator shall have at least two years of teaching experience in a Pennsylvania public or nonpublic school within the last ten years” and “...shall have the required experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students.” That is in current law, and I am not changing that.

Mr. SURRA. Thank you, Mr. Speaker.

Now, if a superintendent had some reason to believe or probable cause that the homeschooled student was not being educated to a level that we would deem appropriate, what entity or whom would they bring this probable cause information to? Would it be the department or the courts? What entity would determine probable cause?

Mr. FLEAGLE. I am not sure, Mr. Speaker, but it is not a change from current law.

Mr. SURRA. Mr. Speaker, I do not believe— There is no wording of probable cause under current education law.

Mr. FLEAGLE. It is my understanding, Mr. Speaker, that the superintendent would validate the probable cause and that could be appealed, and there are methods of appeal in the bill.

Mr. SURRA. Thank you, Mr. Speaker.

On the bill; on the amendment.

Mr. Speaker, I reluctantly oppose my good friend and fishing buddy, Representative Fleagle's amendment. While many of us support homeschoolers and their rights to school their children at home, I think it is very important that the public school entities have some oversight, and this would severely restrict that oversight, Mr. Speaker, and the questioning, the line of questioning that I just went through with the Representative kind of shows some of the weaknesses I believe that are in the amendment.

There is no one in the public school system now that will have oversight unless the superintendent can prove probable cause. Who determines whether it is probable cause? What information— Whom does the superintendent bring this information to? Does he bring it to the department? Does he bring it to the local magistrate?

Personally, Mr. Speaker, I believe that the current law for homeschoolers is working very well, where the superintendent has oversight, can look into their evaluator's records and books to determine that, yes, this child is indeed being homeschooled in a proper manner. So I do not think this is a change that is needed or wanted, and I would encourage a negative vote.

Thank you.

THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

The SPEAKER pro tempore. The Chair asks that those who are having conversations in the back of the hall or to either of the sides of the hall would please move either outside of the hall of the House or take their seats. Sergeants at Arms, please ask the conversations to break up. Let us break up the conversations, please. We are into formal debate now. We are on a bill of substance. Members should be courteous and allow the members who wish to speak to be heard.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pallone, returns to leaves and asks that he would be recorded as being present.

There are still some discussions being carried on in the back of the hall and on the sides. Please break up those discussions or remove them from the hall of the House, please.

CONSIDERATION OF HB 280 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I join Representative Surra and others in opposing this amendment. This amendment inserts a probable cause standard for the superintendent interfering with a homeschool education despite the fact that a probable cause standard is extremely difficult to meet. Probable cause comes from criminal law where the whole standard is, you have to prove guilt beyond a reasonable doubt and you have to do it in a manner that does not violate any of the elaborate constitutional provisions covered in the Bill of Rights.

There have been many, many people talking over the years about loopholes in the law, and the whole issue of what probable cause is has been extensively litigated, and all across the country there have been tens of thousands, maybe hundreds of thousands of people who are guilty of one thing or another and they cannot be convicted because the police had no probable cause to go after them.

There have been cases in which dead bodies have been found in cars or houses or apartments and police have come in, and barged in, but they have not had probable cause in order to find the dead body. So the evidence of the dead body is disallowed and the person who is accused of the crime that he actually committed walks away scot-free because there was no probable cause to get the evidence, and a lot of people have been very, very angry about this and have worked hard in litigation to try to get the court to lower the probable cause standard. But probable cause is a criminal standard and it is inherently difficult to meet, and there is no reason whatsoever why we ought to have criminal standards in civil laws. Criminal standards are difficult to meet inherently. Civil standards are much easier to meet. And by saying the superintendent needs probable cause, we are setting a standard that is extremely difficult for a superintendent to meet. We are basically saying that the superintendent has no power to intervene because he cannot meet a probable cause standard.

We ought not to tie our school officials up in knots. We ought not to have them— We ought not to make it impossible for them to do their jobs. If a superintendent gets credible evidence – credible evidence is an easy standard to meet –if a superintendent gets credible evidence that a student who is in a homeschool curriculum is not doing his or her job as a student and studying, if it turns out that the principal tells the school superintendent that he, the principal, went to a store and he met a student who said he was homeschooled and the student was working from 8 o'clock in the morning until 6 o'clock at night in the store 5 days a week, that would mean he was not participating in a homeschool education. Does that count as probable cause? Well, maybe it would, maybe it would not. It would be a matter of litigation, and the courts would be very worried, if they found a low standard of probable cause that was easy to meet, how would that affect criminal investigations in the future?

There is absolutely no reason why there should be any linkage between a school superintendent and his staff from trying to do the job of enforcing the requirement that somebody who is homeschooled actually do schoolwork, should have to meet a criminal standard of probable cause in terms of getting evidence. Criminal standards are and ought to be somewhat difficult to meet. People argue about the details of how difficult they ought to be to meet, but nobody anywhere across the ideological spectrum disagrees that criminal standards ought to be hard to meet, there ought to be real proof, and there is no reason why we have to hold school superintendents to meeting very difficult criminal standards.

I think this bill is overdrawn. It is extremely difficult to meet. It ties the school systems that have homeschooled students up in knots. It is totally against the interest of adequate education for homeschool students, and I urge a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to disagree with the gentleman from Elk County and the gentleman from Philadelphia County. As a homeschool parent, Mr. Speaker, I can stand here and tell you that the rules and regulations of this State are much more onerous than they are in other States where homeschooling also is occurring.

Back in 1991 when this legislature passed through the current homeschooling law, it was landmark legislation. Today, however, after many years of homeschooling history, we see that States where regulation is lower than what we have, the results, the testing results of the children who go through education in those States are in fact no different than in our State, our Commonwealth of Pennsylvania, and so it is time, Mr. Speaker, that we take a bold step forward on behalf of our homeschooling families and adjust these regulations.

And, Mr. Speaker, I do want to further add that the insinuation that the public school system, the government school system, owns the education of all children in this Commonwealth, those that are privately educated, those that are in parochial schools, those who are in the homeschools, Mr. Speaker, they are not owned by the government education system, and I do want to contest that point that was made by the previous speaker.

I do stand in support of the amendment, Mr. Speaker, and I encourage its adoption. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

The gentleman, Mr. Fleagle, and I are often of one mind, as he has been quoted as saying. However, on this issue I am afraid we are only of half a mind.

I could be for this amendment if we were relieving the superintendent of any responsibility or any obligation to certify that this child has met educational requirements, but what we are in effect doing is forcing the superintendent to take the word of a school evaluator who is chosen by the parent and then requiring that the superintendent accept that without any accountability on the part of him whatsoever. He has no ability to review what the student has done. That is just not right.

If you want to remove any requirement that the superintendent have any obligation to this family or this student, that is fine; let us do that; I am for it. Let homeschoolers be treated just like private school students in that the public school system has no obligation and no oversight. That is one thing, but to require that the superintendent simply accept the word of a school evaluator chosen by the parent does not speak to an educational standard, does not speak to accountability, and so I cannot support it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Haluska, from Cambria County.

Mr. HALUSKA. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, please?

The SPEAKER pro tempore. The gentleman, Mr. Fleagle, indicates that he is willing to submit to interrogation. You may begin.

Mr. HALUSKA. Mr. Speaker, I understand the intent of the legislation that you are putting in this amendment form, but I have five school districts in my area and they all have homeschoolers within those school districts. I have never had

any superintendents or any parents come to me with this problem. Is there a major problem that we are trying to correct with this amendment?

Mr. FLEAGLE. Mr. Speaker, let me tell you the genesis of this amendment. I met, probably I would say a year ago now, with homeschoolers who, frankly, would like a major rewrite of the whole homeschool portion of the Public School Code and asked them to come up with a consensus on what they felt would be a point that they could all, certainly because of the consensus, could agree on, and one of the, well, the main concern they had was this duplication of effort of submitting things to an examiner, to an evaluator, and to the superintendents themselves. It is not only duplicative for the homeschoolers, but I think it adds a lot of labor-intensive costs to school districts to go over them all, if they go over them at all. Now, I am not casting aspersions here on the school districts. I am sure they look at all of these certifications very closely. But yes, it is a problem; it is a concern to the homeschoolers. Now, maybe your homeschoolers have not done that, and I would be glad to work with the interrogator, Mr. Speaker, to tie him into some of the people from his district who I am sure are concerned about this.

This, in essence – and I have gotten a lot of calls – this, in essence, mirrors HB 505, which many of you have been contacted by homeschoolers, and I think it is a major thrust that they want, and to say that it is a problem, I would say, yes, not a problem as such, but it is a concern for them that they feel we should move forward on.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, may I comment on the amendment itself?

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

Mr. HALUSKA. If there is a major rewrite needed for the homeschoolers, I would hope that we would take that up. Obviously, it is going to take a bill that is not controversial and turn it into a very controversial bill. So I would ask for a negative vote so we can move this bill forward and get it over to the Senate.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

I ask the members to please take their seats. We have still got conferences going on in the aisles. If you want to have a meeting with your colleagues, please take it to the back of the hall in the lounge areas. Members, please take your seats; members, please take your seats.

Members should be aware that you are in for a long night and you are not going to make it any shorter by the constant noise levels having to be lowered. So in your own interest, I would encourage you to keep your conversations to a minimum or take them outside of the hall.

At this time the Chair recognizes the gentleman from Lackawanna County, Mr. Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

Would the maker of the amendment please stand for interrogation?

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

Mr. WANSACZ. Thank you, Mr. Speaker.

First off, I would like to state that I do support our homeschoolers, but I do have some concerns over this

legislation about taking away the accountability and the oversight of our school districts.

The question that I have now – and I am a little bit confused on this – if you are a homeschooling student now and let us say I am in Lakeland School District and I am homeschooling and I want a diploma from Lakeland High School, can I request that and get that from Lakeland High School now?

Mr. FLEAGLE. Mr. Speaker, I do not understand what that has to do with this bill, but from talking to my colleagues here, it is our understanding you can request it but they do not have to give it.

Mr. WANSACZ. No. If I am a homeschooling parent, can I request to the school district and say I would like a diploma from that school district, even though I homeschooled, because of the way things are now with the superintendents having oversight of this?

Mr. FLEAGLE. I do not see the relation to this, but again, there are homeschooling agencies that do give diplomas, and I have worked on some of that legislation, too, but they do not necessarily have to give that diploma from that school district if requested.

Mr. WANSACZ. Do you know of any school districts that have denied a diploma to a homeschooled student?

Mr. FLEAGLE. That have denied a diploma? Mr. Speaker, I am not aware of any. There might be some, and I do not know how that relates to this bill or this amendment.

Mr. WANSACZ. The reason why I am bringing this up is because I am concerned that this legislation is going to take away the ability of the superintendent of the school district to take a look at the education of the child, and if that is the case, it is going to come down to probable cause of the superintendent. So what I am wondering now is, I have heard this whole conversation and the debate about probable cause. Who sets probable cause under your legislation now?

Mr. FLEAGLE. As far as saying that the superintendent would do that, it would be clarified in the hearing that would ensue.

Mr. WANSACZ. Would that mean that there would be 501 different sets of standards, or would there be one standard that each superintendent has to set? Would that be up to each individual superintendent?

Mr. FLEAGLE. It would probably differ, Mr. Speaker, in all the school districts, but that is a good point, and we could work on that legislation later on.

Mr. WANSACZ. Well, Mr. Speaker, I have concerns because I remember this debate a couple years ago when the students came in and half of the homeschooled community was dressed in one color and half of them were dressed in another color, and I got calls from both of them in my district, and this is why I am a little— Is there not a number of homeschoolers that do not want to see this legislation change?

Mr. FLEAGLE. Oh, contraire, Mr. Speaker. I think this is the one thing that homeschoolers can agree on.

Mr. WANSACZ. Okay. So this has nothing to do with a couple years ago with them wearing one shirt and another shirt in support of the law and support of against the law? This does not change that in any way?

Mr. FLEAGLE. I am sorry. Mr. Speaker, my meeting was related to that meeting, and the fact that because of the independent mind in this, which we like of homeschoolers, they could not agree on a lot of things, but this is one thing they did agree on. I am not saying you will find one person out there that

disagrees. We will never find that on any legislation, but I would say that this one point, this one amendment, has probably the most or the biggest consensus you will find in the homeschooling community.

Mr. WANSACZ. Thank you, Mr. Speaker. On the bill.

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

Mr. WANSACZ. Mr. Speaker, I do have some concerns over this, and the concerns that I have is what I brought up, is if we are going to depend on probable cause and this being set by each superintendent, that is going to mean 501 different standards out there. Each superintendent is going to decide what is probable cause and what is not, to investigate, and I am worrying that that is going to create more confusion for our homeschoolers.

I believe our homeschoolers do a valuable service, but right now I believe that by providing to each individual school district and having them review it, that it gives it some credibility, and this is the most important thing, because if I am a homeschooling student and I want a diploma from, let us say, Lakeland High School and I have been submitting reports all along to that high school, that it is going to show that I should receive a diploma from Lakeland High School, and I am concerned that this amendment, the way it is drafted without addressing these concerns, is going to maybe unfortunately have a step backward. So I would urge a “no” vote to consider this and at least have another public hearing on this bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE AND HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair returns to leaves of absence and puts the gentleman from Allegheny County, Mr. PRESTON, on leave for the remainder of the day and also places the gentleman from Philadelphia, Mr. PERZEL, on Capitol leave.

CONSIDERATION OF HB 280 CONTINUED

The SPEAKER pro tempore. Are there any other members other than the prime sponsor of the amendment who are seeking recognition on this particular amendment?

The Chair recognizes the gentleman, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the opportunity to bring this issue before the House. This is an issue that I have been working with a multiple and varied group of homeschoolers. Many of you have received e-mails on this issue, probably relating to HB 505. As I say, we have put that in the amendment, and I would certainly ask all my members to go forward for homeschoolers and to vote in the affirmative on this amendment.

Thank you; thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—122

Adolph	Fleagle	Maitland	Reichley
Allen	Flick	Major	Roberts
Argall	Forcier	Markosek	Rohrer
Armstrong	Gabig	Marsico	Ross
Baker	Gannon	McCall	Rubley
Baldwin	Geist	McGill	Sainato
Barrar	Gillespie	McIlhattan	Sather
Bastian	Gingrich	McIlhinney	Saylor
Benninghoff	Godshall	McNaughton	Scavello
Beyer	Good	Metcalfe	Schroder
Birmelin	Grell	Micozzie	Semmel
Blaum	Habay	Millard	Shapiro
Boyd	Hanna	Miller, R.	Smith, S. H.
Bunt	Harhart	Miller, S.	Sonney
Cappelli	Harper	Mustio	Stairs
Causar	Harris	Nailor	Steil
Civera	Hasay	Nickol	Stern
Clymer	Hennessey	O'Brien	Stevenson, R.
Cornell	Herman	Oliver	Stevenson, T.
Crahalla	Hershey	O'Neill	Taylor, E. Z.
Creighton	Hess	Payne	Taylor, J.
Dally	Hickernell	Petrarca	True
Denlinger	Hutchinson	Petri	Turzai
Dermody	Kauffman	Phillips	Watson
DiGirolamo	Keller, M.	Pickett	Wilt
Diven	Kenny	Pyle	Wright
Ellis	Killion	Quigley	Yewcic
Evans, J.	Leach	Rapp	Zug
Fairchild	Leh	Raymond	
Feese	Mackereth	Readshaw	Perzel,
Fichter	Maher	Reed	Speaker

NAYS—75

Bebko-Jones	Donatucci	Lederer	Solobay
Belardi	Eachus	Lescovitz	Staback
Belfanti	Evans, D.	Lvdansky	Stetler
Biancucci	Fabrizio	Manderino	Sturla
Bishop	Frankel	Mann	Surra
Blackwell	Freeman	McGeehan	Tangretti
Butkovitz	George	Melio	Thomas
Buxton	Gerber	Mundy	Tigue
Caltagirone	Gergely	Myers	Veon
Casorio	Goodman	Pallone	Vitali
Cawley	Grucela	Parker	Walko
Cohen	Haluska	Petrone	Wansacz
Corrigan	Harhai	Pistella	Waters
Costa	James	Ramaley	Wheatley
Cruz	Josephs	Rieger	Williams
Curry	Keller, W.	Rooney	Wojnaroski
Daley	Kirkland	Samuelson	Youngblood
DeLuca	Kotik	Santoni	Yudichak
DeWeese	LaGrotta	Siptroth	

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Preston	Ruffing		

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

GUESTS INTRODUCED

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Bastian, rise?

Mr. BASTIAN. Mr. Speaker, a point of personal privilege concerning the amendment we just passed.

The SPEAKER pro tempore. The gentleman will state that.

Mr. BASTIAN. Thank you, Mr. Speaker.

Mr. Speaker, the eight young pages who were down here today for most of the day are homeschooled students from State College, and it just happens that my son and his wife and a number of parents from State College are in the gallery. If they want to stand up and we would give them some appreciation for being here.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair welcomes our visitors to the hall.

CONSIDERATION OF HB 280 CONTINUED

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

Mr. S. SMITH. Mr. Speaker?

The SPEAKER pro tempore. There is nothing in order but the taking of the vote at the moment.

The following roll call was recorded:

YEAS—194

Adolph	Fairchild	Lvdansky	Rooney
Allen	Feese	Mackereth	Ross
Argall	Fichter	Maher	Rubley
Armstrong	Fleagle	Maitland	Sainato
Baker	Flick	Major	Samuelson
Baldwin	Forcier	Manderino	Santoni
Barrar	Frankel	Mann	Sather
Bastian	Freeman	Markosek	Saylor
Bebko-Jones	Gabig	Marsico	Scavello
Belardi	Gannon	McCall	Schroder
Belfanti	Geist	McGeehan	Semmel
Benninghoff	George	McGill	Shapiro
Beyer	Gerber	McIlhattan	Siptroth
Biancucci	Gergely	McIlhinney	Smith, S. H.
Birmelin	Gillespie	McNaughton	Solobay
Bishop	Gingrich	Melio	Sonney
Blackwell	Godshall	Metcalfe	Staback
Blaum	Good	Micozzie	Stairs
Boyd	Goodman	Millard	Steil
Bunt	Grell	Miller, R.	Stern
Butkovitz	Grucela	Miller, S.	Stetler
Caltagirone	Habay	Mundy	Stevenson, R.
Cappelli	Haluska	Mustio	Stevenson, T.
Casorio	Hanna	Myers	Sturla

Causer	Harhai	Nailor	Surra
Cawley	Harhart	Nickol	Tangretti
Civera	Harper	O'Brien	Taylor, E. Z.
Clymer	Harris	Oliver	Taylor, J.
Cornell	Hasay	O'Neill	Thomas
Corrigan	Hennessey	Pallone	Tigue
Costa	Herman	Parker	True
Crahalla	Hershey	Payne	Turzai
Creighton	Hess	Petrarca	Veon
Cruz	Hickernell	Petri	Walko
Curry	Hutchinson	Petrone	Wansacz
Daley	James	Phillips	Waters
Dally	Josephs	Pickett	Watson
DeLuca	Kauffman	Pistella	Wheatley
Denlinger	Keller, M.	Pyle	Williams
Dermody	Keller, W.	Quigley	Wilt
DeWeese	Kenney	Ramaley	Wojnaroski
DiGirolamo	Killion	Rapp	Wright
Diven	Kirkland	Raymond	Yewcic
Donatucci	Kotik	Readshaw	Youngblood
Eachus	LaGrotta	Reed	Yudichak
Ellis	Leach	Reichley	Zug
Evans, D.	Lederer	Rieger	
Evans, J.	Leh	Roberts	Perzel,
Fabrizio	Lescovitz	Rohrer	Speaker

NAYS-3

Buxton	Cohen	Vitali
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NOT VOTING-0

EXCUSED-6

Gruitza	Roebuck	Shaner	Smith, B.
Preston	Ruffing		

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 SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker. I apologize for interrupting. I did not realize you were in the middle of the taking of that vote.

I need to be recognized in order to put the gentleman from Philadelphia, Mr. Perzel, on Capitol leave.

The SPEAKER pro tempore. That has already been done, Mr. Smith.

Mr. S. SMITH. I am sorry. Thank you, Mr. Speaker.

The SPEAKER pro tempore. You are welcome.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2137, PN 2941**, entitled:

An Act amending the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, further providing for collection and disposition of tolls.

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

Mr. J. EVANS offered the following amendment No. **A03520**:

Amend Sec. 1 (Sec. 16), page 4, lines 7 and 8, by striking out "in urban districts or in counties of the second or third class"

Amend Sec. 1 (Sec. 16), page 4, lines 10 and 11, by striking out all of line 10 and "Mondays through Fridays." in line 11 and inserting p.m. Mondays through Fridays shall be instituted for all classes of vehicles exiting the turnpike using the electronic toll system.

Amend Sec. 1 (Sec. 16), page 4, line 19, by striking out "section" and inserting subsection

Amend Sec. 1 (Sec. 16), page 4, line 21, by striking out "section" and inserting subsection

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

The following roll call was recorded:

YEAS-197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Blackwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siproth
Beyer	George	Mcllhattan	Smith, S. H.
Biancucci	Gerber	Mcllhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causer	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Pallone	True
Cornell	Hennessey	Parker	Turzai
Corrigan	Herman	Payne	Veon
Costa	Hershey	Petrarca	Vitali
Crahalla	Hess	Petri	Walko
Creighton	Hickernell	Petrone	Wansacz
Cruz	Hutchinson	Phillips	Waters
Curry	James	Pickett	Watson
Daley	Josephs	Pistella	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	

Evans, D. Leh Rohrer Perzel,
Evans, J. Lescovitz Rooney Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza Roebuck Shaner Smith, B.
Preston Ruffing

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

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

Mr. **PETRARCA** offered the following amendment No. **A03534**:

Amend Sec. 1 (Sec. 16), page 2, line 29, by inserting after “is”
 subject to the approval of the Senate and
 House of Representatives.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you.

Now, are we on 3534 or 3524, because on my— I have 24 on my pre-session report. I do not have anything for 34.

The SPEAKER pro tempore. We at the desk have 3534, which is what is on the board, and I believe Mr. Petrarca would verify that.

Mr. VITALI. Okay. I understand that.

Now, may I ask for a brief explanation of this amendment? Perhaps if the maker of the amendment could stand for interrogation.

The SPEAKER pro tempore. The gentleman, Mr. Petrarca, is recognized to respond to your interrogation. You may proceed.

Mr. PETRARCA. Thank you, Mr. Speaker.

What this amendment does, it requires that any change of turnpike tolls be done with the approval of the legislature.

Mr. VITALI. Okay. Now, if I could ask you, I mean, what are the policy decisions behind wanting the legislature to make a determination with regard to tolls?

Mr. PETRARCA. Mr. Speaker, the reason for the amendment deals with the issue of accountability. I think that many people felt that when we raised turnpike tolls or when the Turnpike Commission raised turnpike tolls a year or so ago, over 40 percent in some areas, that there was no accountability, and this would put turnpike tolls in line, so to speak, with what happens with the Game Commission and the Fish Commission. When they request their increases, those increases must be approved by the General Assembly.

Mr. VITALI. In your consideration of this policy, were there any discussions about whether this could become a politicized vote like a gas tax hike or a pay raise or things like that?

Were there any discussions about whether making raising the tolls subject of a vote, whether that might politicize which is essentially a bureaucratic issue?

Mr. PETRARCA. Well, Mr. Speaker, I do not know if it will politicize that process. However, I think that, again, it will build accountability into that process in that for tolls to rise, that those tolls must be in a sense proven before the General Assembly.

Mr. VITALI. Thank you.

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

The following roll call was recorded:

YEAS—33

Adolph	Harhai	Miller, S.	Solobay
Butkovitz	Hasay	Mustio	Staback
Casorio	Keller, W.	Petrarca	Stern
Cawley	Kenney	Readshaw	Surra
Cruz	LaGrotta	Roberts	Tigue
Evans, J.	Lederer	Rooney	Wojnaroski
Gabig	Maher	Sainato	Yewcic
Geist	McGeehan	Samuelson	Youngblood
Habay			

NAYS—164

Allen	Ellis	Lescovitz	Rieger
Argall	Evans, D.	Levdansky	Rohrer
Armstrong	Fabrizio	Mackereth	Ross
Baker	Fairchild	Maitland	Rubley
Baldwin	Feese	Major	Santoni
Barrar	Fichter	Manderino	Sather
Bastian	Fleagle	Mann	Saylor
Bebko-Jones	Flick	Markosek	Scavello
Belardi	Forcier	Marsico	Schroder
Belfanti	Frankel	McCall	Semmel
Benninghoff	Freeman	McGill	Shapiro
Beyer	Gannon	McIlhattan	Siproth
Bianucci	George	McIlhinney	Smith, S. H.
Birmelin	Gerber	McNaughton	Sonney
Bishop	Gergely	Melio	Stairs
Blackwell	Gillespie	Metcalfe	Steil
Blaum	Gingrich	Micozzie	Stetler
Boyd	Godshall	Millard	Stevenson, R.
Bunt	Good	Miller, R.	Stevenson, T.
Buxton	Goodman	Mundy	Sturla
Caltagirone	Grell	Myers	Tangretti
Cappelli	Grucela	Nailor	Taylor, E. Z.
Causer	Haluska	Nickol	Taylor, J.
Civera	Hanna	O'Brien	Thomas
Clymer	Harhart	Oliver	True
Cohen	Harper	O'Neill	Turzai
Cornell	Harris	Pallone	Veon
Corrigan	Hennessey	Parker	Vitali
Costa	Herman	Payne	Walko
Crahalla	Hershey	Petri	Wansacz
Creighton	Hess	Petrone	Waters
Curry	Hickernell	Phillips	Watson
Daley	Hutchinson	Pickett	Wheatley
Dally	James	Pistella	Williams
DeLuca	Josephs	Pyle	Wilt
Denlinger	Kauffman	Quigley	Wright
Dermody	Keller, M.	Ramaley	Yudichak
DeWeese	Killion	Rapp	Zug
DiGirolamo	Kirkland	Raymond	
Diven	Kotik	Reed	
Donatucci	Leach	Reichley	Perzel,
Eachus	Leh		Speaker

NOT VOTING—0

EXCUSED—6

Gruitza Roebuck Shaner Smith, B.
 Preston Ruffing

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

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

The SPEAKER pro tempore. The Chair would note that the remaining amendments that were filed to this bill are now out of order by virtue of the adoption of the Evans amendment. Therefore, we are on final passage of the bill.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Is the gentleman, Mr. George, seeking recognition?

Mr. GEORGE. Mr. Speaker, I thought we had an amendment to this bill.

The SPEAKER pro tempore. Mr. George, I had just made the statement that all of the other amendments that were prepared became out of order by virtue of the adoption of the Evans amendment, and yours was one of those that became out of order.

Mr. GEORGE. I thank the gentleman.

The SPEAKER pro tempore. Did you seek recognition on final passage?

Mr. GEORGE. I am told that the previous amendment does exactly what we are attempting to do. I thank you, Mr. Speaker. So I will remove it.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any other members seeking recognition on final passage?

The gentleman, Mr. McCall, is recognized.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we oppose this legislation.

I think it is important to note that in my conversations with the turnpike, they have informed me that it will cost \$1 million to implement this program. It will have a cost of about \$33 million against their bottom line to implement this program. It would have a negative effect on their bond rating, and I do not think that the members of this General Assembly should be micromanaging the Turnpike Commission. They did in fact study this proposal before. They thought about implementing it themselves, and after all of the studies were done to divert these trucks on to the turnpike or off the turnpike on nonpeak hours, it was determined that there would have been a negative loss of revenues to the turnpike, and they decided to scrap the program.

So for all those reasons – the exorbitant costs and us micromanaging the turnpike and affecting their bond ratings for their obligations – I would ask the members to vote against this piece of legislation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Erie County, Mr. Evans.

Mr. J. EVANS. Thank you, Mr. Speaker.

The bill in question is a pilot program that will be given a 1-year trial basis. There will be four quarterly checks. If the Turnpike Commission is having financial difficulties, they will be able to inform us on a quarterly basis. The studies the gentleman referred to were done on existing traffic. That does not take into account any inducements that a discount will provide. We have trucking companies who have told us that if they are allowed to have a reduced fare during the overnight hours, they will run their fleets all the way across the turnpike. This will help us in congested traffic areas. This is not only a prosafety issue because of the fact that semi-tractor-trailers will now go back to the turnpike hopefully with an inducement of a lower price; it is a consumer-oriented issue as well because everybody gets a break. If you have the E-ZPass, people will get a minimum 25-percent discount by using the turnpike, and with the amendment, this will be a statewide program.

So we encourage the members to vote “yes.” This is something that will allow us to save money in the Commonwealth for consumers, will enhance safety. The software is available. Other States are doing this, and we were told when E-ZPass was implemented in Pennsylvania a number of years ago that this would be something that could be done with very little cost or with very little problem. We are asking for this software change to allow with E-ZPass only a reduced fare on the Pennsylvania Turnpike during off-peak hours.

I would urge my colleagues to put up a “yes” vote for this very important piece of legislation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, the chairman of the Transportation Committee from Blair County, Mr. Geist.

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

I rise to commend Representative Evans for his fine work on this piece of legislation.

When the turnpike came to us and wanted E-ZPass when we passed it into legislation, one of the things that they stressed was that they would be able to do time-of-day pricing so that we could induce a lot of the big trucks during the heavy congestion period to be able to run from midnight to 5:30, especially in the eastern part of the State. The other thing that we could do is time-of-day pricing to induce people to use the turnpike who have not used it before.

I think this is a very, very good piece of legislation. I would like to send it over to the Senate and let us work on it some more and see if we cannot help the turnpike move ahead as we move people and goods through Pennsylvania. This is a good piece of legislation. Representative Evans has done a fantastic job with it. I urge a “yes” vote.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—143

Adolph	Evans, J.	Leh	Rieger
Allen	Fabrizio	Mackereth	Roberts
Argall	Fairchild	Maher	Rohrer
Armstrong	Feese	Maitland	Ross
Baker	Fichter	Major	Rubley
Baldwin	Fleagle	Manderino	Sainato
Barrar	Flick	Marsico	Samuelson
Bastian	Forcier	McGeehan	Sather
Bebko-Jones	Freeman	McGill	Saylor
Belardi	Gabig	McIlhattan	Scavello
Belfanti	Gannon	McIlhinney	Schroder
Benninghoff	Geist	McNaughton	Semmel
Beyer	Gillespie	Metcalfe	Smith, S. H.
Bianucci	Gingrich	Micozzie	Sonney
Birmelin	Godshall	Millard	Stairs
Boyd	Good	Miller, R.	Steil
Bunt	Grell	Miller, S.	Stern
Butkovitz	Habay	Mustio	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	O'Brien	Taylor, E. Z.
Cawley	Harper	O'Neill	Taylor, J.
Civera	Harris	Payne	Thomas
Clymer	Hasay	Petrarca	True
Cornell	Hennessey	Petri	Turzai
Costa	Herman	Petrone	Waters
Crahalla	Hershey	Phillips	Watson
Creighton	Hickernell	Pickett	Wilt
Cruz	Hutchinson	Pistella	Wojnarowski
Daley	Josephs	Pyle	Wright
Dally	Kauffman	Quigley	Yewcic
DeLuca	Keller, M.	Rapp	Youngblood
Denlinger	Kenney	Raymond	Zug
DiGirolamo	Killion	Readshaw	
Diven	Kirkland	Reed	Perzel,
Donatucci	Leach	Reichley	Speaker
Ellis			

NAYS—54

Bishop	Gerber	Markosek	Solobay
Blackwell	Gergely	McCall	Staback
Blaum	Goodman	Melio	Stetler
Buxton	Grucela	Mundy	Surra
Caltagirone	Haluska	Myers	Tangretti
Cohen	Hess	Oliver	Tigue
Corrigan	James	Pallone	Veon
Curry	Keller, W.	Parker	Vitali
Dermody	Kotik	Ramaley	Walko
DeWeese	LaGrotta	Rooney	Wansacz
Eachus	Lederer	Santoni	Wheatley
Evans, D.	Lescovitz	Shapiro	Williams
Frankel	Levdansky	Siptroth	Yudichak
George	Mann		

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Preston	Ruffing		

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 2054, PN 2831**, entitled:

An Act amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, providing for limitations on the use of eminent domain; and making a related repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. **CALTAGIRONE** offered the following amendment No. **A03564**:

Amend Sec. 1 (Sec. 203), page 3, by inserting between lines 8 and 9

(3) The exercise of eminent domain by a condemnor to condemn property located in a city of the first class, second class, second class A or third class.

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. Does the gentleman, Mr. Caltagirone, seek recognition?

The gentleman, Mr. Caltagirone, defers to the gentleman, Mr. Vitali.

Mr. Vitali, you are recognized.

Mr. **VITALI**. Thank you, Mr. Speaker.

I was just going to ask the maker of the amendment for a brief explanation.

The **SPEAKER** pro tempore. As a point of interrogation, Mr. Caltagirone, would you respond, please, with a brief explanation.

Mr. **CALTAGIRONE**. Yes, Mr. Speaker.

Basically HB 2054 would apply to the entire Commonwealth and all of the subdivisions. Basically what the amendment would do is extract out cities of the first class, second class, second class A, and third-class cities.

Mr. **VITALI**. Now, what would those municipalities be? That would be Philadelphia, Pittsburgh, and—

Mr. **CALTAGIRONE**. Scranton and cities like Reading, Lancaster, Allentown, York, all cities, all third-class cities including our major first- and second-class cities.

Mr. **VITALI**. What was the thought behind exempting them from this eminent domain code?

Mr. **CALTAGIRONE**. Basically it is going to allow them to continue their redevelopment projects in those cities similar to what they are doing now. If people are sincerely interested in stopping urban sprawl – and we have heard this for the last 100 years – then this is one of the vehicles that could potentially be an instrument to effectuate that.

Mr. **VITALI**. Thank you.

The **SPEAKER** pro tempore. The gentleman from Cambria County, Mr. Yewcic, is recognized.

Mr. **YEWIC**. Thank you, Mr. Speaker.

On the issue of eminent domain, what this amendment does is based on the Kelo case in New London, Connecticut, where the local government was able to come in and take someone's private property and give it to somebody else for two reasons. One of those reasons is for job creation, and the other reason is for increased tax revenues.

Under this bill, what this amendment does is exempt cities from this bill, which says that people in cities do not deserve to have their private properties protected from the local government. Now, when the Supreme Court ruled in the eminent domain case, there was outrage across America, the idea that the government could take your property. Under this amendment, what will occur is people will not be covered under this bill, which also amends the definition of “blight.”

Currently in Pennsylvania, according to the hearings that we had in Harrisburg, Philadelphia, and Pittsburgh, what we heard from these hearings over the summer was that the “blight” definition is so broad that you could lose your property for any reason. In other words, the stadiums that were built in Pittsburgh, the stadiums that were built in Philadelphia could be declared blight, torn down, and new stadiums built if they fit some new vision that the local government has in those communities or the redevelopment authority has in those regions.

If we exempt cities from this bill, we will have two Pennsylvanias – one, the home of the free, and then, two, the cities will be the land of those who want to take private property.

I do not believe that we should exempt cities, because we will not have consistent law across Pennsylvania. If we are going to protect private property rights, I think it should be across the board for all citizens of Pennsylvania and not just those that live in rural areas or small towns. I think that people who live in Philadelphia, Pittsburgh, Scranton, Johnstown, Reading, or any other small city care just as much about their property as do people that live in townships and boroughs across the Commonwealth.

I do not think this is a good amendment because it divides Pennsylvania into two areas, and I think this amendment ought to be rejected by the House if we are concerned about private property rights across Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman, Mr. Frankel, seeking recognition? The Chair was not sure whether or not you were. Were you?

Mr. FRANKEL. Yes.

The SPEAKER pro tempore. You may proceed.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in support of the Caltagirone amendment, and the reason I do so is because this whole issue in this bill, which may have some good points to it, has not been adequately aired out. This specific bill has not had hearings, and I and many of my colleagues are hearing from redevelopment authorities around the State, from environmental advocacy groups who are in opposition to it.

The eminent domain laws and the redevelopment laws of the State of Pennsylvania are very complicated, and in many respects, they have really served our municipalities well as cities across the State have worked very hard to revitalize themselves in the face of extraordinary economic dislocations that have taken place over the past several decades. The city of Pittsburgh basically was able to create the golden triangle in the late 1940s and 1950s utilizing these laws.

My concern and the concern certainly of the redevelopment authorities across the State of Pennsylvania is that this legislation is an overreaction to the Kelo case that the Supreme Court ruled on. I am not sure; I do not think many of us are, but there needs to be a deliberative process which has

not been allowed to take place with respect to this bill. At least this amendment will exempt our urban areas from what may be unknown consequences from this bill. Personally, I would hope that we would have an opportunity to have more discussion about it, but apparently the majority party wants to rush this through along with a bunch of other bills that we are going to be talking about today because they seem to have some political appeal. But I think we are risking overreacting and emasculating the ability of our urban communities to be able to continue with their revitalization, and for that reason I am going to support this amendment, which at least mitigates the prospects for our larger cities.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Grell.

Mr. GRELL. Mr. Speaker, thank you.

I rise in support of the amendment. We have spoken with the maker of the amendment, and we agree that the issues as relate to these cities are such that they are not in a position to be part of this bill today. So we do have the agreement that either as this bill moves forward or in a separate vehicle, we will address the issues of the cities so that this eminent domain reform is applicable to all cities.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Sturla. The gentleman waives off.

The gentleman, Mr. Thomas, from Philadelphia is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment.

The bill itself needs some additional work, and I think the Caltagirone amendment would go a long ways in helping us to get there. The bill in its current form would have an adverse effect on not just Philadelphia County but many other counties. So I rise in support of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, from Bucks County.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, we held three public hearings on this legislation, and one of the reoccurring themes that we heard from the people who testified, whether we were in Philadelphia, Pittsburgh, or Harrisburg, was that they felt, these are businesspeople in the main who felt that they were under pressure by local authorities to take their properties, properties that they did not want to give up, properties that they had worked a lifetime to develop, and now suddenly for various and sundry reasons, eminent domain was the issue, and under the word “blight,” they were having to give up their properties. They were going to be sold out.

We had more people who wanted to testify than we had time for testifiers, and these are people who had this common theme that they were under pressure, and in some cases, land, again, that they had developed, they were being forced to sell.

And I wish I would have had an opportunity to speak with the prime sponsor on his bill. Unfortunately, that is not the case. But I am going to vote against the Caltagirone bill simply from the testimony that we heard from those people who came before us and shared these concerns. These were average working people who spent a lifetime, in many cases, developing their property, and when eminent domain took place for economic

development, it was not economic development at all and they had lost, in some cases, they had lost their property.

So I wanted to share those insights. It kind of dovetails into what Representative Yewcic was sharing a few minutes ago on the floor of the House.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

I want to remind the members that we are speaking on the amendment. I know some of you have strayed a little bit into the larger issue, but please try to keep your comments specific to this particular amendment.

At this time the Chair recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Mr. Speaker, if I could interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Caltagirone, indicates that he is willing to do so. You may proceed.

Mr. METCALFE. Just to affirm, Mr. Speaker, that this amendment would except the city of Pittsburgh, along with others, out from under the new blight definition that is being included in this bill.

Mr. CALTAGIRONE. Yes.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, if I could make comments?

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

Mr. METCALFE. Mr. Speaker, some years back we held hearings in Pittsburgh related to the abuse of the eminent domain in Pittsburgh by the mayor of Pittsburgh and by many of the mayor's cohorts there in Pittsburgh as they went about using the hammer of eminent domain as a threat to people and their properties.

Mr. Speaker, this is an important issue, one that has been brought to the attention of many of our offices since the Kelo decision. If we could have some attention in the House. You said it is going to be a long night.

Mr. Speaker?

The SPEAKER pro tempore. The Chair asks the members to tone down their conversations.

Mr. METCALFE. Mr. Speaker, when we held hearings years back in Pittsburgh, at that time, and I believe it is still the case, the golden triangle that was referenced earlier, those sites where the new stadiums were built were still under a blight designation, and part of the problem with our blight definition in Pennsylvania is that that blight definition is never-ending; that once something is designated as blighted, it continues to be blighted no matter how much taxpayer money is dumped into it.

How many of you watched the Steelers game last night? What a great victory? Well, I was excited to see them win their game last night in that beautiful new stadium that they have there, but many people would be surprised to know that that still sits in a blighted area, as the blight designation never leaves from the hearings that we held several years back. A nice little neighborhood in Pittsburgh, the Ridgmont neighborhood, was being threatened with the eminent domain hammer for a big-box store that wanted to come in and roll over a very nice, well-kept neighborhood in Pittsburgh, and Mayor Murphy and those with him continued to use that threat against those people until there was enough of an uproar amongst legislators to stand against it and to bring it to an end.

Mr. Speaker, to take Pittsburgh out of this new definition of "blight" is a grave injustice to the people of Pittsburgh and the people of western Pennsylvania and the people of this State. For anybody that treasures private property rights, that believes that they should be respected, that believes that Americans should be secure in their own property, to take Pittsburgh out of these new definitions for blight is a grave injustice and should not be done here tonight.

Thank you.

The SPEAKER pro tempore. The Chair recognizes for a second time the gentleman from Cambria County, Mr. Yewcic.

Mr. YEWIC. Thank you, Mr. Speaker.

I did not intend to speak twice on this, but when the maker of the bill rose and said he made a deal for this amendment, I began to think about the people who called my office from across the State – from Pittsburgh, from Harrisburg, from Philadelphia, and all points in between – who were concerned that their private property rights were not going to be protected under the Kelo decision by the Supreme Court. The deal for this amendment takes the protections away from the work we did all summer and undoes everything that we said we were going to try and do to protect property rights in Pennsylvania. It removes those protections away from the cities in Pennsylvania.

I think the people in the cities are just as much concerned about their private property rights as anyone else in Pennsylvania. I do not see how we could have it both ways. If the deal was made to protect private property rights in Pennsylvania but not in the cities, how can we stand here with a straight face and talk to our constituencies and tell them that, hey, your property is protected in the hinterlands but not in the cities? It does not make a lot of sense.

CONSTITUTIONAL POINT OF ORDER

Mr. YEWIC. We are protected within the Constitution, the U.S. Constitution's Fifth Amendment, and in the very first section, "Declaration of Rights," in the Pennsylvania Constitution, we are told that we have a right to acquire, to own, and to protect our private property, and to defend our property, except under this amendment you do not have that right in the cities.

Mr. Speaker, this amendment will divide Pennsylvania, and based on the first section under rights under the Pennsylvania Constitution, under the Fifth Amendment of the U.S. Constitution, I make a motion that this amendment is unconstitutional.

The SPEAKER pro tempore. The gentleman, Mr. Yewcic, makes the motion that this amendment is unconstitutional. Mr. Yewcic, would you for the purpose of the debate indicate which portion of the Constitution you are citing?

Mr. YEWIC. The first section of the Pennsylvania Constitution under our rights says that our rights are inherent, inalienable, and that our property rights are protected under that section of our Constitution. The Fifth Amendment of the U.S. Constitution is where our property rights are protected two different ways: The property has to be used for public use, and we have to receive just compensation for that property.

Therefore, since those property rights do not distinguish between our cities and townships, it seems to me that it would be unconstitutional, because the people that live in the cities

will not have the same constitutional protections under this amendment as the rest of us do.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Yewcic, raises a point of order that amendment No. 3564 is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Yewcic, for comments.

Mr. Yewcic, did you want to speak on your motion?

Mr. YEWIC. Thank you, Mr. Speaker.

I just want to read from the Pennsylvania Constitution, Article I, Declaration of Rights, where it says, “Sec. 1. Inherent rights of mankind.” It says, “All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation...”

Under this amendment, it is not constitutional because it restricts or does not allow those rights to be exercised under this bill within our cities across Pennsylvania – first-, second-, and third-class cities. Therefore, we cannot have two Pennsylvanias. The law should apply to everyone across Pennsylvania, and everyone should enjoy the protections under the Constitution. Therefore, I make the motion that the amendment is unconstitutional.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. On constitutionality, the law has been on the book, Act 385, since 1945. So we have got 60 years of experience. It applies only to the cities, and it has worked well. Any of you that have traveled to any of our cities know about the urban redevelopment that has taken place.

This is a bogus argument. There is no question that this amendment is constitutional. Like I said, refer to Act 385 of 1945, 60 years of experience. I think that is well before Mr. Yewcic was born or before he became a member of this House. Just read the law. Precedent has already been set. It is constitutional.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Mr. Speaker, I just reiterate, there are 65 years’ worth of Federal and State case law on these redevelopment laws and on eminent domain, so I think this is a vacuous argument to be making today.

The SPEAKER pro tempore. Those voting “aye” will declare the amendment to be constitutional; those voting “no” will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—125

Adolph	Frankel	Mackereth	Santoni
Bebko-Jones	Freeman	Maitland	Saylor
Belardi	Gannon	Manderino	Scavello
Belfanti	Geist	Mann	Shapiro
Biancucci	George	Markosek	Siproth
Bishop	Gerber	McCall	Solobay
Blackwell	Gergely	McGeehan	Sonney
Blaum	Gillespie	McIlhinney	Staback
Butkovitz	Gingrich	Melio	Stairs
Buxton	Godshall	Micozzie	Steil
Caltagirone	Goodman	Miller, R.	Stetler
Casorio	Grell	Mundy	Sturla
Cawley	Grucela	Mustio	Surra
Civera	Habay	Myers	Tangretti
Cohen	Haluska	Nailor	Taylor, J.
Cornell	Harhai	Nickol	Thomas
Corrigan	Harhart	O’Brien	Tigue
Costa	Harper	Oliver	Veon
Crahalla	Harris	O’Neill	Vitali
Cruz	Hasay	Pallone	Walko
Curry	James	Parker	Wansacz
Daley	Josephs	Petrarca	Waters
Dally	Keller, W.	Petrone	Wheatley
DeLuca	Kenney	Pistella	Williams
Dermody	Killion	Ramaley	Wojnaroski
DeWeese	Kirkland	Raymond	Youngblood
DiGirolamo	Kotik	Readshaw	Yudichak
Donatucci	LaGrotta	Rieger	Zug
Eachus	Leach	Roberts	
Evans, D.	Lederer	Rooney	
Fabrizio	Lescovitz	Sainato	Perzel,
Flick	Levdansky	Samuelson	Speaker

NAYS—72

Allen	Ellis	Leh	Reichley
Argall	Evans, J.	Maher	Rohrer
Armstrong	Fairchild	Major	Ross
Baker	Feese	Marsico	Rubley
Baldwin	Fichter	McGill	Sather
Barrar	Fleagle	McIlhattan	Schroder
Bastian	Forcier	McNaughton	Semmel
Benninghoff	Gabig	Metcalfe	Smith, S. H.
Beyer	Good	Millard	Stern
Birmelin	Hanna	Miller, S.	Stevenson, R.
Boyd	Hennessey	Payne	Stevenson, T.
Bunt	Herman	Petri	Taylor, E. Z.
Cappelli	Hershey	Phillips	True
Causer	Hess	Pickett	Turzai
Clymer	Hickernell	Pyle	Watson
Creighton	Hutchinson	Quigley	Wilt
Denlinger	Kauffman	Rapp	Wright
Diven	Keller, M.	Reed	Yewcic

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Preston	Ruffing		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER pro tempore. Ms. Youngblood? Representative Youngblood, is your switch not working?

Representative Youngblood, the rules of the House indicate very clearly that if you are in your seat, you must be voted. If you are having trouble voting, please go to a microphone and let us know verbally what your vote is. Okay. Thank you.

The following roll call was recorded:

YEAS—88

Bebko-Jones	Evans, D.	Mann	Shapiro
Belardi	Fabrizio	Markosek	Siptroth
Belfanti	Frankel	McCall	Solobay
Biancucci	George	McGeehan	Staback
Bishop	Gerber	Melio	Steil
Blackwell	Gergely	Mundy	Stetler
Blaum	Goodman	Myers	Sturla
Butkovitz	Grell	O'Brien	Tangretti
Buxton	Haluska	Oliver	Taylor, J.
Caltagirone	Harhai	Pallone	Thomas
Casorio	Harper	Parker	Tigue
Cawley	Hasay	Petrarca	Veon
Cohen	James	Petrone	Walko
Corrigan	Josephs	Pistella	Wansacz
Costa	Keller, W.	Ramaley	Waters
Cruz	Kirkland	Raymond	Wheatley
Curry	Kotik	Readshaw	Williams
Daley	LaGrotta	Rieger	Wojnaroski
DeLuca	Leach	Roberts	Yudichak
Dermody	Lederer	Rooney	
DeWeese	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Perzel,
Eachus	Manderino		Speaker

NAYS—109

Adolph	Fichter	Leh	Reichley
Allen	Fleagle	Mackereth	Rohrer
Argall	Flick	Maher	Ross
Armstrong	Forcier	Maitland	Rublely
Baker	Freeman	Major	Samuelson
Baldwin	Gabig	Marsico	Sather
Barrar	Gannon	McGill	Saylor
Bastian	Geist	McIlhattan	Scavello
Benninghoff	Gillespie	McIlhinney	Schroder
Beyer	Gingrich	McNaughton	Semmel
Birmelin	Godshall	Metcalfe	Smith, S. H.
Boyd	Good	Micozzie	Sonney
Bunt	Grucela	Millard	Stairs
Cappelli	Habay	Miller, R.	Stern
Causar	Hanna	Miller, S.	Stevenson, R.
Civera	Harhart	Mustio	Stevenson, T.
Clymer	Harris	Nailor	Surra
Cornell	Hennessey	Nickol	Taylor, E. Z.
Crahalla	Herman	O'Neill	True
Creighton	Hershey	Payne	Turzai
Dally	Hess	Petri	Vitali
Denlinger	Hickernell	Phillips	Watson
DiGirolamo	Hutchinson	Pickett	Wilt
Diven	Kauffman	Pyle	Wright
Ellis	Keller, M.	Quigley	Yewcic
Evans, J.	Kenny	Rapp	Youngblood
Fairchild	Killion	Reed	Zug
Feese			

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Preston	Ruffing		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER pro tempore. Does the gentleman, Mr. William Keller, have an amendment? Mr. Keller, you waive off?

Mr. Caltagirone, you had a second amendment. Is that going to be submitted? The gentleman waives off.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. We still have one amendment to consider on this bill, but for the moment the Chair wants to return to leaves of absence and recognize the gentleman, Mr. Smith, the majority leader, for a request for leave of absence.

Mr. Smith, do you have a request for a leave of absence?

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

I would like to put the gentleman from Lancaster County, Mr. ARMSTRONG, on Capitol leave.

The SPEAKER pro tempore. Without objection, the leave is granted.

The Chair recognizes the gentleman, Mr. Veon, for leaves of absence.

Mr. VEON. Representative DeLUCA for a Capitol leave.

The SPEAKER pro tempore. Without objection, the leave is granted.

CONSIDERATION OF HB 2054 CONTINUED

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Causar.

Mr. CAUSER. Mr. Speaker, I move that the rules of the House be suspended that I may offer amendment 3814.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Causar.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I do move to suspend the rules to offer amendment 3814. This is a clarifying amendment that would clarify that a nonprofit hospital or medical center would not be considered a private commercial enterprise, and I ask for affirmative consideration.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causer	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Pallone	True
Cornell	Hennessey	Parker	Turzai
Corrigan	Herman	Payne	Veon
Costa	Hershey	Petrarca	Vitali
Crahalla	Hess	Petri	Walko
Creighton	Hickernell	Petrone	Wansacz
Cruz	Hutchinson	Phillips	Waters
Curry	James	Pickett	Watson
Daley	Josephs	Pistella	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Preston	Ruffing		

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

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

Mr. CAUSER offered the following amendment No. **A03814**:

Amend Sec. 1 (Sec. 204), page 3, line 13, by inserting after "prohibited."

The term "private commercial enterprise" shall not include a hospital or medical center that is operated not for profit.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Causer, on his amendment.

Mr. CAUSER. Thank you, Mr. Speaker, and I thank the House for suspending the rules for me to offer this amendment.

This is, as I said before, this is a clarifying amendment. It deals with the term in the bill "private commercial enterprise," and the bill clarifies that for the purposes of eminent domain, a nonprofit hospital or medical center would not be considered a private commercial enterprise, and again I ask for the affirmative consideration of the members.

The SPEAKER pro tempore. Does the gentleman, Mr. Grell, seek to speak on this amendment? The gentleman is recognized.

Mr. GRELL. Mr. Speaker, thank you.

This is an agreed-to amendment. It is a modification of an earlier amendment that was timely filed that was much broader than this amendment. This limits the clarification of what a private commercial enterprise is to nonprofit hospitals, and the amendment is agreed to.

Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Yewcic, is recognized.

Mr. YEWIC. Mr. Speaker, this amendment has absolutely no effect on the bill, and I support it because hospitals are nonprofits and the bill does not deal with nonprofits, so therefore, it is just a clarification.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Siptroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay

Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Metcalfe	Stairs
Blaum	Godshall	Micozzie	Steil
Boyd	Good	Millard	Stern
Bunt	Goodman	Miller, R.	Stetler
Butkovitz	Grell	Miller, S.	Stevenson, R.
Buxton	Grucela	Mundy	Stevenson, T.
Caltagirone	Habay	Mustio	Sturla
Cappelli	Haluska	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causser	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Taylor, J.
Civera	Harper	Oliver	Thomas
Clymer	Harris	O'Neill	Tigue
Cohen	Hasay	Pallone	True
Cornell	Hennessey	Parker	Turzai
Corrigan	Herman	Payne	Veon
Costa	Hershey	Petrarca	Vitali
Crahalla	Hess	Petri	Walko
Creighton	Hickernell	Petrone	Wansacz
Cruz	Hutchinson	Phillips	Waters
Curry	James	Pickett	Watson
Daley	Josephs	Pistella	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Preston	Ruffing		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Yewcic, on final passage.

Mr. YEWIC. Thank you, Mr. Speaker.

On HB 2054 I support the language. It is the spirit and the intent of hearings that we held over the summer. When the Kelo case happened, within a week we introduced legislation that attempted to undo what the Supreme Court did, and what they did was rule that the local government could take your

property and give it to somebody else. That caused outrage across America, and what we found in the hearings across Pennsylvania was that what occurred in Connecticut can occur in Pennsylvania. As a matter of fact, the Kelo case ruling by the Supreme Court for the first time made a ruling that a private interest could take your property, and of course, that could happen in Pennsylvania, but what we found out in the hearings was that the Supreme Court does not affect Pennsylvania law in any way, which raises a concern. The concern is, since it does not change anything in Pennsylvania, there is a problem with Pennsylvania law in that the abuse that occurred in Connecticut can and is occurring in Pennsylvania. In the hearings that were conducted across Pennsylvania, we heard from countless people who called, or not countless, but many people who called and wanted to testify and talk about the abuses that are occurring in Pennsylvania concerning eminent domain.

I would really like to thank Chairman Clymer for holding hearings in the State Government Committee over the summer on this issue and Rep. Forcier for going door-to-door and getting 96 cosponsors on this issue. This bill will protect Pennsylvanians' property rights. It will not allow private businesses to take our properties to increase the revenue of the municipality or to create jobs on economic development.

It is a good start. I know that this bill may pass the House, but there is another bill in the Senate that we are probably going to end up dealing with on the issue. I do not think this bill is going anywhere beyond the House. I think when it goes to the Senate, it stays there. There is another bill in the Senate. It is identical language. I think that is the bill that we will eventually deal with in the House. So this is political maneuvering on this issue.

However, I do support the bill because I think it goes a long way to solve the problem of eminent domain abuse in Pennsylvania, to protect Pennsylvanians' property rights, and I think that is an important thing to do because property rights are fundamental to our freedoms here in America, and I do support the bill.

So thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the sponsor of the bill rise for a brief interrogation?

The SPEAKER pro tempore. Does the gentleman, Mr. Grell, agree to interrogation? The gentleman indicates that he is willing to do so. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as I understand this legislation, if a property is taken by eminent domain and then it is not used for the public purpose that it was intended when it was taken for eminent domain, that the property then must be offered back to the previous owner, and if they refuse it, it cannot be sold to another private person for 30 years. Is that correct?

Mr. GRELL. Mr. Speaker, no, that is not correct. That is HB 2019 that was already passed.

Mr. STURLA. Okay.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I attended the hearing of the State Government Committee, and I am very impressed with the amount of work that Mr. Yewcic has put into this, but it is my feeling that we

still have not gotten a bill that deals with the urgent problems facing many urban areas of the State, especially including Philadelphia.

Now, Mr. Caltagirone had offered an amendment which hopefully was middle ground that was not acceptable to enough people. Mr. Keller had an amendment that exempted Philadelphia and other urban areas from parts of this bill. He withdrew that. I guess it was his judgment that that was not acceptable to enough people. I think we still need a middle ground. We have to protect homeowners, but we also have to protect the ability of cities to redevelop themselves. Philadelphia has a massive amount of abandoned properties. There are 60,000 abandoned houses and abandoned lots in the city of Philadelphia. This is still after decades of redevelopment that has already occurred. Much of the redevelopment is excellent. There are whole areas of center city in North Philadelphia, as many of you know, that were abandoned for many, many years and are now upstanding middle-class neighborhoods and upstanding tourist attractions generating money for the people of Philadelphia and the people of Pennsylvania.

I am going to vote “no” on this bill. I think, though, it does some worthwhile things, but the fact it does some worthwhile things does not hide the fact that it does some bad things as well. This is a test bill, as Mr. Yewcic indicated earlier, and this bill is unlikely to go anywhere. I think this is a safe bill to vote “no” on. Eventually we will have a bill coming from the Senate which will be the final bill.

I would urge a “no” vote, and I would urge that people continue to work and find some middle ground that protects the rights of both homeowners and the rights of local redevelopment authorities to improve the tax base so that the city of Philadelphia and other cities around the State become areas that attract business, attract residents, attract tourists, and not just a series of abandoned properties and abandoned neighborhoods.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I, too, will be voting against HB 2054. Mr. Speaker, I am a cosponsor on HB 2054, but, Mr. Speaker, I recognize that there are circumstances where we need to be clear about our intent, and HB 2054 was necessary to put some checks and balances on abuse of the eminent domain process.

Yes, in Philadelphia County and some parts of my district, eminent domain has provided for new communities. However, in other parts of my district, eminent domain has been selectively used to displace and adversely harm people. And then in other places, Mr. Speaker, places that have been blighted for the last two decades, you cannot get an eminent domain application.

So, Mr. Speaker, the playing field is not fair, and while the eminent domain law provides a vehicle for good, Mr. Speaker, how it has been applied not only in Philadelphia County but in other places across the Commonwealth is scandalous at best, and I trust that the head of the Philadelphia Redevelopment Authority and I trust that the people I talked to today in reference to HB 2054, that they will now come to the table, and let us look at ways in which we can remove all abuse from the application of eminent domain.

Because of redistricting, I now represent part of Logan. The Logan community in Philadelphia is a typical example of how

eminent domain has been used on one side for good, but on the other side, the community that was blighted 20 years ago when Representative Harper stood in this chamber is still blighted, is still blighted, and eminent domain has not helped that community, and it is not in the law itself; it is in how the law is applied.

And so I hope that by the time we send something to the Governor’s desk, it is something that is fair and it is something that puts some skids on the abuse of eminent domain in many situations, because, Mr. Speaker, I have five elderly residents right now in my office who are homeless today because eminent domain was abused in its application. I am not talking about what I think or what I hope. I am talking about what I know.

Yes, we need to look at this law, but we need to make sure that it is not applied selectively or discriminately.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, before I have my remarks, I do want to thank the members of the State Government Committee for the hearings, for their due diligence, for the fine questions they asked, for Representative Yewcic’s willingness to use his bill in these hearings.

But I must tell you that the Grell bill satisfies many of the things that the committee had looked at. His bill does protect redevelopment, where in urban areas or in any area where there is a definite blight, that is defined very clearly in his bill. Those places that are defined as blight – where no one is living, where no one has paid taxes – and the city would like to reclaim those properties, that can be done. And there are many others. I am not going to get into it. Each of our caucuses had discussion on the bill.

But I do want to urge the members to vote for HB 2054. It is a good bill. It is an important step in this whole issue of eminent domain, and thank you, Mr. Speaker, for this opportunity to share those insights.

The SPEAKER pro tempore. Before the Chair recognizes the gentleman, Mr. Grell, for closing remarks, are there any other members that wish to speak?

Representative Caltagirone, you are recognized.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

For the record, HB 2054 has been characterized as a response to the decision of the Supreme Court in the case of *Kelo v. the City of New London*. I would like to tell you what happened in the *Kelo* case.

The city of New London was classified by the State as an economically distressed municipality. State and local officials developed plans for economic revitalization, which included an urban redevelopment project for the area of the city known as Fort Trumbull. Fort Trumbull consisted of 115 privately owned properties and a naval facility. The project was centered around a new \$300 million research facility to be constructed by Pfizer, Inc., and included a conference hotel, retail businesses, residential areas, a State park, museum, a marina, and office and research facilities. The redevelopment authority purchased most of the properties in Fort Trumbull, but 9 owners that owned 15 properties would not sell, and the authority moved to take the properties by eminent domain.

This type of project would be a godsend for many of our cities, and in the *Kelo* case, the court held that the taking of these properties for the purpose of this economic and urban

redevelopment project met the public use requirement for eminent domain. This decision simply followed a long line of precedent and practice allowing eminent domain to be used for these types of large-scale urban redevelopment projects.

If we pass this bill, these types of urban redevelopment projects will become almost impossible to pursue and many of our urban areas will become condemned to further deterioration and blight. Those of us who represent cities understand how difficult it is to promote economic development and urban renewal, without the burdens of HB 2054.

And for those members who represent suburban and rural areas, I want to remind you that if we cannot have urban renewal projects in our cities, then more developers will use more of our open spaces for commercial and industrial projects. It is vital to the future of the Commonwealth that our cities be able to pursue urban renewal and economic development projects.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

I will have additional comments to submit for the record, but let me just briefly say first, I want to thank the gentleman, Mr. Yewcic, and the State Government Committee for their leadership on this issue and for the hearings that were held to get this issue before the House in this form.

Second, I would like to suggest that this is an appropriate response to the U.S. Supreme Court decision in the Kelo case. In that decision the Supreme Court invited States to clarify what they mean by public use, and this is our effort to clarify what we mean in Pennsylvania as public use, which would trigger the extraordinary right of eminent domain.

Thirdly and finally, I think this strikes a fair balance between the private property rights that we are trying to support and defend with the legitimate needs for urban rehabilitation and slum eradication. In this bill there are specific criteria that establish the circumstances under which a property may be blighted and therefore eminent domain power may be exercised over it. It allows for the taking of properties that are in disrepair, properties that are subject to multiple code violations, properties where they have absentee landlords, property owners, properties that are vacant and serve only as a repository for trash and vermin, and I am sure that there is no shortage of properties in our urban areas that meet that definition and that would be able to be rehabilitated using eminent domain by those redevelopment entities.

I believe this bill strikes a fair balance. It protects the rights of people, and it gives a clear indication of what we mean by public use for purposes of eminent domain, and I urge passage of the bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

In June of this year, the U.S. Supreme Court decided the matter of Kelo v. City of New London, in which the high court determined that

the city could condemn certain properties for private development, despite the objection and vigorous opposition of the property owners.

In that opinion the Court suggested that States could clarify what is intended to fall under the category of "public use" under the Fifth Amendment, which states that the government shall take no property for public use without payment of just compensation to the owner of such property.

There have been several proposals since the decision in Kelo to articulate for Pennsylvania what we consider to be "public use," thereby justifying the government to seize and condemn someone's private property. The State Government Committee, on which I serve, held several days of hearings on the subject since the Kelo decision.

HB 2054 is the product of a careful and, I believe, thoughtful consideration of weighing private property rights against the need of the government on rare occasions to exercise the extraordinary power of eminent domain.

This legislation takes into consideration the increasing practice of leveraging private-sector resources to form public-private partnerships for economic and community development and the needs of redevelopment agencies, who have the power of eminent domain, to use such powers to eradicate slums and other legitimate blighted conditions for the betterment of our communities.

Simply stated, HB 2054 prohibits the use of eminent domain where the proposed use is private commercial development. In recognition of the legitimate needs for slum and blight eradication, the bill lists nine specific exceptions where eminent domain may be used for such private redevelopment activity, regarding those limited situations as having a public purpose. These are instances where the property to be condemned is vacant and uncared for; where there are serious code violations which render the property dangerous or a public nuisance; where there are serious tax delinquencies, accumulations of trash and vermin infestation, failures to abate dangerous conditions and like circumstances.

This bill protects the law-abiding, tax-paying owner who maintains his or her property and wishes to stay there against the excessive reach of government through the extraordinary power of eminent domain. It protects these often powerless property owners from those who have grand designs for that person's property. We are all for community revitalization and encourage the use of programs and resources, especially private-sector investment, to accomplish such improvements but not on the backs and at the expense of innocent homeowners and business owners.

The bill makes it clear where Pennsylvania draws the line.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—172

Adolph	Fichter	Mackereth	Roberts
Allen	Fleagle	Maher	Rohrer
Argall	Flick	Maitland	Rooney
Armstrong	Forcier	Major	Ross
Baker	Freeman	Markosek	Rubley
Baldwin	Gabig	Marsico	Sainato
Barrar	Gannon	McCall	Samuelson
Bastian	Geist	McGeehan	Santoni
Bebko-Jones	George	McGill	Sather
Belardi	Gerber	McIlhattan	Saylor
Belfanti	Gergely	McIlhinney	Scavello
Benninghoff	Gillespie	McNaughton	Schroder
Beyer	Gingrich	Melio	Semmel
Biancucci	Godshall	Metcalfe	Shapiro
Birmelin	Good	Micozzie	Siptroth
Blaum	Goodman	Millard	Smith, S. H.

Boyd	Grell	Miller, R.	Solobay
Bunt	Grucela	Miller, S.	Sonney
Butkovitz	Habay	Mundy	Staback
Cappelli	Haluska	Mustio	Stairs
Casorio	Hanna	Myers	Steil
Causer	Harhai	Nailor	Stern
Cawley	Harhart	Nickol	Stevenson, R.
Civera	Harper	Oliver	Stevenson, T.
Clymer	Harris	O'Neill	Surra
Cornell	Hasay	Pallone	Tangretti
Corrigan	Hennessey	Parker	Taylor, E. Z.
Crahalla	Herman	Payne	Tigue
Creighton	Hershey	Petrarca	True
Daley	Hess	Petri	Turzai
Dally	Hickernell	Petrone	Vitali
DeLuca	Hutchinson	Phillips	Walko
Denlinger	Kauffman	Pickett	Wansacz
Dermody	Keller, M.	Pistella	Waters
DeWeese	Kenny	Pyle	Watson
DiGirolo	Killion	Quigley	Wilt
Diven	Kirkland	Ramaley	Wojnaroski
Donatucci	Kotik	Rapp	Wright
Eachus	LaGrotta	Raymond	Yewcic
Ellis	Leach	Readshaw	Zug
Evans, J.	Lederer	Reed	
Fabrizio	Leh	Reichley	
Fairchild	Lescovitz	Rieger	Perzel,
Feese	Levdansky		Speaker

NAYS—25

Bishop	Curry	Manderino	Thomas
Blackwell	Evans, D.	Mann	Veon
Buxton	Frankel	O'Brien	Wheatley
Caltagirone	James	Stetler	Williams
Cohen	Josephs	Sturla	Youngblood
Costa	Keller, W.	Taylor, J.	Yudichak
Cruz			

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Shaner	Smith, B.
Preston	Ruffing		

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 1906, PN 2611**, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, providing for information availability on an Internet website; and further providing for articles of incorporation.

On the question,

Will the House agree to the bill on third consideration?

Mr. **STETLER** offered the following amendment No. **A03751**:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting

Amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, defining "official notice"; requiring the Department of State to establish a certain Internet website; further providing for advertisements by domestic business corporations, by foreign business corporations, domestic nonprofit corporations, foreign nonprofit corporations and domestic cooperative corporation ancillaries and for fictitious name registration; and making an editorial change.

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 30; page 3, lines 1 through 3, by striking out all of said lines on said pages and inserting

Section 1. Section 102 of Title 15 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional or inconsistent definitions contained in subsequent provisions of this title that are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Official notice." An official listing of applications, notices and other filings made with the Department of State that are maintained by the department on a publicly available Internet website in accordance with section 141 (relating to Internet website).

* * *

Section 2. Title 15 is amended by adding a section to read:

§ 141. Internet website.

(a) General rule.—The department shall make available on a publicly accessible Internet website information relating to the following:

(1) The filing by incorporators or the filing by a corporation of articles of incorporation with the department.

(2) The application for registration or the registration of all of the following:

(i) A partnership.

(ii) A limited liability partnership.

(iii) A limited liability company.

(iv) A fictitious name under 54 Pa.C.S. § 311

(relating to registration).

(3) The application for certificate of authority or the application for termination of authority of all of the following:

(i) A foreign business corporation.

(ii) A foreign nonprofit corporation.

(4) In addition to any other information required by this title, the department shall make the following information available on the website from an entity filing, applying or registering under paragraph (1), (2) or (3):

(i) The name of the proposed entity.

(ii) A statement that the entity is to be or has been organized under this title.

(iii) The purpose of the entity.

(iv) The date of the filing, registering or applying with the department.

(v) The county in which the address of the entity is located, or in the case of a foreign entity the registered office located in this Commonwealth.

(5) Information made available on the Internet website shall be accessible to the public by the name of the proposed entity; the type and date of the filing, application or registration; and the county in which the address of the entity is located or, in the case of a foreign entity, the registered office located in this

Commonwealth. The information shall be archived and remain publicly accessible on the Internet website.

(b) Fee.—

(1) The department may, by regulation, establish a fee to be imposed on each application or document filed which provides the information to be made available on the Internet website required by this section.

(2) The fee shall be in addition to any other fee authorized by law and may not exceed an amount determined by the department to reimburse the Commonwealth for the expense of developing and maintaining the Internet website.

Section 3. Sections 1307, 4124(b), 5307, 6124(b), 7704(a) and 7720(e) of Title 15 are amended to read:

§ 1307. [Advertisement] Official notice.

[The incorporators or the corporation shall officially publish a notice of intention to file or of the filing of articles of incorporation. The notice may appear prior to or after the day the articles of incorporation are filed in the Department of State and] Within five business days of the incorporators or a corporation filing articles with the department, the department shall make available on a publicly accessible Internet website an official notice that shall set forth briefly:

(1) The name of the proposed corporation.

(2) A statement that the corporation is to be or has been incorporated under the provisions of the Business Corporation Law of 1988.

(3) The county in which the registered address of the corporation is located or, in the case of a proposed corporation, is to be located. See section 109(a)(2) (relating to name of commercial registered office provider in lieu of registered address).

(4) The date the articles were filed with the department.

§ 4124. Application for a certificate of authority.

(b) [Advertisement.—A foreign business corporation shall officially publish notice of its intention to apply or its application for a certificate of authority. The notice may appear prior to or after the day on which application is made to the Department of State and] Official notice.—Within five business days of a foreign business corporation filing an application for certificate of authority with the department, the department shall make available on a publicly accessible Internet website an official notice that shall set forth briefly:

(1) A statement that the corporation [will apply or] has applied for a certificate of authority under the provisions of the Business Corporation Law of 1988.

(2) The name of the corporation and of the jurisdiction under the laws of which it is incorporated.

(3) The address, including street and number, if any, and county of its principal office under the laws of the jurisdiction in which it is incorporated.

(4) Subject to section 109, the address, including street and number, if any, and county of its proposed registered office in this Commonwealth.

(5) The date the application was filed with the department.

§ 5307. [Advertisement] Official notice.

[The incorporators or the corporation shall officially publish a notice of intention to file or of the filing of articles of incorporation. The notice may appear prior to or after the day the articles of incorporation are filed in the Department of State, and] Within five business days of the incorporators or a corporation filing articles of incorporation with the department, the department shall make available on a publicly accessible Internet website an official notice that shall set forth briefly:

(1) The name of the proposed corporation.

(2) A statement that the corporation is to be or has been incorporated under the provisions of this article.

(3) A brief summary of the purpose or purposes of the corporation.

[(4) A date on or before which the articles will be filed in the Department of State or the date the articles were filed.] The date the articles were filed with the department.

(5) The county in which the registered address of the corporation is located or, in the case of a proposed corporation, is to be located. See section 109(a)(2) (relating to name of commercial registered officer provider in lieu of registered address).

§ 6124. Application for a certificate of authority.

(b) [Advertisement.—A foreign nonprofit corporation shall officially publish notice of its intention to apply or its application for a certificate of authority. The notice may appear prior to or after the day on which application is made to the Department of State and] Official notice.—Within five business days of a foreign nonprofit corporation filing an application for certificate of authority with the department, the department shall make available on a publicly accessible Internet website an official notice that shall set forth briefly:

(1) A statement that the corporation will apply or has applied for a certificate of authority under the provisions of the Nonprofit Corporation Law of 1988.

(2) The name of the corporation and of the jurisdiction under the laws of which it is incorporated.

(3) The address, including street and number, if any, and county of its principal office under the laws of the jurisdiction in which it is incorporated.

(4) Subject to section 109, the address, including street and number, if any, and county of its proposed registered office in this Commonwealth.

(5) The date the application was filed with the department.

§ 7704. Articles of incorporation.

(a) [Advertisement.—The incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation with the department one time in two newspapers of general circulation, one of which shall be a newspaper designated by the rules of court for the publication of legal notices, or in two newspapers of general circulation published in the county in which the initial registered office of the corporation is to be located. If there is only one newspaper of general circulation published in a county, advertisements in that newspaper shall be sufficient. Advertisements may appear prior to or after the day the articles of incorporation are filed with the department and] Official notice.—Within five days of the incorporators or a corporation filing articles of incorporation with the Department of State, the department shall make available on a publicly accessible Internet website an official notice that shall set forth briefly:

(1) The name of the proposed corporation.

(2) A statement that the corporation is to be or has been organized under this chapter.

(3) The purpose of the corporation.

(4) [The time of filing the articles with the department.] The date the application was filed with the department.

(5) The county in which the registered address of the corporation is located or, in the case of a proposed corporation, is to be located. See section 109(a)(2) (relating to name of commercial registered office provider in lieu of registered address).

§ 7720. Amendments of articles.

(e) Advertisement.—Before or after an amendment has been adopted by the shareholders, the corporation shall advertise its intention to file or the filing of amendments to the articles with the department in a manner similar to that prescribed in section [7703] 7704 (relating to articles of incorporation). Advertisements may appear

prior to or after the day upon which the articles of amendment are presented to the department and shall set forth briefly:

- (1) The name and location of the registered office of the corporation.
- (2) A statement that the amendments to the articles are to be or were filed under this chapter.
- (3) The nature and character of the amendments.
- (4) The time when the amendments to the articles are to be or were filed under this chapter.

Section 4. The definition of "officially publish" in section 101 of Title 54 is amended and the section is amended by adding a definition to read:

§ 101. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Official notice." The meaning specified in 15 Pa.C.S. § 102 (relating to definitions).

["Officially publish." The meaning specified in 15 Pa.C.S. § 1103 (relating to definitions) except that the county of publication shall be as specified in this title.]

Section 5. Section 311(g) of Title 54 is amended to read:
§ 311. Registration.

(g) [Advertisement.—An entity which includes an individual party shall officially publish in the county in which the principal office or place of business of the entity is or, in the case of a proposed entity, is to be located notice of its intention to file or the filing of an application for registration of a fictitious name under this chapter. The notice may appear prior to or after the day upon which the application is filed in the department and shall be kept with the permanent records of the business and] Official notice.—Within five days of an entity which includes an individual party filing an application for registration of a fictitious name under this chapter with the department, the department shall make available on a publicly accessible Internet website an official notice that shall set forth briefly:

- (1) The fictitious name.
- (2) The address, including street and number, if any, and county of the principal office or place of business of the business to be carried on under or through the fictitious name.
- (3) The names and respective addresses, including street and number, if any, of all persons who are parties to the registration.
- (4) A statement that an application for registration of a fictitious name is to be or was filed under the Fictitious Names Act.
- (5) The date the application was filed with the department.

Section 6. This act shall take effect as follows:

- (1) The addition of 15 Pa.C.S § 141 shall take effect in 120 days.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 180 days.

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

The SPEAKER pro tempore. Is the gentleman, Mr. Stetler, seeking recognition? Is there anyone seeking recognition on the amendment?

The gentleman, Mr. Vitali, is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

I was just looking for a brief explanation.

The SPEAKER pro tempore. The gentleman, Mr. Stetler, will provide that for you.

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment corrects a drafting error that was in the original bill as I proposed, and in this revision it does expand what was in my original bill to include all types of corporations in their original filings. So originally it was a very limited bill. What this amendment now does is it expands it to include all domestic businesses, foreign businesses, corporations as they file in Pennsylvania.

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

The following roll call was recorded:

YEAS—195

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Gabig	Marsico	Scavello
Belardi	Gannon	McCall	Schroder
Belfanti	Geist	McGeehan	Semmel
Benninghoff	George	McGill	Shapiro
Beyer	Gerber	McIlhattan	Siproth
Bianucci	Gergely	McIlhinney	Smith, S. H.
Birmelin	Gillespie	McNaughton	Solobay
Bishop	Gingrich	Melio	Sonney
Blackwell	Godshall	Metcalf	Staback
Blaum	Good	Micozzie	Stairs
Boyd	Goodman	Millard	Steil
Bunt	Grell	Miller, R.	Stern
Butkovitz	Grucela	Miller, S.	Stetler
Buxton	Habay	Mundy	Stevenson, R.
Caltagirone	Haluska	Mustio	Stevenson, T.
Cappelli	Hanna	Myers	Sturla
Casorio	Harhai	Nailor	Surra
Causar	Harhart	Nickol	Tangretti
Cawley	Harper	O'Brien	Taylor, E. Z.
Civera	Harris	Oliver	Taylor, J.
Clymer	Hasay	O'Neill	Tigue
Cohen	Hennessey	Pallone	True
Cornell	Herman	Parker	Turzai
Corrigan	Hershey	Payne	Veon
Costa	Hess	Petrarca	Vitali
Crahalla	Hickernell	Petri	Walko
Creighton	Hutchinson	Petrone	Wansacz
Cruz	James	Phillips	Waters
Curry	Josephs	Pickett	Watson
Daley	Kauffman	Pistella	Wheatley
Dally	Keller, M.	Pyle	Williams
DeLuca	Keller, W.	Quigley	Wilt
Denlinger	Kenney	Ramaley	Wojnarowski
Dermody	Killion	Rapp	Wright
DeWeese	Kirkland	Raymond	Yewcic
DiGirolamo	Kotik	Readshaw	Youngblood
Diven	LaGrotta	Reed	Yudichak
Donatucci	Leach	Reichley	Zug
Eachus	Lederer	Rieger	
Ellis	Leh	Roberts	Perzel,
Evans, D.	Lescovitz	Rohrer	Speaker
Evans, J.			

NAYS—2

Freeman Thomas

NOT VOTING—0

EXCUSED—6

Gruitza Roebuck Shaner Smith, B.
Preston Ruffing

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

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

The SPEAKER pro tempore. The lady, Ms. Harper, has two amendments that the Chair is in receipt of and would like to know if you are running any or both of those.

Ms. HARPER. Mr. Speaker, I would like to offer amendment A03991. I believe I need a suspension of the rules.

RULES SUSPENDED

The SPEAKER pro tempore. The lady, Ms. Harper, is recognized for the purpose of suspending the rules to offer amendment 3991.

Ms. HARPER. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. On that question, the lady is recognized. Did you wish to—

The Chair recognizes the gentleman, Mr. DeWeese, on the suspension of the rules.

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

I would certainly not object to the suspension of the rules, notwithstanding the fact that I will be voting against the measure in a few moments.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Smith, wish to address the body on this issue?

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

I would also likewise urge the members to support the suspension of the rules for the consideration of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubley
Argall	Feese	Maher	Sainato
Armstrong	Fichter	Maitland	Samuelson
Baker	Fleagle	Major	Santoni
Baldwin	Flick	Manderino	Sather
Barrar	Forcier	Mann	Saylor
Bastian	Frankel	Markosek	Scavello
Bebko-Jones	Freeman	Marsico	Schroder
Belardi	Gabig	McCall	Semmel
Belfanti	Gannon	McGeehan	Shapiro
Benninghoff	Geist	McGill	Sipthroth
Beyer	George	McIlhattan	Smith, S. H.
Biancucci	Gerber	McIlhinney	Solobay
Birmelin	Gergely	McNaughton	Sonney
Bishop	Gillespie	Melio	Staback
Blackwell	Gingrich	Micozzie	Stairs
Blaum	Godshall	Millard	Steil
Boyd	Good	Miller, R.	Stern
Bunt	Goodman	Miller, S.	Stetler
Butkovitz	Grell	Mundy	Stevenson, R.
Buxton	Grucela	Mustio	Stevenson, T.
Caltagirone	Habay	Myers	Sturla
Cappelli	Haluska	Nailor	Surra
Casorio	Hanna	Nickol	Tangretti
Causer	Harhai	O'Brien	Taylor, E. Z.
Cawley	Harhart	Oliver	Taylor, J.
Civera	Harper	O'Neill	Thomas
Clymer	Harris	Pallone	Tigue
Cohen	Hasay	Parker	True
Cornell	Hennessey	Payne	Turzai
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Crahalla	Hess	Petrone	Walko
Creighton	Hickernell	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Pyle	Wheatley
Dally	Kauffman	Quigley	Williams
DeLuca	Keller, M.	Ramaley	Wilt
Denlinger	Keller, W.	Rapp	Wojnaroski
Dermody	Kenney	Raymond	Wright
DeWeese	Killion	Readshaw	Yewcic
DiGirolamo	Kirkland	Reed	Youngblood
Diven	Kotik	Reichley	Yudichak
Donatucci	LaGrotta	Rieger	Zug
Eachus	Leach	Roberts	
Ellis	Lederer	Rohrer	
Evans, D.	Leh	Rooney	Perzel,
Evans, J.	Lescovitz		Speaker

NAYS—1

Metcalf

NOT VOTING—0

EXCUSED—6

Gruitza Roebuck Shaner Smith, B.
Preston Ruffing

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

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

Ms. **HARPER** offered the following amendment No. **A03991**:

Amend Sec. 2 (Sec. 141), page 1, line 33 (A03751), by striking out “The” and inserting

In addition to the requirements under subsection (c), the

Amend Sec. 2 (Sec. 141), page 2, by inserting between lines 41 and 42 (A03751)

(c) Legal newspaper.—Notwithstanding any other provision of law, notice of intent to file by incorporators, notice of filing of articles of incorporation or notice of application for registration shall be officially published in the legal newspaper, if any, designated by the rules of court for the publication of legal notices in the county in which the registered office of the entity is located or, in the case of a proposed entity, will be located. If there is no such legal newspaper in the county, advertisement in the legal newspaper of an adjacent county shall be sufficient.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that amendment, the Chair recognizes the lady, Ms. Harper.

Are there any members seeking recognition on the amendment? The gentleman, Mr. Markosek, is recognized.

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

I would briefly ask the members to vote in the affirmative on the Harper amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Nickol.

Mr. NICKOL. Mr. Speaker, part of the purpose of the Stetler amendment, as I understand it, was to remove the obligation for many companies to have to advertise that they are being incorporated in various newspapers in each county and also in the bar association newsletters in each county. The main purpose was to save them from the expense of doing that. The gentleman, Mr. Stetler’s bill would allow this information to be included on an Internet site that is maintained by the Department of State.

Continuing to require these partnerships and corporations to advertise in local bar newsletters I understand is being sought by the bar associations mainly as a way to fund their newsletters to members. My take on the issue is somewhat different, that the bar associations, the members of the association and the people who find this information of benefit, should be the ones to pay for it. It should not be the small companies that are starting up that have to pay for these advertisements. To give you an example of whom we are having pay for these newsletters, let me read you the couple of names that were recently new businesses that had to list or had to do the advertising in York County, businesses like The Coffee Pot, Laundry Connection, American Dreams Candles, Bumblebee Design, Granny Gs, Sandy’s Touch, Snack Shack, Alley Cat Automotive.

Mr. Speaker, we want to encourage small businesses in Pennsylvania and remove barriers from them to do just a very simple act of incorporation in the State. This information will be available on the State Web site. If the bar journals want to pull that information off a Web site and run it locally, that is fine. It is a matter of who pays for it. Having little businesses like this pay for the privilege of having this information being delivered free of charge to various attorneys or others in the community,

to me, is wrong. They should pay for it themselves, not charge the small businesses.

Mr. Speaker, I am going to be opposing the amendment. Thank you.

The SPEAKER pro tempore. The lady, Ms. Harper, changes her mind and she would like to have the opportunity to speak, and she is so recognized.

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

I was always told it was a woman’s prerogative to change her mind, so yes, I would like to speak.

The SPEAKER pro tempore. We have broadened that in this House, and it is everybody’s obligation to change their mind once in a while.

Ms. HARPER. This is true, and it is a very good thing.

I am offering the amendment because I believe there should be one place in each county where this information is in print. The Web is a wonderful thing, and I absolutely support Representative Stetler’s bill to reduce the costs of legal incorporations by not requiring advertising to be in your local newspaper where seldom is it read by anyone who reads the newspaper. By contrast, in a law journal this information can be collected and published and read by those who are most interested in it, who tend to be members of the legal community or realtors or others who are interested in the information published in legal journals, such as sheriff sale notices, new corporations, and whatnot.

I wanted to make it clear to the members that I have redrafted my amendment to meet the objections from the small business community. My amendment does nothing in the way of obligating further costs. It simply continues the current law which obligates new corporations to publish in a legal journal. These incorporations would therefore be in print in a place where they can be found by those who are interested in them. I support the Stetler bill, which would make incorporations cheaper by not requiring newspaper advertisement, while still supporting the notion that when someone creates a fictitious entity to do business in Pennsylvania, that it should be in print someplace where that information can be found.

I would ask for a “yes” vote and thank my colleagues in advance. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Echoing the lady’s comments, I also again, for the second time, rise to encourage all the members to vote in the affirmative. We are actually saving, by voting this bill, saving small businesses a lot of money. One of the things that the legal journals do, first of all, they are a lot cheaper than the other forms that businesses have to use right now to advertise. But nevertheless, it provides an archival system in the legal journals that we do not necessarily have the other way, with the Internet. So this gives us coverage on both, and I think overall this is a very good thing for business.

And we are talking about the Internet. We are all going to end up on the Internet anyway. I mean, to vote “no” on this is really denying progress in a sense. It is coming; it is going to be this way anyway. I think, let us do it now. Let us be ahead of the game. Let us be on the cutting edge and get this on the Internet now as quickly as possible and also have the archival ability with these local journals.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair would like to ask the lady, Ms. Harper, to come up to the Speaker's desk. Ms. Harper? Ms. Harper, would you please come to the Speaker's desk.

(Conference held at Speaker's podium.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. While we are waiting for the Parliamentarian to make a decision on this amendment, the Chair notes the presence of Mr. Ruffing on the floor and asks that the clerk add him to the master roll.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair returns to leaves of absence and is in receipt of a request for Representatives WANSACZ and BIANCUCCI to be added to Capitol leave. Without objection, the leaves are approved.

CONSIDERATION OF HB 1906 CONTINUED

The SPEAKER pro tempore. Back to the amendment at hand, the Chair recognizes the gentleman, Mr. Yewcic.

Mr. YEWIC. Thank you, Mr. Speaker.

On the amendment?

The SPEAKER pro tempore. The gentleman is in order.

Mr. YEWIC. I am going to oppose this amendment, because it is a question of accessibility. Under current law, the requirement now is to post something in the county legal journal and in a newspaper of general circulation. Under the bill, it just says use the Internet, which is fine. This amendment says you can post the announcements on the Internet and in the legal journal but not in the newspaper. There is an established standard that the public has a right to know what is occurring in their community.

A lot of people, a lot of attorneys, do not have Internet access. A lot of people, senior citizens, do not have Internet access. They want to know how their neighborhoods are affected if they cannot read the public notices. We have an established standard across Pennsylvania that allows people to know what is happening in their communities. With this amendment, the only announcement that will be out there will be in a legal journal or on the Internet, which is a question of accessibility. It is not a question of supporting newspapers or trying to shove it to newspapers; it is a question of accessibility to the people in our districts. They should have the right to know what is happening in their community. I have an amendment to address that issue. However, this amendment would knock my amendment out, and therefore, we end up with a piece of legislation that would restrict access to public information to a lot of people who do not utilize the Internet.

I do not think the Internet is that reliable, and a lot of people just do not look at it. Therefore, I would oppose this amendment, because we ought to keep to the current standards that we have, that these announcements should be made in a newspaper of general circulation as well as the county legal journals. So I would oppose this amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—91

Allen	Gerber	Manderino	Santoni
Argall	Gingrich	Markosek	Scavello
Baker	Godshall	Marsico	Schroder
Bebko-Jones	Goodman	McCall	Shapiro
Belfanti	Grucela	McGeehan	Sipproth
Bunt	Habay	McGill	Staback
Butkovitz	Hanna	McNaughton	Stairs
Caltagirone	Harhai	Miller, S.	Stevenson, T.
Casorio	Harper	O'Brien	Tangretti
Cohen	Hennessey	Oliver	Taylor, E. Z.
Corrigan	Hershey	Pallone	Taylor, J.
Crahalla	James	Petri	Thomas
Cruz	Josephs	Petrone	Turzai
Curry	Keller, W.	Pistella	Wansacz
Daley	Kenney	Raymond	Waters
Dally	Kirkland	Reed	Wheatley
Donatucci	Kotik	Reichley	Wilt
Eachus	LaGrotta	Rieger	Wojnarowski
Fichter	Leach	Roberts	Youngblood
Frankel	Lederer	Rubley	Zug
Freeman	Leh	Ruffing	
Gabig	Lescovitz	Sainato	Perzel,
Gannon	Maher	Samuelson	Speaker
George			

NAYS—106

Adolph	Diven	Mackereth	Readshaw
Armstrong	Ellis	Maitland	Rohrer
Baldwin	Evans, D.	Major	Rooney
Barrar	Evans, J.	Mann	Ross
Bastian	Fabrizio	McIlhattan	Sather
Belardi	Fairchild	McIlhinney	Saylor
Benninghoff	Feese	Melio	Semmel
Beyer	Fleagle	Metcalfe	Smith, S. H.
Biancucci	Flick	Micozzie	Solobay
Birmelin	Forcier	Millard	Sonney
Bishop	Geist	Miller, R.	Steil
Blackwell	Gergely	Mundy	Stern
Blaum	Gillespie	Mustio	Stetler
Boyd	Good	Myers	Stevenson, R.
Buxton	Grell	Nailor	Sturla
Cappelli	Haluska	Nickol	Surra
Causer	Harhart	O'Neill	Tigue
Cawley	Harris	Parker	True
Civera	Hasay	Payne	Veon
Clymer	Herman	Petrarca	Vitali
Cornell	Hess	Phillips	Walko
Costa	Hickernell	Pickett	Watson
DeLuca	Hutchinson	Pyle	Williams
Denlinger	Kauffman	Quigley	Wright
Dermody	Keller, M.	Ramaley	Yewcic
DeWeese	Killion	Rapp	Yudichak
DiGirolamo	Levdansky		

NOT VOTING—1

Creighton

EXCUSED—5

Gruitza	Roebuck	Shaner	Smith, B.
Preston			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Yewcic, who— Well, I will let you make your motion. Go ahead.

Mr. YEWICIC. Okay. On the bill.

Mr. Speaker, the way the bill stands now, the only legal requirement out there to post a new business or corporation is on the Internet, where there is no access. Therefore, I would have an amendment that was drafted to the amendment that requires a suspension of the rules that will keep the current law in place so there is public access, but also state that the department – and the department already is doing this, posting it on their Internet site – this merely says that they have to now post it on the Internet site.

It does not change anything. It just requires the department to post these listings on the Internet site but also keep the current standard of posting these requirements in a legal journal and also in a newspaper of general circulation, and I would ask for a suspension of the rules to offer this amendment No. 3976.

The SPEAKER pro tempore. The gentleman, Mr. Yewcic, moves that the House rules be suspended for the offering of amendment 3976.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the majority leader, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I regretfully would urge the members to oppose the suspension of the rules.

The SPEAKER pro tempore. Does the gentleman, Mr. DeWeese, seek recognition on this motion? Apparently not.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER pro tempore. The Chair notes the presence in the hall of the House of the gentleman, Mr. Perzel, who is removed from Capitol leave.

CONSIDERATION OF HB 1906 CONTINUED

Mr. DeWEESE. Mr. Speaker? I have had a nice confabulation with my two colleagues from Allegheny County and from Cambria County. My friend from Allegheny County would like a “no” vote; my friend from Cambria would like a “yes” vote. I am with my friends.

I hope the members of my side of the aisle use their conscience on this vote.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

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

The following roll call was recorded:

YEAS—56

Bebko-Jones	DeLuca	Leach	Rieger
Belardi	Dermody	Lescovitz	Roberts
Biancucci	Evans, D.	Levdansky	Samuelson
Bishop	Forcier	Maher	Sturla
Butkovitz	Freeman	Manderino	Surra
Buxton	George	Mann	Tangretti
Cawley	Grucela	McGeehan	Thomas
Cohen	Habay	Melio	Tigue
Corrigan	Haluska	Mundy	True
Costa	Hanna	Mustio	Vitali
Cruz	Harhai	Myers	Walko
Curry	James	Petrone	Wheatley
Daley	Keller, W.	Pistella	Yewcic
Dally	Kotik	Readshaw	Youngblood

NAYS—142

Adolph	Fichter	Major	Ruffing
Allen	Fleagle	Markosek	Sainato
Argall	Flick	Marsico	Santoni
Armstrong	Frankel	McCall	Sather
Baker	Gabig	McGill	Saylor
Baldwin	Gannon	McIlhattan	Scavello
Barrar	Geist	McIlhinney	Schroder
Bastian	Gerber	McNaughton	Semmel
Belfanti	Gergely	Metcalfe	Shapiro
Benninghoff	Gillespie	Micozzie	Siptroth
Beyer	Gingrich	Millard	Smith, S. H.
Birmelin	Godshall	Miller, R.	Solobay
Blackwell	Good	Miller, S.	Sonney
Blaum	Goodman	Nailor	Staback
Boyd	Grell	Nickol	Stairs
Bunt	Harhart	O'Brien	Steil
Caltagirone	Harper	Oliver	Stern
Cappelli	Harris	O'Neill	Stetler
Casorio	Hasay	Pallone	Stevenson, R.
Causar	Hennessey	Parker	Stevenson, T.
Civera	Herman	Payne	Taylor, E. Z.
Clymer	Hershey	Petrarca	Taylor, J.
Cornell	Hess	Petri	Turzai
Crahalla	Hickernell	Phillips	Veon
Creighton	Hutchinson	Pickett	Wansacz
Denlinger	Josephs	Pyle	Waters
DeWeese	Kauffman	Quigley	Watson
DiGirolamo	Keller, M.	Ramaley	Williams
Diven	Kenney	Rapp	Wilt
Donatucci	Killion	Raymond	Wojnaroski
Eachus	Kirkland	Reed	Wright
Ellis	LaGrotta	Reichley	Yudichak
Evans, J.	Lederer	Rohrer	Zug
Fabrizio	Leh	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maitland	Rublely	Speaker

NOT VOTING—0

EXCUSED—5

Gruitza	Roebuck	Shaner	Smith, B.
Preston			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

Adolph	Evans, D.	Leh	Rooney
Allen	Evans, J.	Lescovitz	Ross
Argall	Fabrizio	Levdansky	Rubley
Armstrong	Fairchild	Mackereth	Sainato
Baker	Feese	Maitland	Samuelson
Baldwin	Fichter	Major	Santoni
Barrar	Fleagle	Mann	Sather
Bastian	Flick	Markosek	Saylor
Bebko-Jones	Forcier	Marsico	Scavello
Belardi	Frankel	McCall	Schroder
Belfanti	Gabig	McGeehan	Semmel
Benninghoff	Gannon	McGill	Shapiro
Beyer	Geist	McIlhattan	Siptroth
Biancucci	George	McIlhinney	Smith, S. H.
Birmelin	Gerber	McNaughton	Solobay
Bishop	Gergely	Metcalfe	Sonney
Blackwell	Gillespie	Micozzie	Staback
Blaum	Gingrich	Millard	Stairs
Boyd	Godshall	Miller, R.	Steil
Bunt	Good	Miller, S.	Stern
Butkovitz	Goodman	Mundy	Stetler
Buxton	Grell	Mustio	Stevenson, R.
Caltagirone	Habay	Myers	Stevenson, T.
Cappelli	Haluska	Nailor	Sturla
Casorio	Hanna	Nickol	Surra
Causar	Harhai	O'Brien	Taylor, E. Z.
Cawley	Harhart	Oliver	Taylor, J.
Civera	Harper	O'Neill	Tigue
Clymer	Harris	Pallone	True
Cohen	Hasay	Parker	Turzai
Cornell	Hennessey	Payne	Veon
Corrigan	Herman	Petrarca	Vitali
Costa	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Waters
Cruz	Hutchinson	Pickett	Watson
Curry	James	Pistella	Wheatley
Daley	Josephs	Pyle	Williams
Dally	Kauffman	Quigley	Wilt
DeLuca	Keller, M.	Ramaley	Wojnaroski
Denlinger	Keller, W.	Rapp	Wright
Dermody	Kenny	Raymond	Youngblood
DeWeese	Killion	Readshaw	Yudichak
DiGirolamo	Kirkland	Reed	Zug
Diven	Kotik	Reichley	
Donatucci	LaGrotta	Rieger	
Eachus	Leach	Roberts	Perzel,
Ellis	Lederer	Rohrer	Speaker

NAYS—9

Freeman	Manderino	Ruffing	Thomas
Grucela	Melio	Tangretti	Yewcic
Maher			

NOT VOTING—0

EXCUSED—5

Gruitza	Roebuck	Shaner	Smith, B.
Preston			

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.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Kenney, for the purpose of an announcement.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, the Health and Human Services Committee will meet immediately at the announcement of the break. Thank you.

In the rear of the House, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Health and Human Services Committee will meet in the rear of the House immediately at the break.

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 816, PN 2854

An Act amending the act of July 7, 2005 (P.L. , No.6A), entitled "An act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission," making an additional appropriation to the Pennsylvania Public Utility Commission.

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

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Myers, rise?

Mr. MYERS. Mr. Speaker, I would like to correct the record.

The SPEAKER. The gentleman is in order.

Mr. MYERS. On the final passage of HB 2054, I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess, there will be a Democratic caucus with formal and informal discussions.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the call of the recess, there will be a formal and informal Republican caucus.

VOTE CORRECTIONS

The SPEAKER. For what purpose does Miss Parker rise?

Miss PARKER. Mr. Speaker, I wish to be recorded as voting “no” on HB 2054.

The SPEAKER. The Chair thanks the lady.

Miss PARKER. Thank you.

The SPEAKER. The gentlelady’s remarks will be spread across the record.

Are there any further announcements? Mr. Wojnaroski.

Mr. WOJNAROSKI. Mr. Speaker, I would like to correct the record, please.

The SPEAKER. The gentleman is in order.

On HB 1906, amendment A3991, I was recorded in the negative. I would like to be recorded in the positive.

The SPEAKER. The Chair thanks the gentleman. The gentleman’s remarks will be spread across the record.

Mr. Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, my switch malfunctioned, and I would like to be recorded in the negative on HB 2054.

The SPEAKER. The Chair thanks the gentleman. The gentleman’s remarks will be spread across the record.

RECESS

The SPEAKER. Are there any other corrections? Are there any other announcements?

Hearing no further announcements, this House is in recess until 8 p.m.

AFTER RECESS

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 127, PN 2996**; and **HB 1579, PN 2997**, with information that the

Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to **HB 761, PN 2998**.

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

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER. The Chair returns to leaves of absence and notes on the floor of the hall of the House the gentleman from Lancaster, Mr. Armstrong.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority leader, who moves for a leave of absence for the remainder of the day for the gentlelady from Lancaster, Mrs. TRUE. Without objection, that leave will be granted.

SUPPLEMENTAL CALENDAR C**RESOLUTION PURSUANT TO RULE 35**

Mr. MUSTIO called up **HR 505, PN 3034**, entitled:

A Resolution honoring the Order of the Felician Sisters on the occasion of the 150th anniversary of its founding.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Fabrizio	Levdansky	Ross
Allen	Fairchild	Mackereth	Rubleby
Argall	Feese	Maher	Ruffing
Armstrong	Fichter	Maitland	Sainato
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Manderino	Santoni
Barrar	Forcier	Mann	Sather
Bastian	Frankel	Markosek	Saylor
Bebko-Jones	Freeman	Marsico	Scavello
Belardi	Gabig	McCall	Schroder
Belfanti	Gannon	McGeehan	Semmel
Benninghoff	Geist	McGill	Shapiro
Beyer	George	McIlhattan	Sipthroth
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs

Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Habay	Mustio	Stevenson, T.
Cappelli	Haluska	Myers	Sturla
Casorio	Hanna	Nailor	Surra
Causser	Harhai	Nickol	Tangretti
Cawley	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	Oliver	Taylor, J.
Clymer	Harris	O'Neill	Thomas
Cohen	Hasay	Pallone	Tigue
Cornell	Hennessey	Parker	Turzai
Corrigan	Herman	Payne	Veon
Costa	Hershey	Petrarca	Vitali
Crahalla	Hess	Petri	Walko
Creighton	Hickernell	Petrone	Wansacz
Cruz	Hutchinson	Phillips	Waters
Curry	James	Pickett	Watson
Daley	Josephs	Pistella	Wheatley
Dally	Kauffman	Pyle	Williams
DeLuca	Keller, M.	Quigley	Wilt
Denlinger	Keller, W.	Ramaley	Wojnaroski
Dermody	Kenney	Rapp	Wright
DeWeese	Killion	Raymond	Yewcic
DiGirolamo	Kirkland	Readshaw	Youngblood
Diven	Kotik	Reed	Yudichak
Donatucci	LaGrotta	Reichley	Zug
Eachus	Leach	Rieger	
Ellis	Lederer	Roberts	
Evans, D.	Leh	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Smith, B.	True
Preston	Shaner		

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

The SPEAKER. Would the gentleman, Mr. Smith, please come to the rostrum.

(Conference held at Speaker's podium.)

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2082, PN 2886**, entitled:

An Act establishing appropriations limitations; and providing for the disposition of surplus funds.

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

Mr. **DeWEESE** offered the following amendment No. **A03735**:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting

Establishing appropriations limitations; and providing for the disposition of surplus funds.

Amend Bill, page 1, lines 5 through 17; page 2, lines 1 through 30; page 3, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Appropriations Limitations Act.

Section 2. Limitations on appropriations.

(a) General rule.—Except as set forth in subsection (b), in any fiscal year, the General Assembly shall not increase total General Fund State appropriations above the amount of total General Fund State appropriations authorized for the preceding fiscal year by a percentage which exceeds the average percentage increase over the immediately preceding three calendar years in the Consumer Price Index for All Urban Consumers of the Bureau of Labor Statistics unless a referendum stating the amount and duration of the increase is approved by a majority of the electors voting on the referendum.

(b) Exception.—Subsection (a) shall not apply to any of the following:

(1) An appropriation which, as a result of a requirement of Federal law, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service.

(2) An appropriation which, as a result of a requirement of a Federal or State court order which has become final, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service.

(3) An appropriation providing for the Commonwealth's share of payments for pension obligations as provided by law.

(4) An appropriation for the repayment of interest and principal for all debt incurred by or on behalf of the Commonwealth.

(5) An appropriation in response to a Presidential or gubernatorial declaration of an emergency or major disaster in any part of this Commonwealth and which is approved by three-fifths of the members elected to each House of the General Assembly.

(6) An appropriation providing for Pennsylvania National Guard.

(7) An appropriation providing for programs relating to special education.

(8) An appropriation providing for funding for volunteer and paid firefighter and emergency management agencies including ambulance and rescue.

(9) An appropriation for additional Pennsylvania State Police officers.

(10) An appropriation for programs that benefit senior citizens, including elder care and home health care, including, but not limited to, the Family Caregiver Support Program and Older Adult Protective Services.

Section 3. Refund of surplus operating funds.

Surplus operating funds in the General Fund at the end of the fiscal year which are not required by law to be deposited into the Budget Stabilization Reserve Fund shall be refunded pro rata to the citizens of this Commonwealth based on the liability reported on annual returns filed pursuant to section 330 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, within the fiscal year in which the surplus was created. The pro rata refund shall be in the form of a tax credit applied against the tax liability reported on the annual income tax returns filed pursuant to section 330 of the Tax Reform Code of 1971 in the immediately succeeding fiscal year. If the tax credit provided under this section exceeds the taxpayer's liability, the taxpayer shall receive a refund of the amount in excess of the liability.

Section 20. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. DeWeese.

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

It is a comparatively unorthodox methodology that we are adopting tonight, but I understand that the exigencies of our parliamentary exercise are that amendment 3735 will include five different areas that we would like to exempt from cuts.

If you vote with us on this amendment, you will preserve the Commonwealth's focus and involvement in the programs relating to our Pennsylvania National Guard. If you think that we can cut into the marrow of our National Guard at this unhappy juncture in Commonwealth history, then obviously you will not vote "yes"; you will vote "no."

The second element within this amendment is special education. If this assault of yours, in my view, on the State budget process is so unremitting, so capacious, that you want to cut and allow for less growth than its natural growth under several previous Governors in special education, then you should vote against me. A "no" vote would be proper; again, cutting the National Guard and special education.

Mr. Speaker, the third element of five within this amendment deals with volunteer firemen and paid firemen. We are proselytizing on a monthly basis if not a weekly basis on behalf of women and men who enter dangerous buildings aflame, who work on the ambulances, and again, you cannot have it both ways. You cannot be for all these things and then put a searing cap that will take hundreds and hundreds and hundreds of millions of dollars out of the State revenue stream and still be generous to our Guard, to our special education programs, and to our fire companies.

The fourth out of five in this amendment really galls me. The gentlelady in the back of the hall of the House not too many months ago paraded down here to this end of the chamber and had a "More State Troopers" button on, and I admonished the gentlelady, how can you wear that button? You vote against every effort to generate the revenue to pay for more State troopers, and if you want to do that, show me where you are going to cut so we can get more State troopers. Well, if you vote "no" on this amendment tonight, amendment 3735, you further jeopardize an enhancement of the State Police complement.

The fifth and final element, Mr. Speaker, in this amendment deals with elder care and home health care. This past weekend in Greene County I was part of a ribbon-cutting ceremony at a small facility in Waynesburg where folks with disabilities, preeminently those in wheelchairs, utilized the opportunity to organize and project their cause, and in many cases they are at home with a home health-care specialist for part of the day, which keeps them out of an institutional setting, which saves the State, which saves society, a great deal of money. This false economy that you are engendering by your proposal, HB 2082, would hamper their ability to have home health-care assistance.

So this is going to be a comparatively lengthy evening of debate, but I would say you have a chance for early redemption. You can help State troopers. You can help guardsmen and guardswomen. You can help folks who need our special education focus. You can help our volunteer firemen and our

EMS (emergency medical services) workers, and you can help our elder-care and home health-care programs.

A long time ago it was decided that government would be involved in these societal directions, and again, I do not believe that you can artificially shackle this administration or a subsequent administration. You folks had the majority for 8 years under Gov. Tom Ridge and Governor Schweiker when the Republican echelon was running the Commonwealth completely, and we did not have these kinds of proposals then. Governor Rendell's accession to the gubernatorial assignment for some reason engenders these unhappy cuts against our Guard and our troopers, et cetera, and of course I would ask for favorable consideration so that at least, at least the Guard, troopers, special education, firemen, and home health-care workers would be exempt from the punitive deprivations of HB 2082.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Smith.

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

I am not exactly sure where to start. My head is spinning a little bit after that rhetoric.

To suggest that there is anything in the sub and substance of this bill that is a cut and that there is anything in the DeWeese amendment that prohibits a cut, there is nothing about this amendment that guarantees a penny for any of those programs that he mentioned. Why he mentioned those five, I do not know for sure. In an e-mail that was sent out to some people trying to influence them, and I believe this e-mail is paid for by the House Democratic Caucus, it says that if this becomes law, dozens of schools and libraries and towns across the State will be forced to close. Which schools, I challenge you to tell me, which schools? Which libraries? What are going to close across the State? What senior activity centers will close if this bill passes, or as was just suggested at least, this bill without this amendment? That is simply, simply not the truth. To try to inject these typical scare tactics is absolutely, across the board, over the top.

The same e-mail said that school districts will be forced to raise property taxes by as much as 50 percent in the next few years. One of our members, a former member of the Democratic Caucus, I might add, pointed out to me in caucus that in fact what was in Act 72 that a lot of people here were gung ho to make happen, I supported Act 72, but when the school boards decided to turn Act 72 down, when four out of five turned it down in May, I heard the screams coming from that side of the aisle that we got to jam that Act 72 down their throats because those school boards do not know what they are doing and that they should live within their limits that would have been provided by Act 72. I think one could make a legitimate argument that what this bill does, without this amendment, of course, imposes a similar type constraint on us.

Now, the gentleman made some reference to the years when we ran budgets under the Ridge administration. I think if you go check the record, you will find that in the years when perhaps some or many Democrats did not vote for a Ridge budget, and I do not remember how they all went, quite frankly, if there were years when we all voted for the budget and it was okay or if there were years whenever you guys mostly voted against it; I really do not remember every budget through the course of those years, but I guarantee you this: When people voted against a Ridge budget, it was always because it did not spend enough

for this or it did not spend enough for that. So do not chide me that we have spent too much money and that you are somehow going to save taxpayers, because that is just the opposite of what is going on here.

This is about controlling spending, and if you want to say that we are somehow disingenuous by doing this, let me tell you, I am willing to admit that we have not done as good a job as we should have and certainly we have not done as good a job as we should have as Republicans in controlling spending. I will stand here, I am guilty; I am guilty, and I will take the blame. Put it in the next campaign brochure. It is okay. It is the truth. But do not criticize us for then trying to get the controls on spending, because when those people are out there talking about property taxes being too high, that is only part of the issue. When they say they want property tax reform – and you all know it; everyone here knows it – they do not really mean they just want to lower their property taxes and pay some other taxes; they are saying they do not want to pay more taxes. The property tax happens to be the one that is most offensive, I guess. But they are not saying, I really want to pay other taxes; they are saying, in fact, I do not want to pay more taxes, and that is what this legislation is about. It is about State Police, autistic children, drug and alcohol – these are things that I have heard talked about. The suggestion that somehow passing this bill will cut these programs is absolutely absurd.

Will this bill make it a little tougher for us to set our priorities and make our decisions? It may, but the fact is, under this bill, we will still have an increase in spending, and if we cannot build our priorities and maintain those programs, nothing is getting cut. For them to suggest that libraries and schools, highways and bridges, my lands, I am not even sure that that is covered under this, given the nature of the Liquid Fuels Fund. I could be wrong; I need to check that. But that is a whole separate budget. It is funded under a dedicated funding stream. It is not part of the General Fund budget even. Firefighters, disaster response, the National Guard – tug, tug at those sympathetic hearts, if you will, but at least tell the truth.

The DeWeese amendment does not protect one program from a cut, and it does not guarantee one of those programs more money. The fact is, the reality is, and you all know it, the fact is and the reality is when we get to doing the next budget, if we were under the constraints of some kind of spending cap, the fact is we are going to maintain most of the programs as we will, as we have in the past; some of the programs that generate automatic increases mandated by Federal law or whatever, we will accommodate that; and what is left will go to whatever the priorities are.

So if you want to stick your head in the sand and say that the taxpayers of Pennsylvania, the people of Pennsylvania, while they all love lots of these programs that we fund, that they really want to pay more in taxes and they really want State government to spend more money, a lot more money every year, then that is what a vote for the DeWeese amendment is. It is saying we really do not want to control spending; we really want to find a way to increase spending, and if we want to find a way to increase spending, we must really want to raise taxes.

I think to suggest that the DeWeese amendment somehow protects these programs or somehow guarantees that they will be funded is absolutely incorrect. This is not a budget we are enacting. It is putting a limit on how much we can spend, and once we put that limit in place, it is no different than when the Secretary of the Budget certifies the revenues at the final end of

the budget negotiations. When he puts that number on paper, that is the number we have to live with, unless we are to change the tax structure in the course of the year. That is, I think, the only exemption, that he can change that revenue number. We are in essence giving ourselves a ceiling on how much we are spending. We are not cutting a program, we are not taking anything away from anybody, and most likely, most of the programs that you know and love in the State budget will continue on at some reasonable level very similar to what they have today.

I would urge the members to vote against the DeWeese amendment.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

We are going to get everything we want. We are not going to cut anything. The National Guard next year, hypothetically, needs a 4-percent boost in their budget. The rate of inflation and cost-of-living figures come in, and it is 2 percent, so the Commonwealth's budget would normally grow by 2 percent if these limitations are imposed. All we are saying, Mr. Speaker, is in five specific areas of the multitudinous areas of the State budget, the hundreds and hundreds and hundreds of line items, all we are saying, Mr. Speaker, is that we would like for you to have five exemptions. That is what this amendment does. If you cannot exempt the National Guard and the State Police and firemen, if you cannot exempt them from this potential phenomenon, what good are we as a General Assembly? We come here— Now, the sky will not fall. I do not know where you came up with this idea. I guess it is sort of a national phenomenon that has not worked very well in Colorado, but for some reason you think it will work well here. But there is no real calamity at the precipice, because if we do not have the money, we will not spend the money. We have a balanced budget effort in our State constitutional system.

So all I am saying is we want some exemptions. We want five exemptions in this amendment. We want to say that if the crime rate in our State and the State Police obligations in the Commonwealth are more than 2 percent and the rate of inflation was 2 percent, if they are 3 or 4 percent for the State Police, we want to say, please allow our State troopers, our National Guard, our fire companies to have this exemption. That is not asking much. We are just asking for an exemption, an exemption from this rather shortsighted series of caps, at least the way many of us see them, that the honorable gentleman is trying to impose.

So again, an exemption for State troopers does not seem like that heavy a lift.

The SPEAKER. Mr. Smith.

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

Two points, Mr. Speaker. On the State Police, I think our record is absolutely clear, and certainly as a House Republican Caucus who has been out front on providing additional funding for State Police. Oddly enough, even though our efforts have been there to fund the State Police, it seems that it is the Governor's Office that has kind of unilaterally avoided actually putting that in play. So quite honestly, to try to lay at our feet that we cannot do that, maybe you are right, especially if the Governor is going to ignore the will of the legislature, which clearly said we should put more money and more troopers out and across Pennsylvania protecting the citizens of Pennsylvania.

I think, though, a bigger point here is that maybe you do not understand exactly how this thing would work. To suggest that

if the National Guard needs a 4-percent increase and the ceiling that would be created by this proposal was 2 percent, to suggest that you could not give the National Guard 4 percent is not accurate. If that was the choice before us, we can give them 4 percent. We can give them 10 percent. We can give them a 100-percent increase if we wanted to to that particular line item. What is put in place is a ceiling on the gross, the total amount of spending. It does not limit any one specific line item. And again, I would probably rhetorically ask, I do not know how putting these exemptions in does anything to provide any money for any of these programs. That is still going to be a function of the budget decisionmaking process, negotiation, and the legislature and the administration setting their priorities. It will be the will of the legislature.

Perhaps what you are suggesting with this amendment is that, well, we will increase all these other items that are in the budget that are not mentioned, all the things that you did not mention in this particular amendment, some of which are mentioned in your other amendments. Perhaps what you are suggesting is that we will spend the entire budget right up to the ceiling on all the other programs in the budget and we will not do anything for these five programs that you have identified, and then at the last minute, we will come back and say, ah, but we really need to do something for them, so since we have an exemption, we will increase them therefore 5 or 6 percent. That is not what the goal of this legislation is. The goal is not to try to create a way around a ceiling that we admittedly would be self-imposing upon ourselves. The goal of this legislation is to help us control the increase in spending and hence control the increase in taxes. It is real simple. If you want to stick more exemptions into this bill, translate that into more spending and another tax increase.

In the same way that this amendment was introduced, perhaps with a twinge of slightly being disingenuous, if you want to vote for this amendment, then you are voting for a future tax increase somewhere down the road. That is about the equivalent of how you introduced this amendment, and it simply is not the case. We are talking about controlling spending, putting a ceiling on the amount of money we will spend, and that is something that we need to do to help us live within our means, something similar to what we suggested the school districts do under Act 72. Not a bad deal.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. The honorable gentleman has already admitted that they have been spending too much, that they have not been able to cut. That lack of fortitude was never more lucidly manifest than in the 8 years of the Ridge-Schweiker administration when a Republican House and Republican Senate spent and spent and spent and spent almost like their Federal cousins in the broad-bosomed valley of the Potomac. I cannot say that there is any more aggressive motivation for us to do this, to put these exceptions in for troopers and guardsmen and firefighters and special ed. We do not have any faith in the honorable gentleman's Republican team of being able to cut. You have not shown us over the last decade an ability to cut. So we are saying if you are not going to cut in some other place, it is very possible that these folks would be mishandled in the budget process. We do not want troopers and guardsmen and firemen to be mishandled in the subsequent budget.

And before we get too carried away about troopers, when the rather maudlin and misdirected retrospection of the honorable

gentleman from Jefferson County, as he swathes himself with self-complimentary adulation about his identification with State Police and State troopers, that is balderdash, and I will tell you why it is balderdash, because when Edward G. Rendell came to town, and I believe the honorable majority leader and the honorable Speaker were among a brave phalanx of 20 or so Republicans that voted to increase our revenues – 80 percent of us, 20 percent of you – but the State Police are a beneficiary of aggressive and intrepid behavior on this side of the aisle because we generated the revenue for the State Police. You can talk a good game, you can wear those buttons, bespangled and adorning your blazers, but if you are not willing to put up the vote for revenue from time to time, then your hypocrisy is palpable, and your hypocrisy is palpable tonight.

The SPEAKER. Mr. Smith.

Mr. S. SMITH. Mr. Speaker, you are defining yourself. Your interpretation of managing government, of compiling a budget, is if I want to spend a penny, I have to raise the taxes. If that were the case, then none of us would be spending a dime in here, because none of us were around when the first 1 or 2, 1 1/2 percent of income taxes were put in place. I do not think you were around for that. Does that mean you cannot spend that first percent of personal income tax or the first 5 or 6 percent of sales tax? That is ridiculous.

I do not know a lot of what he was saying, quite frankly; he lost me, but let me tell you this. There are two ways to go about running a budget and running State government or running your household or running your business. Government has a different problem, I guess. I do not want to equate that to business or your household. But there are two ways you can run a government: If you want to spend more money, you can raise taxes and do not make any other choices, say you all get what you want, and we are going to give more money to this new program or this other program. The other way you can run government is say there is a limit out there, there is a limit to how much tax revenue can be extracted from the pockets of the citizens of the Commonwealth, and that we need to make choices with that defined amount of money that we have. If you do not want to make those choices, then you can always take the easier choice that you choose to put on as a badge of courage and say, well, we raised taxes. To suggest that because somebody did not vote for a tax increase they are not allowed to say that a priority within the budget is to spend more money for State Police and maybe not an increase somewhere else in the budget, that is balderdash. Budgets are about priorities, budgets are about decisions.

I am willing to admit a problem that you are not willing to admit, Mr. Speaker. Your solution is to always raise more taxes and spend more money. I am saying here tonight that if we move forward with this bill without your amendment, that we are prepared to make a tougher decision, and that decision is that the taxes are high enough, that we do not want to raise the taxes anymore; as a matter of fact, we would like to move in the opposite direction, make Pennsylvania more competitive, make businesses more competitive in Pennsylvania, and make the tough decisions within our budget. Nothing in this bill and nothing in that amendment, quite honestly, increases or decreases money for any of these programs you mentioned, and to imply that a vote for your amendment is support for those programs and a vote against that amendment is somehow you are anti those programs is simply inaccurate and disingenuous.

Mr. Speaker, I think it is quite simple. If you want to continue the path we are on, we have been on, then by all means vote for this amendment or either of the next two. I do not know what happens then, because they are all the same; one would stand on top of the other. If you are looking to make a change in direction, if you are looking to get spending under control, then we need to move forward with the Allen bill without the DeWeese amendment and let us put a ceiling on the spending, and somehow that will help us to control what is a major problem. That I am willing to admit, Mr. Speaker, and I think that is an important distinction. We are willing to admit there is an issue, a problem here. You just want to smooth it over with another tax increase, and that is not the direction we need to be going.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I do not want to smooth it over with another tax increase, although the honorable gentleman was very helpful in helping me with a modest tax increase at the beginning of the Rendell administration. The Speaker, 20, 25 brave Republican souls stood side by side with Edward G. Rendell and increased revenues to try to invest in Pennsylvania. So it was a bipartisan effort historically. All I am saying one more time, and this is ad infinitum, ad nauseam, so I will not say it again until the next amendment, although by the way, sir, I would say if some of your colleagues would acquiesce to these exceptions, and that is all they are, is exceptions from a cap for troopers and guardsmen and firemen, et al., if they would accept that, we will not offer anymore amendments tonight, this will be our only amendment, if there is any way we could glean some votes for these exceptions. But again, what we have here is an honest disagreement.

I really feel that we can do this in our Appropriations Committees and on the floor of the House. The budget process in the General Assembly is quite, quite flexible, and why the honorable gentleman wants to make it inflexible, putting in statute caps that we can put into any budget program by a vote of this chamber, I think it is unnecessary; I think it is shortsighted. There are winners and losers in every budget. In my view, if this is not adopted, everybody will be a loser in subsequent budgets. And okay, for those folks back in Waynesburg in Greene County in that little ribbon-cutting setting, most all of them in wheelchairs, if their needs go up by 3 percent and the State rate of inflation is 1 1/2 percent, we may or may not be able to help them, but I would like to think that we do not need a statutory prohibition, that we could do it by the inherent flexibility of our parliamentary process.

I would like to say that if the gentleman would accept this amendment, as I already iterated, we will not offer another one, but I do not think you are going to have any better chance to say something favorable about the troopers and the firemen and the guardsmen. We do not want to put a statutory hammer on their ability to generate money in subsequent years. And notwithstanding what the gentleman says, if this is not adopted, we will be constrained; we will be constrained. And let the process move forward, but we are going to make a vigorous argument against any kind of statutory cap.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. DeLuca. He will be taken off Capitol leave.

CONSIDERATION OF HB 2082 CONTINUED

The SPEAKER. The gentleman, Mr. Smith?

The gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

If the maker of the amendment would be receptive to some interrogation, Mr. Speaker?

The SPEAKER. The gentleman indicates he will take the interrogation. The gentleman, Mr. Maher, is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

Perhaps it is not posted on our computer system, but is there a fiscal note for this amendment?

Mr. DeWEESE. Staff advises me, Mr. Speaker, that there is.

Mr. MAHER. May we continue the interrogation while we are awaiting delivery of said fiscal note, because it is not available on the system.

Mr. DeWEESE. The Republican page team can please—

Mr. MAHER. Thank you very much.

Mr. DeWEESE. —transfer this to the honorable gentleman.

Mr. MAHER. Because I can anticipate what that fiscal note will say. Having not seen it, I will not do the mighty Kreskin imitation that is done so well by one of your colleagues, but I can predict that that fiscal note will say this amendment has zero fiscal impact. Is that your understanding of what the note says, Mr. Speaker?

Mr. DeWEESE. The honorable gentleman should please respectfully interrogate his own Appropriations chairman. Those are the folks that produce our fiscal notes, and they can be more definitive for the honorable gentleman.

Mr. MAHER. Thank you, Mr. Speaker. I can certainly understand why you would prefer to defer the answer to that question, and I will return to it in my comments.

With further interrogation, Mr. Speaker, the five exceptions that you highlighted in this amendment, if I understand correctly, one of them is for volunteer firefighters and emergency responders. Is that correct?

Mr. DeWEESE. Yes, sir.

Mr. MAHER. And your goal here would be to eliminate any constraint whatsoever on General Fund appropriations for firefighters and emergency responders?

Mr. DeWEESE. In subsequent years we want to do that. We never anticipated that we would have a 9/11 catastrophe. It is hard for us. We are not soothsayers or clairvoyants. There is no more appropriate setting in our local communities than fire and ambulance services, and to put a cap artificially on them by statute is something that we are not in favor of. We can control those dollars, Mr. Speaker. We do not have to put a cap in the law. We can do it in this room.

Mr. MAHER. Sharing your high regard and appreciation for all their volunteer services, I will ask you, in the budget that you voted for this year, how much was the General Fund appropriation for volunteer firefighters and—

Mr. DeWEESE. The honorable gentleman knows that I do not have that data in front of me.

Mr. MAHER. Well, let me suggest a round number. Would the number zero sound familiar to you, sir? Perhaps I have a rounding error in there, Mr. Speaker.

Mr. DeWEESE. I always enjoy the gentleman's repartee.

Now, the gentleman, adroit and savvy accountant that he is, is certainly aware of the fact that the \$25 million for our volunteer fire service folks was supposed to be encapsulated within the gaming money.

Mr. MAHER. Appropriated beyond the General Fund, Mr. Speaker.

Mr. DeWEESE. The gaming money was not forthcoming in the timely fashion that we had anticipated. The honorable gentleman knows that those dollars will be replaced. He knows that. So other than good sportsmanship in this dialectic, I do not quite understand what the gentleman is getting at, because I think if—

Mr. MAHER. Well—

Mr. DeWEESE. —if, if – I am just responding to the honorable gentleman – if these caps are instituted without exception, I do not know how we would ever get them that \$25 million.

Mr. MAHER. Thank you, Mr. Speaker.

Let me also understand, these five exceptions in this amendment, all worthy pursuits, I think we would all agree. Now, you have two other amendments, I understand, that were to follow, that if I understand correctly you have offered during the discussion that if this amendment were to be embraced, you would disregard those other two amendments. Is that correct, Mr. Speaker? Did I understand that? And if I misunderstood it, I apologize.

Mr. DeWEESE. I do not know whether your very adroit staff team told you, but at 1:59 yesterday an all-purpose amendment was introduced by the Republicans that gutted our effort to amend, and by some sheer parliamentary accident, these three made it past the cut. Only one amendment that I will be offering is going to be accepted just because of the systemic challenge that we have here on the floor, parliamentarily, because of my opposition's hustle and blocking. So this was the most appealing amendment, we thought. If it would go down, then we will try a subsequent amendment. If it would go down, we might try— We have three in the arsenal, three arrows in the quiver, so to speak, but this is the sharpest arrow in the quiver, at least from our tactical perspective.

Mr. MAHER. So did I understand then correctly, Mr. Speaker, that if this amendment were to pass, you have offered that the other two will be—

Mr. DeWEESE. Yes, but not because the other two are less important, only because we only have one available amendment to be accepted into the body of the bill. I do not quite understand the legal dynamics of statutory construction to the point that some of my staff do, but I am confident that they are informing me appropriately. So if we only have one, we thought, especially since the Republicans seem to parade "More State Troopers" buttons proudly on their chests with so much regularity and because we have men and women engaged in faraway places in our Guard units, this might be an opportunity to put the cold, hard light of day on this what we consider to be ill-advised effort to put a statutory cap on

spending. We can cap spending every single budget by a vote in this room. We do not need it carved in granite.

Mr. MAHER. Thank you, Mr. Speaker.

May I speak on the amendment, sir?

The SPEAKER. The gentleman is in order.

Mr. MAHER. Thank you.

The fiscal note which was delivered does say that this amendment will have zero fiscal impact, which is correct. This amendment has zero fiscal impact because it is merely a mirage. We are being asked to spend the time this evening to consider a mirage, a mirage that speaks to not having a cap on General Fund appropriations for a line item that is currently not funded out of the General Fund, and was not just this year not funded out of the General Fund but was not the year before.

The commitment displayed in this amendment is also a mirage, because compare this to the other two that are before us and you will find out that as the gentleman has offered, if this amendment were to pass, the commitment that he would have us believe is so important would expire with respect to his views on higher education, on infrastructure, on roads, on bridges, on special education, on medical assistance, on agricultural preservation; that if those commitments are bona fide, I cannot believe that the maker of the amendment would so cavalierly offer to throw those things over the side. The reason it is comfortable to do that is because it is all just a mirage.

The purpose of the bill is simply to provide the Governor some help. Let us make it clear to the Governor what parameters he needs to work within as he puts together his budget. Three years in a row the Governor has not succeeded in accomplishing a budget on time. I think we would all like to see a timely budget. We are trying to help. Let us create some parameters. These are the resources that are available. Let us learn to live within them. Let us make the important choices. But this mirage of offering up an amendment that has zero fiscal impact and which speaks to some programs, only until you get to the next amendment, in which case these ones are thrown over the side. Look to the next amendment. If this one were to pass and the next one would have been offered in due course, all the things discussed here are gone. It is a mirage, and we should not be wasting our time on the mirages. We need to look at the cold, hard facts.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. Thanks, Mr. Speaker.

To use one of the favorite adjectives in the arsenal of my friend and colleague from Jefferson County, the word "disingenuous" is trotted out with vertiginous regularity, and the mellifluous and honey-tongued man who just spoke was being disingenuous, and the reason I say that is because if he felt so passionately—

QUESTION OF PERSONAL PRIVILEGE

Mr. MAHER. Point of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. MAHER. Mr. Speaker, I think it is fairly well established in House protocol that one does not attack the motives of a speaker.

Thank you.

Mr. DeWEESE. I was teasing, not attacking, but if the honorable gentleman, if his political carapace is so thin that he wants an apology, I will give you an abject apology. I am very fond of you in a manly, wholesome way. I would do nothing, nothing to offend you.

Mr. S. SMITH. Mr. Speaker? Mr. Speaker? Mr. Speaker?

The SPEAKER. Mr. Smith.

Mr. S. SMITH. I need to correct the record there just a minute. The gentleman, he actually misquoted himself. The first time you said, I love him, and then you said, in a wholesome and manly way of course. It is seared on my brain.

Mr. DeWEESE. Anyway—

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I just wish that my pal from those boxy suburbs south of Pittsburgh – boxy suburbs south of Pittsburgh – would have been so emphatic, so sedulous in his fiscal responsibility when Tom Ridge was at the helm. His silence was deafening back then, but all of a sudden we have a Democratic Governor and he is going to alter his modus operandi.

Anyway, bottom line – and the reason I said that, at least if he is not, and I accept that he is not, but the remark was disingenuous – he knows that an effort was successfully engendered, and I have already complimented the blocking and tackling of your leadership team. You guys have pinioned me. I am only allowed to offer one amendment, so we did it on troopers and guardsmen and we were not able to do it on some of these libraries and autistic children. We only could fit so much into the one amendment. We have another one. If this one goes down, we can exercise our prerogatives for a little while longer. But the honorable gentleman knows that I believe all these things – and he has copies of the amendments, so he knows exactly what we are trying to do – are equally important to us.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, I just want to briefly comment and clear up something that the majority leader said, because I found it a little – I think this is the word of the evening – disingenuous. The majority leader said that we cannot name a single school that is going to close as a result of this legislation without the DeWeese amendment, and he is right. We cannot name one, but we know they will. And he says that we cannot name a single nursing home patient that will be forced to leave their nursing home, and we cannot name that person, but we know those people will exist. And why is that? Because we know that this bill is going to require drastic cuts, as it has in Colorado, every single year.

We know this bill, if it were in effect this year, would have required a \$400 million cut beyond what we already cut, and you remember all of the painful Medicaid cuts we had to make and so forth. The fact is, and the reason this is, is because inflation, while it may be 2 percent, the cost of health care in a given year goes up 15 percent, and so that means we have to cut dramatically from health care.

And the majority leader is right, we can make the choice. You know what? We are not going to cut health care dramatically; we are going to take the money from education. But then we are going to have to cut education dramatically, unless we decide, well, maybe we can take that money out of law enforcement. But very soon we run out of things to draw

from, and that, of course, does not count all of the money that we are spending that is part of funds that are going to expire in a couple of years that are going to put us more in the hole.

What this has resulted in, in Colorado, is the State effectively stopping funding higher education in Colorado. It has resulted in people actually having to leave nursing homes. It has resulted in cuts in law enforcement. It has resulted in all the things that we are talking about. So while we cannot name the specifics, I think everyone should be clear on the fact that this bill means, without the DeWeese amendment, this bill means that these cuts are coming.

And the majority leader says we have to make choices, and I agree, and I thought that is why we have a constitutional provision requiring a balanced budget and we cannot borrow and we can only spend the money we take in, but, Mr. Speaker, this bill does not make choices. This bill puts artificial caps on while avoiding all choices. He is not telling us, no one is telling us where these massive cuts, hundreds of millions of dollars every year in a cascading and increasing amount, are going to come from.

Okay? That is great. If you have a suggestion, let us hear it, but why will you not tell us what those cuts are? Why will you not introduce a budget that reflects those cuts? Why are we pretending, as the majority leader did, that no cuts are going to have to occur, that everyone is going to be fine, that all of the priorities the people in this room have and people on both sides of the aisle have. The prime sponsor of this bill, a man I respect and I am sure is sincere, I read a cosponsorship memo of his today calling for more money for LIHEAP (Low-Income Home Energy Assistance Program). If this passes, there is no more money for LIHEAP, and I think we should be honest about that with the people of Pennsylvania so they do not come back to us like the people of Colorado have and say, wait a minute; you never told us this was going to happen.

I mean, if we believe – and I will talk more on this later, just to give you something to look forward to – if we believe that there should not be any government in Pennsylvania and that government should end as an engine of helping people, then let us make that case; let us have that argument, but to get up and say we are going to put these drastic cuts on year after year after year, which ratchet down spending every year, and no one is going to be adversely affected, I think that that is the definition of “disingenuous.” So at least with the DeWeese amendment, these are a few areas where at least people will know that they are not under this sword of Damocles.

So I would urge passage of this, and I thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I just want to make a quick comment. I heard an earlier speaker say that the Republicans only want to cut when a Democrat is in office. Well, as one who has voted against two of Tom Ridge’s, a Republican Governor, in the past, I do not think that is true, and I think many of us stood here and called for zero-growth budgets and a lot of other ideas. The bottom line is, we need to be honest with the public and not expect the public taxpayers to be the only people that need to have caps in their life.

I also think it is important to remember that it was this very Governor, whom I support in some of his initiatives and some

I do not, who said, and I just read the quote the other day, that it is time that government lives within its means. That, to me, is a bipartisan statement. It should be followed and spoken by and led by both Republicans and Democrats, because people out in TV land, the taxpayers, who are paying for all of this, expect it, and why should we not, because every time we want to promote something that is politically popular in these types of amendments, which most of us know are just going to be setting the stage for mail pieces against us politically next time, so you, the viewers, know this is why you get the mail telling that somebody has voted against women or voted against children or voted against autism. They are just cherry picking the budget process. It is not always that easy. But the bottom line is, we were elected to lead and being elected to lead sometimes means making tough decisions.

I was only elected 9 years ago, at a time when the budget was \$16 billion. Last year's budget was \$24 billion. If you do not think there is a growth problem in government spending, then maybe we are not able to do budgeting, but that is a serious growth. This administration has been here for 3, 3 1/2 years; talked about the lack of job growth, where Pennsylvania was in economic development in that Governor's race, and guess what? We are still there. We are one of the worst States in the nation, and I think Pennsylvania is one of the greatest States and ought to be leading in those categories, but you know and I know and the people, the taxpayers of this Commonwealth, know that you cannot keep growing government and expect to have economic growth. They do not add up. It just does not work. We need to look at the percentages of the people that are on the public payroll and those in the private sector. Once that breaks 50 percent and you have got 50 percent of the public, or less than 50 percent of the public, pardon me, paying for public-sector jobs, the system is broke.

The bottom line is, the taxpayers on a day-to-day basis are expected to make these same simple decisions and that is to cap their spending, and every tax we raise or every other cute initiative that we want to implement because it looks good, sounds good, and reads good on mail pieces costs these people money, and guess what? They do not have a choice if they have got to pay it. They do not have a choice of really capping their expenditures because someone else is dictating what they have got to spend, and God love them, they have no choice, generally, over their income increases, and most of them are not seeing an income increase above the cost of living, which is generally around 2 percent. We cannot continue. The State budget is growing at 4, 4 1/2, 5, and 6 percent collectively.

I ask you to think about those people that we ask to reelect us annually, or every other year, pardon me, biannually, because they are the ones that are going to pay the tab and they are expecting us to make this decision and to hold by example our own spending in control. That is what it is about. A \$24 billion budget, and if you might want to advocate for things such as this amendment, put an amendment in next year's budget and put all \$24 billion into this line item you want or make some sacrifices, make some good choices. There is plenty of fat in the budget that we can rearrange \$24 billion and take care of the children, the women, the police, and the National Guard.

Thank you, Mr. Speaker.

The SPEAKER. The Chair would like to remind the members that they have been straying into the bill itself and they have fallen off of the amendment that is before the House.

The Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I think that the bill that we are looking at tonight and the amendment— And certainly Representative Allen's bill is a very well-reasoned, commonsense proposed limit on spending. We have found it difficult under Republican Governors and Democratic Governors, under Republican legislatures and Democratic legislatures, to sometimes live within that rate of inflation, and this would require us to do that. This amendment, however, would put huge loopholes within those limits.

And the one point that I would like to make, and then I will quickly sit down, several speakers have talked about the Colorado system, and I would suggest to all of you that any fair-minded individual who wants to look at Representative Allen's bill and what is happening in Colorado, it is a little bit like comparing apples and rutabagas. They just are not the same. In many cases Colorado's problems are because their system, it conflicts with itself. They have a system that does not allow them to spend beyond the inflationary rate, but they also, through the virtue of initiative and referendum, the voters there have forced them to mandate enormous increases in some levels of spending, and so that has just served to tear the guts out of what they had intentioned, intentionally meant to be, I think, much more like our system, but ours is nothing like the Colorado system today. I think that we have learned from their mistakes.

And so I would encourage any of you, in your fear, to take a hard look at both systems, and you will find that they really are not that similar. I think that Representative Allen has brought a very, very helpful series of suggestions to the floor, and I would hope that we pass them without this amendment, which I believe would be very, very detrimental to the goals that Bob has brought forth.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I want to congratulate the majority leader for being so honest and forthright when he made the statement that maybe he or the General Assembly has not been as disciplined as we should have been regarding the budget, but the thing I would like to say, Mr. Speaker, to the majority leader, and I said this in the Appropriations meeting, is that this side, we would not mind having a discussion about this issue and that there is a way to have a discussion, because I think it was just last week this bill came up on the calendar in the Appropriations Committee, the bill was thrust before us, and I said to the chairman at that time that we should have some formal public hearings and we should have a discussion, and the reason I said that, Mr. Speaker, because Representative DeWeese's amendment I believe really has some validity, but unfortunately, the way we are conducting this process, we really cannot really gauge that because generally, you know, it is either, you are either for or against it, and we do not really have the time, in my view, to do that kind of analysis.

So what I have done, Mr. Speaker, and the reason this side is probably a little suspect of this particular bill is because what I did, Mr. Speaker, is I went back and looked at all of the Ridge years. I looked at it from 1995-96 up until 2002 to 2003,

Ridge and Schweiker, and when I looked at the Ridge years, 7 out of 8 years exceeded, exceeded the proposed limits, and the only reason, Mr. Speaker, in the last 2 Ridge-Schweiker years it did not exceed the limit is because the Governor used the IGT (intergovernmental transfer) reserves and the TANF (temporary assistance for needy families) reserves, and as a result of using those reserves, which was one-time spending, when Governor Rendell came in, which Governor Rendell said in his initial speech that he would not blame anyone, he said that in his initial speech, if you recall, he would not blame anyone, is because he knew, looking at this sheet, that the Ridge administration, the Ridge administration, 7 of 8 years had exceeded the limits, and what I will do, Mr. Speaker, if you would like, to show you that in every year, the first year, 3.7 exceeded, 1.5, 4.8, 5.6, 8.0, 6.1, and in the last 2 years where he used one-time spending, 1.0 and 0.9. Now, that may not mean anything to you, but understand something, Mr. Speaker: every single year of the Ridge administration.

Now, the reason we are a little suspect on this side, Mr. Speaker, because all during those 8 years not one single time did we hear anybody talking about putting a cap in the law. The only thing the gentleman, Mr. DeWeese, is trying to say clearly is because of the fact that we need that flexibility, and he has made it very clear that he recognizes that we need to make changes, but if you look at the Ridge years, not one single time, and you have been in charge of the House and the Senate, have we ever brought up a bill such as this. Now, you have got to understand why we seem to be a little suspect. We are a little suspect because when you were in charge of the process, which you are in charge of it now, and you had a chance with a Republican Governor to pass this same kind of bill, not one single time did you bring up this bill, not one single time. Even the gentleman from Schuylkill County said that this is a rational, reasonable bill—

The SPEAKER. Mr. Evans, that would be a fabulous speech for final passage of the bill, but we are on the DeWeese amendment, and there are a number of members that feel that, along with the Parliamentarian, that you have gotten far afield of that.

Mr. D. EVANS. Okay. Thank you, Mr. Speaker.

The only thing I was attempting to do, Mr. Speaker, which I agree with you, is basically just trying to show how I believe we need Representative DeWeese's amendment, and the reason we need his amendment, Mr. Speaker, because it shows you at particular times there will be emergencies that are necessary, and when you start talking about our National Guard and you start talking about our first responders, our National Guard and our first responders, what is more important than our National Guard and our first responders? When we begin to look at what has happened not just here in Pennsylvania but what has happened in New Orleans, the 9/11, our first responders and our National Guard are not something to play with.

I do not believe that Mr. DeWeese is asking for anything that is unreasonable. What he is saying is that if we have an emergency, we should have our first responders and our National Guard, and the reason I point that out, Mr. Speaker, is because we had a chance to do what we needed to do and we did not do it. The only thing the Democratic leader is trying to say to all of us at this particular point is that we need the flexibility. If you understand that we need the flexibility, there is no way that we can talk about putting caps in the law. So I would ask, Mr. Speaker, that the Democratic leader, just as the

gentleman said on the other side, says that this particular bill is reasonable, I believe his amendment is reasonable. I believe it is well thought out. I believe that basically what he is attempting to say to all of us is that in these particular instances, in special ed, in the National Guard, in terms of our first responders, that this is reasonable. The gentleman is not talking about something that is not reasonable. In my view, it is consistent with the gentleman's bill, the only things asked.

Now, if we would have had public hearings, if we would have done this in committee, in my view, we would not have had to go through this process. In the committee process, Mr. Speaker, I did make this argument. I tried to make the argument that we should have hearings in this process, but our members on our side of the aisle did not have a chance to have that kind of discussion. So basically it leaves it up to the floor.

So I would hope we would give Mr. DeWeese the kind of support that he needs for this particular amendment, because it is clear that it is well thought out. So I hope we would support the DeWeese amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

We have heard all kinds of comparisons tonight on this amendment, but basically this amendment and this bill is about quality in government, and I suggest to you that quality is like buying oats. If you like nice clean, fresh oats, you have got to pay the price, but if you are satisfied with oats that have already been through the horse, it comes a lot cheaper, and that is what this is about. So take your pick and vote how you feel, but that is what it is about ultimately.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, in the 15 years I have been here, one thing I have learned is that there are many times that there is not much logic involved in our process, but I always try and look for it anyway. And so when I look at Representative DeWeese's amendment that looks to offer exemptions to the rule being made by this bill itself, I heard all sorts of arguments saying, we really do not need those exemptions because, you know, if you want to fund State troopers or the National Guard, well, you just do not fund something else; you just live within your means. But then I look at the bill itself and I cannot figure out why there are exemptions in the bill, because there is an exemption that says if there is a Federal law that requires you to spend some more money, well, then that goes over and above the limits and that is okay. We do not say, well, you just live within your means, you suck it up, you do what the Feds say, and you cut something else.

And there is a line item that says that if we have to pay pension obligations, well, that is off limits. Well, why do not we just suck it up there and cut something else? And there is another one that says that, you know, if there is interest or principal on debt incurred. Now, this one really strikes a cord, because my assumption is that like most Republicans, if they get into a bind, they will just borrow some more money, run up the debt, and we will have an obligation to do that—

The SPEAKER. Mr. Sturla; Mr. Sturla.

Mr. STURLA. —and we will fund that.

The SPEAKER. On final passage, we would be glad to recognize you, but the Parliamentarian is asking that we try to stay to the amendment.

Mr. STURLA. I am trying to stick with exemptions, Mr. Speaker, which is exactly what the DeWeese amendment is all about, and I am trying to follow the logic behind why there are exemptions in the bill that give us certain things that are off limits, but when the Democrats say, well, if you accept the idea of exemptions, then let us look at some other reasonable exemptions, and the argument is, no, no, no; we cannot have any exemptions; that does not make any sense. Well, if we cannot have any exemptions and if we are only offering these things, as one person said, because we are trying to get campaign literature, well, why do we allow exemptions at all in the bill, other than the fact that the bill itself is trying to get some good campaign literature?

So I would ask members to support the DeWeese amendment, because I think it offers some additional exemptions that make some sense, because I actually think some of the exemptions make some sense, although I must say I have some concern with the one about being able to fund principal and interest on debt incurred, because if what I have seen in the past is true, the Republican majority will borrow that money and spend it as opposed to actually paying as we go.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I first want to extend my thanks and appreciation to Representative Allen for even advancing this idea. I do not know why the idea is necessary given when I think about the budgets that were sent to the Assembly this year and last year, that had implied spending caps in just about every area, and the Assembly moved to do some other things, but I want to thank him for even moving in this direction.

I especially want to thank our leader, the Honorable DeWeese, for the amendment. But, Mr. Speaker, more often than not when confronted with situations like this, one will be moved to ask the question of why. Why is leader DeWeese offering these exceptions? But, Mr. Speaker, yes, there will always be those who will ask the question of why but I would like to rise to ask the question of why not. Why not, Mr. Speaker? We have a proposal that calls for caps on what we do. It calls for caps on spending.

Mr. Speaker, one can easily be led to believe that this proposal is tantamount to fiscal prudence. It is tantamount to affirmative steps to get a handle on what might be perceived as spending that is out of control. And, Mr. Speaker, whatever path you take, whatever decision you make, we are still left with the question of why not the exceptions that have been articulated in the DeWeese amendment, and Representative DeWeese did an excellent job in outlining what those exceptions will be.

Mr. Speaker, since we are second only to Florida, the State of Florida, in our rapidly growing elderly population, why not make an exception for the elderly in Pennsylvania? Why not?

Mr. Speaker, since, and I know 9/11 has been mentioned, but when I hear 9/11, I have to think about what happened in Somerset County. I have to think about the tragedy that faced many of our miners in and around Somerset County. I remember, Mr. Speaker, watching television that night and

former Governor Schweiker went down in the mines, was prepared to go down in the mines to help some of our miners, and so, Mr. Speaker, when I think about that picture and I think about that situation, I have to ask the question, why not? Why not carve out an exception for our emergency responders, for our firefighters? Why not carve out that kind of an exception?

And, Mr. Speaker, when you go in and out of our schools from one end to the other, there are always children with physical and/or other special needs, and, Mr. Speaker, how can you cap, how can you cap making available to children with special needs the kind of resources that they need, because, Mr. Speaker, more often than not their special needs are not needs that have arose as a result of something that they did. Many times, Mr. Speaker, those physical and/or other disabilities are not their fault, and so I ask, why not? Why not carve out an exception for children with special needs?

And, Mr. Speaker, if I could, if I could, I would ask, why not carve out an exception for the people of Pennsylvania who have not seen an increase in minimum wage in God knows when? Why not carve out an exception for the children in Pennsylvania? You know, this is one of the most beautiful States in the United States, and, Mr. Speaker, no child should be without access to quality health care in the Commonwealth of Pennsylvania—

The SPEAKER. Mr. Thomas.

Mr. THOMAS. —so why not carve out an exception?

The SPEAKER. Mr. Thomas. Mr. Thomas. Mr. Thomas—

Mr. THOMAS. Yes.

The SPEAKER. —you have gone far afield. We are on the DeWeese amendment.

Mr. THOMAS. Thank you, Mr. Speaker. I was just trying to add something to the DeWeese amendment. But at the end of the day—

The SPEAKER. I am sure the membership appreciates that, Mr. Thomas.

Mr. THOMAS. —at the end of the day, Mr. Speaker, he has given us five exceptions, and the question is, why not support these five exceptions? And I urge my colleagues on both sides of the aisle, I even ask my friend, Representative Allen, to support the DeWeese amendment. It is a good amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. Which way would the gentleman, Mr. Bunt, wish to be recorded?

Mr. BUNT. In the negative.

The SPEAKER. In the negative. Mr. Bunt will be recorded in the negative.

The following roll call was recorded:

YEAS—92

Belko-Jones	Evans, D.	Levdansky	Samuelson
Belardi	Fabrizio	Manderino	Santoni
Belfanti	Frankel	Mann	Shapiro

Biancucci	Freeman	Markosek	Siptroth
Bishop	George	McCall	Solobay
Blackwell	Gerber	McGeehan	Staback
Blaum	Gergely	Melio	Stetler
Butkovitz	Goodman	Mundy	Sturla
Buxton	Grucela	Myers	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Casorio	Hanna	Oliver	Thomas
Cawley	Harhai	Pallone	Tigue
Cohen	Harper	Parker	Veon
Corrigan	James	Petrarca	Vitali
Costa	Josephs	Petrone	Walko
Cruz	Keller, W.	Pistella	Wansacz
Curry	Kenney	Ramaley	Waters
Daley	Kirkland	Readshaw	Wheatley
DeLuca	Kotik	Rieger	Williams
Dermody	LaGrotta	Roberts	Wojnaroski
DeWeese	Leach	Rooney	Yewcic
Donatucci	Lederer	Ruffing	Youngblood
Eachus	Lescovitz	Sainato	Yudichak

NAYS—105

Adolph	Feese	Mackereth	Reichley
Allen	Fichter	Maher	Rohrer
Argall	Fleagle	Maitland	Ross
Armstrong	Flick	Major	Rubley
Baker	Forcier	Marsico	Sather
Baldwin	Gabig	McGill	Saylor
Barrar	Gannon	McIlhattan	Scavello
Bastian	Geist	McIlhinney	Schroder
Benninghoff	Gillespie	McNaughton	Semmel
Beyer	Gingrich	Metcalfe	Smith, S. H.
Birmelin	Godshall	Micozzie	Sonney
Boyd	Good	Millard	Stairs
Bunt	Grell	Miller, R.	Steil
Cappelli	Habay	Miller, S.	Stern
Causar	Harhart	Mustio	Stevenson, R.
Civera	Harris	Nailor	Stevenson, T.
Clymer	Hasay	Nickol	Taylor, E. Z.
Cornell	Hennessey	O'Neill	Taylor, J.
Crahalla	Herman	Payne	Turzai
Creighton	Hershey	Petri	Watson
Dally	Hess	Phillips	Wilt
Denlinger	Hickernell	Pickett	Wright
DiGirolamo	Hutchinson	Pyle	Zug
Diven	Kauffman	Quigley	
Ellis	Keller, M.	Rapp	
Evans, J.	Killion	Raymond	Perzel,
Fairchild	Leh	Reed	Speaker

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Smith, B.	True
Preston	Shaner		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

The SPEAKER. Let the record reflect that the machine malfunctioned; recorded the gentleman, Mr. Bunt, as a "yes" and he wished to be recorded as a "no."

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

Mr. STURLA (for Mr. DeWeese) offered the following amendment No. A03737:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting
Establishing appropriations limitations; and providing for the disposition of surplus funds.

Amend Bill, page 1, lines 5 through 17; page 2, lines 1 through 30; page 3, lines 1 through 11, by striking out all of said lines on said pages and inserting
Section 1. Short title.

This act shall be known and may be cited as the Appropriations Limitations Act.

Section 2. Limitations on appropriations.

(a) General rule.—Except as set forth in subsection (b), in any fiscal year, the General Assembly shall not increase total General Fund State appropriations above the amount of total General Fund State appropriations authorized for the preceding fiscal year by a percentage which exceeds the average percentage increase over the immediately preceding three calendar years in the Consumer Price Index for All Urban Consumers of the Bureau of Labor Statistics unless a referendum stating the amount and duration of the increase is approved by a majority of the electors voting on the referendum.

(b) Exception.—Subsection (a) shall not apply to any of the following:

(1) An appropriation which, as a result of a requirement of Federal law, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service.

(2) An appropriation which, as a result of a requirement of a Federal or State court order which has become final, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service.

(3) An appropriation providing for the Commonwealth's share of payments for pension obligations as provided by law.

(4) An appropriation for the repayment of interest and principal for all debt incurred by or on behalf of the Commonwealth.

(5) An appropriation in response to a Presidential or gubernatorial declaration of an emergency or major disaster in any part of this Commonwealth and which is approved by three-fifths of the members elected to each House of the General Assembly.

(6) An appropriation providing for programs relating to the Accountability Block Grant.

(7) An appropriation providing for programs relating to libraries.

(8) An appropriation providing for programs relating to autistic children.

(9) An appropriation for the purpose of funding mass transit.

(10) An appropriation providing for programs relating to debt service on environmental initiatives passed by the General Assembly or the people by referendum.

(11) An appropriation providing for the Commonwealth's share of payments for medical assistance programs.

(12) An appropriation providing for agriculture preservation.

Section 3. Refund of surplus operating funds.

Surplus operating funds in the General Fund at the end of the fiscal year which are not required by law to be deposited into the Budget Stabilization Reserve Fund shall be refunded pro rata to the citizens of this Commonwealth based on the liability reported on annual returns filed pursuant to section 330 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, within the fiscal year in which the surplus was created. The pro rata refund shall

be in the form of a tax credit applied against the tax liability reported on the annual income tax returns filed pursuant to section 330 of the Tax Reform Code of 1971 in the immediately succeeding fiscal year. If the tax credit provided under this section exceeds the taxpayer's liability, the taxpayer shall receive a refund of the amount in excess of the liability.

Section 20. Effective date.

This act shall take effect immediately.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment adds seven more exemptions to the five exemptions already in the bill. Those seven additional exemptions would be the accountability block grant program, libraries, autistic children, funding for mass transit, debt service on environmental initiatives, the Commonwealth share of medical assistance programs, and agricultural preservation.

I believe we have had considerable debate on the sort of merits of adding more exemptions or not. I would hope that members would look at these and understand, for example, the accountability block grant program when it was initially created was \$200 million and was touted as something that the majority leader had suggested and helped implement, and that is a program that by and large probably could not have happened at all with the caps provided under the bill. So the hope is that we can get some of these exemptions in so we can continue with some of these programs and add to them as necessary.

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I do not think we need to reiterate all of the discussion and debate that took place on the previous amendment, but I think most of it applies. This is just a different list of programs that one wants to show some favoritism to, I guess. The bottom line is and the most important thing to keep in mind is, the exemptions in and of themselves do not provide more money or less money. This is not a budget we are enacting today. When you want to hold those items out as an exemption, suggesting that voting for this amendment somehow shows support for them or voting against this amendment somehow shows a lack of support for them is simply not accurate.

The bottom line is, Mr. Speaker, if we are going to put the controls in place, then we do not and we cannot have an unlimited number of exemptions. A few that are reasonable and practical for the general operation to provide for extraordinary situations make sense. This list is just another list. I do not know what makes it more important than the previous list. I am curious as to why maybe we would not have had an amendment before us that would have had all of these in one amendment, I mean if they are all important and they all need exemptions. The fact is, that is a joke. That is a mockery of what we are trying to do.

We can address the absolute funding needs of each and every program or each and every topic that is mentioned in this amendment, just as the previous amendment, and we can do it without an exemption. We can do it within the limits, within the ceiling that this legislation would provide, and therefore, there is no need to add these types of fundamental programs to the list

of exemptions. The exemptions are for extraordinary situations more so perhaps than extraordinary programs.

So I would urge the members, much along the debate of the previous amendment, to defeat the Sturla amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Sturla, for the second time.

Is there anyone else that wishes to speak? The gentleman, Mr. Sturla, would like the opportunity to speak last.

Mr. Ruffing.

Mr. RUFFING. Mr. Speaker, I am going to take exemption to what the last speaker just said about taking exceptions on autistic children. I do have an autistic child that I live with, and these programs have been cut for years. I am taking exemption to that personally, and I want an apology for that. There are a lot of autistic children in the Commonwealth of Pennsylvania and they need these programs to help them get better, and I want an answer for that.

The SPEAKER. The gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I made no remark that—

Mr. RUFFING. You said, you said—

Mr. S. SMITH. Mr. Speaker, I have the floor.

The SPEAKER. The gentleman will suspend. The gentleman, Mr. Smith, has the microphone. He is entitled to be heard.

Mr. S. SMITH. I made no remark that cast any aspersion on a child with autism, and if you really want to know where the problem is with the funding for autism, then go right through that door and knock on the Governor's door, because it was this caucus and this body that fought in the whole negotiations of this past budget to properly fund the programs for kids with autism and special needs, and it was not your guys and it was not anybody in the Senate, it was us. We bit the bullet and funded them as much as we can, and the guy over there, right over there, is the one that you deserve to get an apology from. We have treated that group of people as strongly and as honestly as we can and it has been this caucus who stood up for those children with autism, and I made no aspersion or cast any doubt, or whatever you are suggesting, about any child in that situation.

The SPEAKER. Mr. Ruffing.

Mr. RUFFING. Mr. Speaker, I guess I drew your ire because apparently you did make some reference that we should not pass this amendment because there are some exemptions and one of them is autistic children. Now, I have an autistic child. I live with one. All I am saying is that we should pass the Sturla amendment. Now, if I owe you an apology, Mr. Speaker, you have it, but I want the Sturla amendment passed. I ask for a "yes" vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

In support of the Sturla amendment, you know, one might ask how these priorities come up, but perhaps when you are talking to the constituency in your legislative district, perhaps you do not have anyone who has an autistic child in their family or perhaps you do not have an autistic child in your family of your own or perhaps you do not have a constituent or anybody in your constituency that deals with the medical assistance wraparound funding or perhaps you do not have a family

member who receives medical assistance wraparound funding or any of the other programs that are exempted in this particular amendment.

These issues are critical needs for families throughout Pennsylvania, not unlike the amendment that was offered by Mr. DeWeese. This is dealing with critical issues for families that have critical needs, and we cannot deal with issues like this that have unexpected expenses. And you will all recall under the Schweiker administration when the medical assistance funding was cut and how we all unified to fight and restore those fundings to help these families. The Sturla amendment does nothing more than help people. It helps family in need. It helps fight for people who cannot fight for themselves, and we as a legislative body are here to do just that. I encourage you and urge you to support the Sturla amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Perhaps I am misunderstanding this amendment. Would the maker of the amendment receive a question or two?

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

Mr. MAHER. Thank you, Mr. Speaker.

There is a fiscal note addressed to another member attached to this amendment, so I want to make sure I am reading the right fiscal note, and if I understand this fiscal note correctly, your amendment provides no funding, zero funding, for autism or any of the other subjects that you are speaking to. Am I understanding this correctly?

Mr. STURLA. No, Mr. Speaker. In fact, the fiscal note says, "The adoption of this amendment may increase General Fund state spending at a rate higher than the average of the three prior years' growth...."

Mr. MAHER. And how many dollars are you providing for autism with this amendment, sir?

Mr. STURLA. It does not list the specific dollars but it—

Mr. MAHER. Would that be because there are no dollars?

Mr. STURLA. Mr. Speaker, we can be guaranteed that if this does not pass, that there will be no dollars. What this amendment allows for is there to be more dollars spent.

Mr. MAHER. Mr. Speaker, on the amendment?

The SPEAKER. The gentleman is in order.

Mr. MAHER. Thank you, Mr. Speaker.

All these subjects are worthy subjects, and I, like so many on this side of the aisle, have a genuine and deep anguish over the fights that families have with children who have these special needs, and we have done very much, and not as much as I would like certainly and not as much as other members here would like, but this amendment does not do anything to aid those. What it does is it hijacks a genuine need in the hopes of having some sort of a campaign slogan, and that is the greatest disrespect, I believe, that can be paid to those with genuine needs, is to turn them into little political games, which is what this does because this does not provide one nickel for those that you are beating your chest about. Mr. Speaker, I would be very receptive to an amendment that actually provided assistance, but I am not going to support an amendment that pretends to do something which it does not.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Sturla, I see nobody other than Mr. Smith, who would like to speak after you.

I apologize. The gentleman, Mr. DeWeese.

Mr. DeWEESE. Just a quick one.

Again, the honorable gentleman from Upper St. Clair, I just want to repeat, I think this is the setting, the forensic setting is a place where repetition should take place from time to time, and again, the honorable gentleman should have been making the same subjects, the same topics of his debate when Tom Ridge was Governor. To do it now and to not do it then calls into question a dynamic that I will not label, but a lack of consistency cannot only be alleged but asserted.

Mr. MAHER. Mr. Speaker.

The SPEAKER. The gentleman, Mr. Maher, for the second time.

Mr. MAHER. Thank you, Mr. Speaker.

It is certainly flattering to have the attention of the minority leader, and I would suggest that he would do well to do a bit of research and find that these subjects have been enunciated, not just now, not just this year, not just last year, but across my tenure in this body, and he will find votes on the budget to match.

Now, if the minority leader wishes to look back for flip-flops, we need not go any further back in time than about 20 minutes ago when he had a different list that were his top priorities, and having revealed the flip-floppery built into the series of amendments, I understand why the gentleman would pass this amendment off to another member on his side of the aisle, but the flip-floppery from one amendment to the next, where one list is essential but is happily thrown over the side in favor of another list, which would be happily thrown over the side in favor of another list, all in the space of minutes, is quite troubling, and I encourage a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. I would like to interrogate the gentleman.

The SPEAKER. The gentleman, Mr. Maher, indicates he will stand for interrogation. The gentleman is in order.

Mr. DeWEESE. This can be answered with a number. My speculation is that the number will be zero. That has come up earlier in the evening from this podium. How many bills or amendments has the honorable gentleman cosponsored in his honorable career that would cap State spending? Just one word would be very helpful to me.

Mr. MAHER. I believe you will find, if you go back and check, I believe it is June 1998 that there was an introduction of legislation to accomplish just this and require a two-thirds vote by the body to overcome such a ceiling. I remember well and I was prompted, because just this past weekend with some of my friends from the other side of the aisle, we were attending the postfunereal festivities for a dear friend of ours, and there was a picture on the inside of the tavern as you go into the door there; there was a picture of me, Gov. Tom Ridge, several other members – some of them currently members now; some others no longer members – on the occasion of introduction of legislation to do precisely that, Mr. Speaker.

Now, my memory was freshened this weekend because of the sad parting of a friend, but I imagine, if I were to do my homework, I could come up with other responses that were not quite so off the top of my head. And I am also seeing someone has just kindly handed me HB 2067, which— Oh, I am sorry.

This is the constitutional amendment that is before us now. And I appreciate— Well, I am standing here— But go back and check. I believe June 1998 will satisfy your, quench your thirst for knowledge, Mr. Speaker.

Mr. DeWEESE. Well, I am happy for that one instance over your long and variegated career. I will go back and check it, because you are quite assiduous in checking my comments, which is appropriate.

I have no further interrogation for the honorable gentleman.

Mr. MAHER. Thank you, Mr. Speaker.

And again I offer that—

Mr. DeWEESE. No. I am still—

Mr. MAHER. —that is to the best of my on-the-spot recollection across an 8-year span.

Mr. DeWEESE. I am not going to pursue the matter. I accept the gentleman's comments as being satisfactory.

The honorable gentleman did bring to mind one other time, God bless him, that some of these are important at a higher level or a lower level, and that is just not the case. For the umpteenth time, we had to separate them because of a parliamentary challenge that we had. We only had minutes to hurl together all of these efforts. Your folks limited our ability to introduce amendment after amendment after amendment after amendment. Many of our rank and file wanted to do it. Our staff team got to the pass just before the enemy, figuratively of course, and we were able to get three amendments, so we divided them. All of these are just as important as the others. So again, it should not be alleged that there is one that has priority over the other.

The essence of this whole dynamic is, are we going to put it in statute that we are going to cap State spending when we do not need to, when we can do it by debate year after year? All of the presidents of our major universities at Pitt, Penn State, Temple, Lincoln have sent letters against this kind of process, thinking individuals across the State and the nation who are very, very sensitive to the inherent oscillations in revenue yields and in State needs. What is going on in Louisiana, what if we had had the terrible tragedy in New Orleans happen in Philadelphia or Pittsburgh? This kind of constriction, superficial constriction of our budget process is just not necessary, and I would ask for a favorable vote on the Sturla amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader stated earlier that it was inaccurate to say that there would be more or less funding for a program if it did not have an exemption, but earlier he had said that these would guarantee that you would have to raise taxes. Now, you cannot have it both ways. If you cannot say that there is going to be more or less funding as a result of exemptions, then you cannot say that there are going to be more taxes as a result of the exemptions.

But getting to that issue of whether or not there are more taxes or not, in this legislation as it relates to the exemptions that are listed here, it says that if there are surplus operating funds in the General Fund at the end of the fiscal year which are not required by law to be deposited into the Budget Stabilization Reserve Fund, they shall be refunded on a pro rata basis to the citizens of this Commonwealth based on the liability, and on and on and on.

Now, I am assuming that under this piece of legislation, we will fund various programs at various rates, and let us say there is \$10 million left or \$20 million left at the end of the year and we have not raised taxes at all. It is just a good year – lots of sales tax revenues; income was up. We did well this year. So there is \$20 million left over. This bill without the exemptions requires that we spend – and I believe, if I am correct, when we did the last rebate of taxes under the Ridge administration where we sent people \$100, I think it cost us somewhere between \$10 and \$20 to process and send that \$100 back to them – so now we will spend \$10 or \$20 million trying to send them \$10 or \$20 million, and as a result of that, kids with autism, libraries, the block grant for schools, funding for mass transit, environmental initiatives, medical assistance programs, and agricultural preservation will not have access to that surplus, whether it is \$10 or \$20 million, because we are going to spend it instead trying to send it back. What will probably end up happening is the cost of processing it will mean that we will send people a blank check but we will spend the 37 cents to send them that thing. That is how absurd the legislation is and how necessary it is to have exemptions in so that programs that could desperately use this funding get the opportunity to use this funding.

We know, guaranteed, if there are not exemptions in there, that this money will not go to those programs if there are excess funds. It is guaranteed by the legislation that it will not go there, but by placing additional exemptions in, we can guarantee or at least have the option of putting some of those dollars into those programs.

So I would encourage members to vote for the additional exemptions and not cut yourself off before you get to see whether there is a need in those programs.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

Briefly, two items, although it may have drifted from the amendment on to the bill, and I apologize, Mr. Speaker, but the previous speaker just made reference to some kind of a refund going out to taxpayers. The fact is, the refund would be in the form of a tax credit. It is not like they would be doing the tax check like what Colorado has. I think it is interesting, though, that in his argument the gentleman suggested he would rather spend the money than give it back to taxpayers in one way, shape, or form. That in itself is a defining statement.

One other point, Mr. Speaker, since one of the targets of this amendment which we talked about a little earlier – and I am a little sensitive to it – is the issue of autistic children. This amendment will not do anything to provide more money or better care for those children or in support of those families. If you want to do something about that issue, contact the Governor's Office and urge them to abandon their efforts, which we have done; I have done; the gentleman from Philadelphia, Mr. O'Brien, has done. Contact the Governor's Office and urge them to abandon their effort to seek a Federal waiver. If you want to do something for autistic children, that is what you can do. Voting for the Sturla amendment will not do one thing for those children or those families.

Mr. Speaker, I urge a "no" vote on the Sturla amendment.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I do not want to put my good friend on the spot, so I will just do this indirectly. In a matter of weeks, the honorable gentleman from Philadelphia, Mr. O'Brien, and I and others are going to be introducing a supplemental appropriation of \$11 million for that cause, and autistic children would fall into the rubric of Mr. O'Brien's effort, and I am not going to be overly aggressive here, but we would politely solicit your cosponsorship on that, Mr. Speaker.

And again, ad infinitum, but that is the nature of the process, I think that this artificial cap, you are correct that the amendment does nothing inherently immediate to giving more money into the stream, but what it does is it puts that artificial ceiling on State spending for autism. Now, if we want to put a ceiling on it, let us put a ceiling on it each year or not, depending on the revenue yields of the Commonwealth. If the economy is up and we have more money, we might want to put more money into it. If we have a challenge in another area and we do not need as much for a certain program, this kind of artificial cap just is, to me, an inherent albatross that disallows the State legislature, the House and the Senate, from being flexible, from being nimble, from being responsive to our fiduciary responsibility, and it is not right for us to think that we cannot control spending. If we are going to have revenue-neutral debates, we can do this without these artificial caps. Mr. Sturla's amendment would eliminate artificial caps not only for autism but for a variety of good causes, and I would ask for a favorable vote for the Sturla amendment.

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

The following roll call was recorded:

YEAS—93

Bebko-Jones	Fabrizio	Manderino	Santoni
Belardi	Frankel	Mann	Scavello
Belfanti	Freeman	Markosek	Shapiro
Bianucci	George	McCall	Siproth
Bishop	Gerber	McGeehan	Solobay
Blackwell	Gergely	Melio	Staback
Blaum	Goodman	Mundy	Stetler
Butkovitz	Grucela	Myers	Sturla
Buxton	Haluska	O'Brien	Surra
Caltagirone	Hanna	Oliver	Tangretti
Casorio	Harhai	Pallone	Thomas
Cawley	Harper	Parker	Tigue
Cohen	James	Petrarca	Veon
Corrigan	Josephs	Petrone	Vitali
Costa	Keller, W.	Pistella	Walko
Cruz	Kenny	Ramaley	Wansacz
Curry	Kirkland	Readshaw	Waters
Daley	Kotik	Rieger	Wheatley
DeLuca	LaGrotta	Roberts	Williams
Dermody	Leach	Rooney	Wojnaroski
DeWeese	Lederer	Ruffing	Yewcic
Donatucci	Lescovitz	Sainato	Youngblood
Eachus	Levdansky	Samuelson	Yudichak
Evans, D.			

NAYS—104

Adolph	Feese	Mackereth	Reed
Allen	Fichter	Maher	Reichley
Argall	Fleagle	Maitland	Rohrer
Armstrong	Flick	Major	Ross
Baker	Forcier	Marsico	Rubley

Baldwin	Gabig	McGill	Sather
Barrar	Gannon	McIlhattan	Saylor
Bastian	Geist	McIlhinney	Schroder
Benninghoff	Gillespie	McNaughton	Semmel
Beyer	Gingrich	Metcalfe	Smith, S. H.
Birmelin	Godshall	Micozzie	Sonney
Boyd	Good	Millard	Stairs
Bunt	Grell	Miller, R.	Steil
Cappelli	Habay	Miller, S.	Stern
Causar	Harhart	Mustio	Stevenson, R.
Civera	Harris	Nailor	Stevenson, T.
Clymer	Hasay	Nickol	Taylor, E. Z.
Cornell	Hennessey	O'Neill	Taylor, J.
Crahalla	Herman	Payne	Turzai
Creighton	Hershey	Petri	Watson
Dally	Hess	Phillips	Wilt
Denlinger	Hickernell	Pickett	Wright
DiGirolamo	Hutchinson	Pyle	Zug
Diven	Kauffman	Quigley	
Ellis	Keller, M.	Rapp	Perzel,
Evans, J.	Killion	Raymond	Speaker
Fairchild	Leh		

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Smith, B.	True
Preston	Shaner		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER. Does the gentleman, Mr. DeWeese, wish to offer his third amendment?

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

Mr. DeWEESE offered the following amendment No. **A03736**:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting
Establishing appropriations limitations; and providing for the disposition of surplus funds.

Amend Bill, page 1, lines 5 through 17; page 2, lines 1 through 30; page 3, lines 1 through 11, by striking out all of said lines on said pages and inserting
Section 1. Short title.

This act shall be known and may be cited as the Appropriations Limitations Act.

Section 2. Limitations on appropriations.

(a) General rule.—Except as set forth in subsection (b), in any fiscal year, the General Assembly shall not increase total General Fund State appropriations above the amount of total General Fund State appropriations authorized for the preceding fiscal year by a percentage which exceeds the average percentage increase over the immediately preceding three calendar years in the Consumer Price Index for All Urban Consumers of the Bureau of Labor Statistics unless a referendum stating the amount and duration of the increase is approved by a majority of the electors voting on the referendum.

(b) Exception.—Subsection (a) shall not apply to any of the following:

(1) An appropriation which, as a result of a requirement of Federal law, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service.

(2) An appropriation which, as a result of a requirement of a Federal or State court order which has become final, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service.

(3) An appropriation providing for the Commonwealth's share of payments for pension obligations as provided by law.

(4) An appropriation for the repayment of interest and principal for all debt incurred by or on behalf of the Commonwealth.

(5) An appropriation in response to a Presidential or gubernatorial declaration of an emergency or major disaster in any part of this Commonwealth and which is approved by three-fifths of the members elected to each House of the General Assembly.

(6) An appropriation for the Department of Corrections.

(7) An appropriation providing funding to any State college or State-related college or university, or any other postsecondary educational institution of higher education.

(8) An appropriation providing for drug and alcohol programs and treatment services.

(9) An appropriation providing for the Commonwealth's share of payments for homeland security expenditures.

(10) An appropriation providing for grants for women's medical services, including noninvasive contraceptive supplies.

(11) An appropriation providing for infrastructure spending, including, but not limited to, road construction and bridge construction.

(12) An appropriation providing for home heating assistance to individuals in this Commonwealth.

Section 3. Refund of surplus operating funds.

Surplus operating funds in the General Fund at the end of the fiscal year which are not required by law to be deposited into the Budget Stabilization Reserve Fund shall be refunded pro rata to the citizens of this Commonwealth based on the liability reported on annual returns filed pursuant to section 330 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, within the fiscal year in which the surplus was created. The pro rata refund shall be in the form of a tax credit applied against the tax liability reported on the annual income tax returns filed pursuant to section 330 of the Tax Reform Code of 1971 in the immediately succeeding fiscal year. If the tax credit provided under this section exceeds the taxpayer's liability, the taxpayer shall receive a refund of the amount in excess of the liability.

Section 20. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. A little more quickly, Mr. Speaker, I will go through this, and then I will save my 4- or 5-minute bang for final passage, but this would take away caps on corrections. If there is any facet of State spending that has been growing in Representative Argall's district, my district, many districts over the past 10 or 15 years since the advent of mandatory sentencing, which, I might add, I voted against a long time ago, the late seventies, early middle eighties, corrections would be a place where probably because of the inexorable upward momentum of State spending on corrections, of anything we

have discussed today, corrections cannot have a cap, in my view. It is embraced within the penumbra of this amendment.

Higher education. We are getting letters from Graham Spanier and his colleagues at the highest levels of our major universities politely admonishing us against embracing this proposal. I would think that at least a handful of Republicans would acquiesce to the rational arguments of some of these scholars and university administrators.

Drug and alcohol programs. So many of us have friends and family who are in need of drug and alcohol programs. If those programs grow by 4 or 5 percent and the State inflation rate is only at 1 or 2 percent, where are we going to find the money for these programs if there are artificial cuts?

I could go on and on, but I will say that the honorable gentleman, Mr. Allen, the prime sponsor of HB 2082, just introduced a few days ago a proposal to increase State spending substantially in the world of LIHEAP. Now, the low-income home heating energy assistance money that he wants to advocate is an absolutely worthy project, and I am confident that the broad battalion of Democratic rank and file will try to help Mr. Allen, but it is just another example of, you cannot have it both ways. You cannot advocate for a worthy program like this on one day and 72 hours later put a State spending cap on the Governor for what he or she believes is a necessary focus of our revenue dollars. It just does not make sense.

It is quixotic and wrong-headed and should be defeated or at least augmented by some of these exceptions that we are trying to put into the body of the bill. So I would ask for an affirmative vote.

Corrections, higher education, drug and alcohol, home heating assistance, and one last one I notice here I would like to share, homeland security. What if we need the money? What if we need the money? Why should there be a cap? If we have the revenue at hand, why should there be a cap on what the Governor and the General Assembly in subsequent months, April and May and June, can spend on homeland security?

One more time, this is a fabricated cut or at least potential cut in these services and should be rejected. I would ask for an affirmative vote on the DeWeese amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

I was going to save this for final passage, but Representative DeWeese has this corrections amendment.

When I came here in 1995 with Governor Ridge, we did a special session on crime, and we passed a lot of bills and thumped our chest that we were going to be tough on crime. Well, in 1995 when I came here, the budget for our State money that we spent for corrections was \$720,826,000. Well, as the years went by, now we have doubled our prison population almost from 23,000 to 41,000 inmates because we got tough on crime. We picked these people up off the street and we put them away. Well, today we spend \$1,298,500,000. Okay? That is our State funds that we spend in corrections.

Now, how can we stand here today and say that we are going to stymie State government; we are not going to spend any more money on State government forever; we are just going to hold the line on the budget? And I just cannot understand for the life of me how we can do that, how we can put these artificial caps in place when over one administration we almost doubled the money that we spend on our prison system, and I do not think the taxpayers out there are going to fault us for spending that

money, because it probably made our communities safer and it probably took a lot of those meth labs and all those things off the street and made Pennsylvania a better place, but there is a price to pay. Like they say, freedom is not free, and I guess a State that is safe to live in is not free either.

So we have to really search our souls when we go to put a piece of legislation like this together and make these— I do not know if we are going to thump our chest or what we are going to do when we pass this piece of legislation that says we are going to freeze government spending. What is going to happen to our prison budgets if we get 10,000 more inmates? What are we going to do? Are we just going to turn them out into the street? Are we going to send them to West Virginia? Where are we going to send them?

So think long and think hard as we are doing this, especially on the final passage of this bill, that there are some things that need our attention, there are some things that we have to spend money on, and it just does not make sense to put handcuffs on ourselves. I think we do this very well on a year-to-year basis, and I just do not see any reason why we should have a bill like this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

I think many of us have been sitting here listening to excuse after excuse after excuse as to why Pennsylvania State government cannot learn to live within its means. I think for the viewers out there that are watching this, I think they are probably biting at the bit to try and say something back to some of the reasoning they have heard tonight.

One of our colleagues stood up and talked about oats tonight, whether or not you wanted to pay the price for good oats or pay the price for recycled oats. Well, I will tell you, people in Pennsylvania that are watching this that are paying the bill feel they have been delivered a line of recycled oats tonight that you need a honey wagon to haul out of here in.

The excuses that are being put up here tonight for exception after exception after exception, arguing that those exceptions are going to somehow help all those people that they are trying to trumpet forth as their political pawns, are outrageous. The cap legislation that is being proposed and hopefully the constitutional amendment that we really need that will be debated at a later time are needed to make government live within its means. The people of this State are voting with their feet and they are leaving here in search of jobs elsewhere.

It is time to bring some common sense back to government, and I commend Representative Allen for proposing this measure here that at least gets us on the right track to debating spending.

I am one of the ones, one of the few, that have voted against the Ridge budgets and voted against the Schweiker budget and voted against the Rendell budgets because it was excessive spending, but every year since 1999 with my first budget – and I was the only Republican at that point that voted against it in the House because of excessive spending – every year we see more Republicans see that we are spending excessively, to where this year we had a number that voted against the budget this year for the same reason, and now we finally have a majority that is saying, let us work to put some fiscal restraint in place because we recognize a problem. Government spending in Pennsylvania is out of control, and it is killing our economy and

it is hurting our families and it is driving many right out of our State. And you can continue to play your games with exception after exception, but the fact is, if you have your way, if you have your tax-and-spending way and your increasing-debt way, then you will put this State under and we will be left with people that are only here to turn the lights out.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Herman.

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

I would like to interrogate the maker of the amendment, please.

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

Mr. HERMAN. I appreciated the comments and the rationale to support this amendment from the Democrat leader, but as I read the amendment, Mr. Speaker, it appears to me that you also have a subsection (7) that also exempts the State colleges and State-related universities. And if I am reading the amendment correctly, I just want to make sure that that is part of that, and you made no mention of it, but I would like to know your rationale for including that in there.

Mr. DeWEESE. I believe I did mention it in passing, Mr. Speaker. I may not have focused on it, but the obvious reason that we would want an exemption for our major institutions of higher learning is because they have very, very different circumstances year in and year out. Each academic year, each construction cycle, each time there are more students or fewer students in the student body has an impact, and I will admit that many of us are favorably disposed to the argumentation of the chief executive officers of our major universities. When they approach us, we are attentive, and in this case we are responsive. They wanted to be an exception. We thought it was appropriate, and we included them.

Mr. HERMAN. Mr. Speaker, I would like to speak on the amendment.

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

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

I appreciate the elaboration of the rationale for including that in his amendment, Mr. Speaker, and I would like to add to what the gentleman has said because I am going to be supporting this amendment, because I think that if there is anything that we should do, we should be helping our institutions of higher education.

Where there is no doubt ever, if you look through the history of passing our State budgets, we as a General Assembly are required to pass a balanced budget by June 30 of each year, but that is the General Fund budget. In addition to the General Fund budget, we also pass a number of nonpreferred appropriations to our major research institutions like Penn State University, the University of Pittsburgh, and many others, but because they are nonpreferred, the way it looks is if the revenues are not coming in throughout the balance of the year, Governors look toward cutting those nonpreferred appropriations because they can immediately, because they are part of that General Fund budget.

If I may, Mr. Speaker, I just want to point out that this has been a bipartisan affair of cutting our major institutions of higher education. Governor Casey did it in 1991 after we passed a balanced budget in July of 1990, and it happened 3 consecutive years under Republican Governors Ridge and Schweiker and also the next year under Governor Rendell.

So I want people to really understand that, because I really want people to support Representative DeWeese and myself and many others supporting this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Smith.

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

If I could have just a second, please?

The SPEAKER. The House will be at ease.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Smith.

Mr. S. SMITH. Much like the previous amendments that were considered, there is nothing in this amendment that provides any funding. In fact, there is nothing in this amendment that takes any funding away from any of the line-item issues that are mentioned in these various amendments.

I do need to clarify one thing relative to the nonpreferreds. An exemption in the budget that would be proposed by this amendment is only relative to the General Fund budget. The nonpreferred is still a separate item from the General Fund. It does not protect it; this does not protect that. There is nothing in this amendment that guarantees any more money for institutions of higher education any more than it cuts funding to institutions of higher education. The simple fact that they are and have been and probably will be funded as a quote, “nonpreferred,” differentiates them from the General Fund, and that will be the case whether this amendment goes in or does not go in.

So as you consider this amendment, it does not provide the protection that is implied. The simple fact is, back to the basic issue in the underlying bill, if you want to try to get a handle and control on spending and control on tax increases, then we need a bill that has a very limited and defined group of exemptions, one of which, by the way, does cover a declaration of emergency declared by either the President or the Governor, which addresses a myriad of items that have been mentioned here through the course of these three amendments we have debated.

So I again would urge the members to defeat the DeWeese amendment and allow us to move forward with the business of the underlying bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. DeWeese, wish to be recognized?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-98

Bebko-Jones	Fabrizio	Mann	Scavello
Belardi	Frankel	Markosek	Shapiro
Belfanti	Freeman	McCall	Siptroth
Biancucci	George	McGeehan	Solobay
Bishop	Gerber	Melio	Staback
Blackwell	Gergely	Mundy	Stairs
Blaum	Goodman	Myers	Stetler
Butkovitz	Grucela	O'Brien	Sturla
Buxton	Haluska	Oliver	Surra
Caltagirone	Hanna	O'Neill	Tangretti
Casorio	Harhai	Pallone	Taylor, J.
Cawley	Harper	Parker	Thomas

Cohen	Herman	Petrarca	Tigue
Corrigan	James	Petrone	Veon
Costa	Josephs	Pistella	Vitali
Cruz	Keller, W.	Ramaley	Walko
Curry	Kenney	Readshaw	Wansacz
Daley	Kirkland	Rieger	Waters
DeLuca	Kotik	Roberts	Wheatley
Dermody	LaGrotta	Rooney	Williams
DeWeese	Leach	Ruffing	Wojnaroski
DiGirolamo	Lederer	Sainato	Yewcic
Donatucci	Lescovitz	Samuelson	Youngblood
Eachus	Levdansky	Santoni	Yudichak
Evans, D.	Manderino		

NAYS-99

Adolph	Feese	Leh	Raymond
Allen	Fichter	Mackereth	Reed
Argall	Fleagle	Maher	Reichley
Armstrong	Flick	Maitland	Rohrer
Baker	Forcier	Major	Ross
Baldwin	Gabig	Marsico	Rubley
Barrar	Gannon	McGill	Sather
Bastian	Geist	McIlhattan	Saylor
Benninghoff	Gillespie	McIlhinney	Schroder
Beyer	Gingrich	McNaughton	Semmel
Birmelin	Godshall	Metcalfe	Smith, S. H.
Boyd	Good	Micozzie	Sonney
Bunt	Grell	Millard	Steil
Cappelli	Habay	Miller, R.	Stern
Causar	Harhart	Miller, S.	Stevenson, R.
Civera	Harris	Mustio	Stevenson, T.
Clymer	Hasay	Nailor	Taylor, E. Z.
Cornell	Hennessey	Nickol	Turzai
Crahalla	Hershey	Payne	Watson
Creighton	Hess	Petri	Wilt
Dally	Hickernell	Phillips	Wright
Denlinger	Hutchinson	Pickett	Zug
Diven	Kauffman	Pyle	
Ellis	Keller, M.	Quigley	Perzel,
Evans, J.	Killion	Rapp	Speaker
Fairchild			

NOT VOTING-0

EXCUSED-6

Gruitza	Roebuck	Smith, B.	True
Preston	Shaner		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Allen.

Mr. ALLEN. Mr. Speaker, I would like to bring up amendment 3671, please.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ALLEN offered the following amendment No. A03671:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting

Amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing appropriations limitations; and providing for the disposition of surplus funds.

Amend Bill, page 1, lines 5 through 17; page 2, lines 1 through 30; page 3, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. The act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding an article to read:

ARTICLE XV-A

APPROPRIATIONS LIMITATIONS

Section 1501-A. Limitations on appropriations.

(a) General rule.—Except as set forth in subsection (b), in any fiscal year, the General Assembly shall not increase total General Fund State appropriations above the amount of total General Fund State appropriations authorized for the preceding fiscal year by a percentage which exceeds the average percentage increase over the immediately preceding three calendar years in the Consumer Price Index for All Urban Consumers of the Bureau of Labor Statistics unless a referendum stating the amount and duration of the increase is approved by a majority of the electors voting on the referendum.

(b) Exception.—Subsection (a) shall not apply to any of the following:

(1) An appropriation which, as a result of a requirement of Federal law, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service.

(2) An appropriation which, as a result of a requirement of a Federal or State court order which has become final, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service.

(3) An appropriation which:

(i) provides for the Commonwealth's share of payments for pension obligations as provided by law; and

(ii) is approved by three-fifths of the members elected to each house of the General Assembly.

(4) An appropriation which:

(i) is for the repayment of interest and principal for all debt incurred by or on behalf of the Commonwealth; and

(ii) is approved by three-fifths of the members elected to each house of the General Assembly.

(5) An appropriation which:

(i) is in response to a Presidential or gubernatorial declaration of an emergency or major disaster in any part of this Commonwealth; and

(ii) which is approved by three-fifths of the members elected to each house of the General Assembly.

Section 1502-A. Refund of surplus operating funds.

Surplus operating funds in the General Fund at the end of the fiscal year which are not required by law to be deposited into the Budget Stabilization Reserve Fund shall be refunded pro rata to the citizens of this Commonwealth based on the liability reported on annual returns filed pursuant to section 330 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, within the fiscal year in which the surplus was created. The pro rata refund shall be in the form of a tax credit applied against the tax liability reported on the annual income tax returns filed pursuant to section 330 of the Tax Reform Code of 1971 in the immediately succeeding fiscal year. If the tax credit provided under this section exceeds the taxpayer's liability, the taxpayer shall receive a refund of the amount in excess of the liability.

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Allen.

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

This has been a very, very interesting debate tonight, and I would like to just describe briefly what my amendment does.

I am actually amending my own bill here, and what it does, the amendment changes the bill to actually a Fiscal Code bill, and in dealing with the payments of the pensions, if we would increase pensions, it would require instead of a majority vote, it would require a three-fifths vote in both houses. In regard to interest and principal on debt, instead of requiring just a majority vote in both houses, it would require a three-fifths vote.

My amendment is also a little bit different than the Democrat leader's amendments and Representative Sturla's amendment in the fact that it allows for no exemptions or exceptions.

Now, there have been members of my party on this side of the aisle that have encouraged me to do a zero-growth cap, and I know some of the conservative members over on this side of the aisle would like to see that, but I have tried to be realistic. And just as the CPI (Consumer Price Index) figure appears in the DeWeese and Sturla amendments as a cap, I also have that cap, and if we are basing this on the 2006-2007 budget, then we would have an additional \$635 million to spend because the CPI rate is roughly at 2.8 percent at this time. That is a figure that I will repeat again. This legislative body, working with the Governor, would have 635 million additional dollars to spend.

In 1991 I was a sophomore member of this Assembly when at that time the majority leader, Manderino, and the Republican leader, Matthew Ryan, trolled the aisles of the floor of this House looking for votes because of overspending that we had done, not the Governor, not the House of Representatives, not the Senate, but all of us together, and it took until that

August day that we finally came to an agreement with an increase in major taxes in Pennsylvania.

Now, some people say, why are you stepping to the plate today and issuing this amendment? That is the reason why. We want this amendment so we can control spending to some degree and still allow every member in both bodies and the Governor to have the flexibility to pick and choose, or as Milton Friedman would say, free to choose what spending we would like to do.

So I urge my colleagues to vote and support this amendment.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. VITALI. Mr. Speaker, I filed to this bill amendment 388, which, if passed, would repeal the pay raise that we passed on July 7 and has been the subject of a great deal of public controversy over the past 4 months. If the Allen amendment passes, will that pay raise repeal amendment be out of order?

The SPEAKER. It would have been out of order even if the Allen amendment does not pass – two subject matters in one amendment – in one bill; I apologize.

Mr. VITALI. Thank you, Mr. Speaker.

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

Mr. VITALI. Mr. Speaker, I would like to make a motion.

The SPEAKER. The gentleman will state his motion.

Mr. VITALI. Thank you, Mr. Speaker.

I have filed subsequent amendments to this which, if allowed to run, would in fact allow us to vote on the pay raise repeal. Those amendments have not come down from the Reference Bureau. They have just been overwhelmed. They have been ordered but not come down.

Therefore, in order for us to have the opportunity to vote on the pay raise repeal legislation, I would move that we postpone consideration of HB 2082 and all attached amendments until tomorrow at 11 a.m.

On the question,

Will the House agree to the motion?

The SPEAKER. The question is on the motion to postpone. Those in favor to postpone— Mr. Vitali?

Mr. VITALI. I am just going to debate and make argument on that. That is a debatable motion, as I understand.

The SPEAKER. The gentleman is in order.

Mr. VITALI. There will be no prejudice by delaying this for, you know, less than 12 hours. Obviously, this bill is not going to do us any good until the next budget comes to pass, which the budget season really does not start again until next year. So obviously, a delay will not affect us, but this vote will give us a chance to respond to an enormous amount of stated public

opinion, and this motion to postpone in fact may be the first chance, in fact will be the first chance that House members have to define themselves on that issue since the public had an opportunity to express what it felt about that pay raise.

So I would ask for a “yes” vote on the motion to postpone so we would have the opportunity to consider an amendment which in fact would save us, according to the fiscal note, an additional \$16 million. So I so move.

Thank you.

The SPEAKER. Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I would rise to oppose the motion to postpone. Quite frankly, the amendments the gentleman is referring to are not out of order by some matter of time. In other words, we can postpone this vote for a month and those same amendments will not be in order. I think the Speaker has already indicated that they were out of order, and it was not due to a matter of timing, nor can that be corrected with time. So, Mr. Speaker, I think that it is prudent that we move ahead with this legislation and reject the motion to postpone, plain and simple, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. I agree with my honorable colleague from Jefferson County and would not support the motion to postpone.

The SPEAKER. The Chair thanks the gentleman.

It is moved by the gentleman, Mr. Vitali, that this House do postpone any further votes on this bill and amendments until 11 a.m. tomorrow.

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, Mr. Tangretti.

Mr. TANGRETTI. Mr. Speaker, a point of parliamentary inquiry.

It seems to me that the bill that in fact was the pay raise bill had two or three subject matters in it as well.

The SPEAKER. This is on the motion to postpone, Mr. Tangretti. What is your comment?

Mr. TANGRETTI. I am making a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. TANGRETTI. I am asking if you are ruling that Mr. Vitali’s amendment is out of order because it is in the same language that passed this House vis-a-vis the pay raise bill on July 7?

The SPEAKER. The only thing before the body is the motion to postpone, but to answer the question, the gentleman, Mr. Vitali’s amendments go to PA Statutes, Titles 42 and 46, and have nothing to do with the title of the bill before us. That will be the ruling of the Chair. We are now on the motion to postpone.

On the motion to postpone, the gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

On the amendment, I would support the gentleman’s motion to postpone. I think it is vitally important for this House to take a stand. We have shredded the credibility of this institution by what we did, and we have a chance to recoup; we have a chance to gain a modicum of that credibility back—

The SPEAKER. Mr. Tangretti—
Mr. TANGRETTI. —and I would ask that we have the chance—

The SPEAKER. Mr. Tangretti, the motion is to postpone by the gentleman, Mr. Vitali. Please stay to that question.

Mr. TANGRETTI. I would ask that the members of this body agree to postpone so that we have the opportunity to vote on Mr. Vitali’s amendments.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—26

Beyer	Grucela	Pallone	Samuelson
Casorio	Haluska	Petrarca	Stairs
Cawley	Hanna	Readshaw	Tangretti
Creighton	Kauffman	Rieger	Vitali
Curry	Levdansky	Roberts	Wojnarowski
Diven	Melio	Sainato	Yewcic
Freeman	Metcalfe		

NAYS—170

Adolph	Fabrizio	Leh	Rooney
Allen	Fairchild	Lescovitz	Ross
Argall	Feese	Mackereth	Rubley
Armstrong	Fichter	Maher	Ruffing
Baker	Fleagle	Maitland	Santoni
Baldwin	Flick	Major	Sather
Barrar	Forcier	Manderino	Saylor
Bastian	Frankel	Mann	Scavello
Bebko-Jones	Gabig	Markosek	Schroder
Belardi	Gannon	Marsico	Semmel
Benninghoff	Geist	McCall	Shapiro
Biancucci	George	McGeehan	Siptroth
Birmelin	Gerber	McGill	Smith, S. H.
Bishop	Gergely	McLhattan	Solobay
Blackwell	Gillespie	McIlhinney	Sonney
Blaum	Gingrich	McNaughton	Staback
Boyd	Godshall	Micozzie	Steil
Bunt	Good	Millard	Stern
Butkovitz	Goodman	Miller, R.	Stetler
Buxton	Grell	Miller, S.	Stevenson, R.
Caltagirone	Habay	Mundy	Stevenson, T.
Cappelli	Harhai	Mustio	Sturla
Causar	Harhart	Myers	Surra
Civiera	Harper	Nailor	Taylor, E. Z.
Clymer	Harris	Nickol	Taylor, J.
Cohen	Hasay	O’Brien	Thomas
Cornell	Hennessey	Oliver	Tigue
Corrigan	Herman	O’Neill	Turzai
Costa	Hershey	Parker	Veon
Crahalla	Hess	Payne	Walko
Cruz	Hickernell	Petri	Wansacz
Daley	Hutchinson	Petrone	Waters
Dally	James	Phillips	Watson
DeLuca	Josephs	Pickett	Wheatley
Denlinger	Keller, M.	Pistella	Williams
Dermody	Keller, W.	Pyle	Wilt
DeWeese	Kenny	Quigley	Wright
DiGiroloamo	Killion	Ramaley	Youngblood
Donatucci	Kirkland	Rapp	Yudichak
Eachus	Kotik	Raymond	Zug
Ellis	LaGrotta	Reed	
Evans, D.	Leach	Reichley	Perzel,
Evans, J.	Lederer	Rohrer	Speaker

NOT VOTING—1

Belfanti

EXCUSED—6

Gruitza	Roebuck	Smith, B.	True
Preston	Shaner		

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Leach.

Mr. LEACH. I am sorry, Mr. Speaker. On what question am I permitted to speak?

The SPEAKER. The Allen amendment.

Mr. LEACH. The amendment.

Mr. Speaker, I am going to reserve most of my comments for final passage.

I would just say that people should consider this in the context of the results tonight from Colorado, where right now 53 percent of the people, with half the votes counted, have voted to return \$3.7 billion that they were getting back under the TABOR (Taxpayer’s Bill of Rights) amendment as a tax refund to spend on college education and health care for the poor. I will keep you updated as results come in.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTION

The SPEAKER. Mr. Cawley. The gentleman, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Am I in order to correct the record on the last vote?

The SPEAKER. Yes, the gentleman is in order.

Mr. CAWLEY. I was, Mr. Speaker, recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman.

Mr. CAWLEY. Thank you.

The SPEAKER. The gentleman’s remarks will be spread across the record.

CONSIDERATION OF HB 2082 CONTINUED

The SPEAKER. Does the gentleman, Mr. Sturla, wish to speak? The gentleman is in order and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I think I knew the answer to this under the original bill, but I am not sure about it under your amendment. As I understand it, there have been a lot of plans floating around here to do a lot of things with property tax relief, and I guess my concern is that, for example, just as a hypothetical, assuming that, say, the proposal that is out there commonly known as the Commonwealth Caucus plan that would increase sales taxes on just about every item in the State and, depending upon whose account you go by, would generate somewhere between

\$6 and \$10 billion a year to come into the State coffers, which would then be put back out in the form of property tax relief, as I understand it, with your amendment, that many new dollars coming into the budget and then being put back out would require a two-thirds vote in order for us to pass that plan, in order to allow us to do that property tax relief. Is that correct?

Mr. ALLEN. That is not correct. The sales tax under the Rohrer bill would go into a totally separate fund.

Mr. STURLA. Okay. So if I have any fund, though, that gets into the General Fund that gets used for property tax relief, that would require a two-thirds vote. So everything would have to be off budget with property tax relief, is what you are saying?

Mr. ALLEN. No.

Mr. STURLA. Okay. Well, let me ask it in another way. If funds were generated, new funds were generated that came to the State and then they were driven back out for property tax relief, does that not increase the total State budget by more than the rate of inflation or the Consumer Price Index?

Mr. ALLEN. Not necessarily. It depends what bill you are dealing in, how it is drafted. In the Rohrer bill it would not do that.

Now, you know as much as I do, and I have tried to follow these bills as much as you have probably done. There are probably what? Nine bills in the House at this time, maybe 10, and I do not know where they all go.

Mr. STURLA. Okay. But if there was more than the rate of the Consumer Price Index that came into the budget and we tried to push it back out, it would require a two-thirds vote under your amendment. Is that correct?

Mr. ALLEN. The three-fifths is only in the bill for special exceptions, not for everything in general.

Mr. STURLA. Mr. Speaker, as I understood your – now, maybe I am looking at the bill – but as I understood your amendment, anything that was spending more than the rate of the Consumer Price Index in terms of a budget increase would require a two-thirds vote, or is that just on the original bill, not on your amendment?

Mr. ALLEN. We would have to go to the voters to ask them how we could spend that money.

Mr. STURLA. Okay. So if we got dollars in in any way, shape, or form that was going to do property tax relief, and the way we do property tax relief, at least the way it has been proposed, is every proposal I have seen is that we would pay more of the tab for education, which, as I understand it in the 15 years I have been here, has always been done in the General Fund; education funding has always been done in the General Fund. So if we were to offset local property taxes by increasing our share of education funding, we would have to go to a referendum under your amendment?

Mr. ALLEN. To spend more than the rate of inflation, that is correct; overall, overall, overall.

Mr. STURLA. Overall. So if we wanted to do enough property tax relief by increasing education funding, that we could get anything remotely significant, because education is 50 percent of our budget, and if we are to be, you know, twice the Consumer Price Index rate, so if we wanted to get, you know, a 6-percent increase in funding for education to offset property taxes, we would have to go to the voters first and get them to approve a referendum in order to do that.

Mr. ALLEN. What you are doing is assuming what we are going to do in the future, and I cannot assume that. Whether it is the Rohrer plan or any other plan, the assumption that you are

making, I cannot answer that assumption. It is the same way as if you are asking me how much money is going to be available out of the CPI. I cannot tell you exactly how much money that is going to be.

Mr. STURLA. Mr. Speaker, you are saying that I am assuming something. I am trying to look into the future and see what kind of ramifications this amendment would have, and every proposal that I have seen that does any attempt at doing property tax relief does it by funding education.

Now, maybe there is something out there that we have not figured out how to do that we can get money into education without actually funding education and maybe there is some wizardry that can be, you know, accomplished, but essentially, if I look at this amendment and the bill, I believe it prohibits us from doing significant property tax reductions in the future. Now, you are saying, well, that is all hypothetical, but if I want to do property tax relief, I do not want to have both hands tied behind my back, bound and gagged, and thrown in a trunk, and that is what I see this amendment and the bill doing. And you are saying, well, that is all hypothetical; we will figure out a way to do property tax relief later. Well, if this passes and the Governor in fact signs it and we do not, you know, do anything different, if this goes into place as it is placed right now, I believe we have prohibited us from doing property tax, and then everybody will be able to come back and rush back and go, oh, I wanted to do property tax for you, really; I promise I did, but then we passed that bill and now we are stuck, and we just cannot do it, and so, you know, do not blame me because we did the fiscally responsible thing and limited ourselves.

The SPEAKER. Is the gentleman done with his interrogation? Is the gentleman done with his interrogation? Are you done?

Mr. STURLA. I am making comments now, Mr. Speaker.

The SPEAKER. Oh. Thank you. The Chair thanks the gentleman. The gentleman is in order.

Mr. STURLA. Mr. Speaker, all that I am saying with this amendment and the bill itself is that the restrictions that are being placed on ourselves, self-imposed here, you know, I understand there has been a spending addiction with the Republican majority for the last 12 years, and you know, that is something that you all have to live with, and I understand you are trying to go cold turkey here, but as a result of that, what you are doing is placing significant property tax relief in jeopardy. So you all can go ahead and vote for this thing so that you can then go back and explain to your voters why you really cannot do property tax relief for them, but the real result of this amendment and this bill is to snuff out the chances of property tax relief in the State of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Allen.

Mr. ALLEN. Mr. Speaker, I would like to reply to that. The DeWeese amendments would have done the same thing; only it would be a simple majority versus a three-fifths majority.

And I would like to also point out that the Governor's gambling revenues, the Governor's gambling plan and this House's gambling plan and the Senate's gambling plan, will bring back 13 to 14 percent into a separate account for property taxes.

So therefore, no matter if the DeWeese amendment would have passed or the Sturla amendment would have passed or the Allen amendment passes, it is still the same bill.

The SPEAKER. Does the majority leader wish to be recognized?

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

The following roll call was recorded:

YEAS—118

Adolph	Fairchild	Leh	Reed
Allen	Feese	Mackereth	Reichley
Argall	Fichter	Maher	Rieger
Armstrong	Fleagle	Maitland	Rohrer
Baker	Flick	Major	Ross
Baldwin	Forcier	Marsico	Rubley
Barrar	Gabig	McGill	Sather
Bastian	Gannon	McIlhattan	Saylor
Belfanti	Geist	McIlhinney	Scavello
Benninghoff	Gillespie	McNaughton	Schroder
Beyer	Gingrich	Metcalfe	Semmel
Birmelin	Godshall	Micozzie	Smith, S. H.
Boyd	Good	Millard	Sonney
Bunt	Goodman	Miller, R.	Stairs
Butkovitz	Grell	Miller, S.	Steil
Cappelli	Habay	Mustio	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhart	Nickol	Stevenson, T.
Cawley	Harper	O'Neill	Surra
Civera	Harris	Pallone	Tangretti
Clymer	Hasay	Payne	Taylor, E. Z.
Cornell	Hennessey	Petrarca	Turzai
Crahalla	Herman	Petri	Watson
Creighton	Hershey	Petrone	Wilt
Dally	Hess	Phillips	Wright
Denlinger	Hickernell	Pickett	Yewcic
DiGirolamo	Hutchinson	Pyle	Zug
Diven	Kauffman	Quigley	
Ellis	Keller, M.	Rapp	Perzel,
Evans, J.	Killion	Raymond	Speaker

NAYS—79

Bebko-Jones	Fabrizio	Manderino	Shapiro
Belardi	Frankel	Mann	Siptroth
Bianucci	Freeman	Markosek	Solobay
Bishop	George	McCall	Staback
Blackwell	Gerber	McGeehan	Stetler
Blaum	Gergely	Melio	Sturla
Buxton	Grucela	Mundy	Taylor, J.
Caltagirone	Haluska	Myers	Thomas
Cohen	Harhai	O'Brien	Tigue
Corrigan	James	Oliver	Veon
Costa	Josephs	Parker	Vitali
Cruz	Keller, W.	Pistella	Walko
Curry	Kennedy	Ramaley	Wansacz
Daley	Kirkland	Readshaw	Waters
DeLuca	Kotik	Roberts	Wheatley
Dermody	LaGrotta	Rooney	Williams
DeWeese	Leach	Ruffing	Wojnaroski
Donatucci	Lederer	Sainato	Youngblood
Eachus	Lescovitz	Samuelson	Yudichak
Evans, D.	Levdansky	Santoni	

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Smith, B.	True
Preston	Shaner		

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

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

The SPEAKER. Does the gentleman have any further amendments?

Mr. ALLEN. No, Mr. Speaker. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

All the other amendments would be out of order at this time.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentlelady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I would like to offer my reasons for voting against this extreme and irresponsible measure that has been put before us.

I have always believed that government should do for its citizens only those things they cannot do for themselves. That is our obligation. This bill is based on the false and mistaken premise that we spend too much to meet the needs of our citizens and that taxes in Pennsylvania are high. Neither premise is true. We are required to be fiscally responsible to taxpayers through our constitutional mandate for a balanced budget. We cannot spend more than we take in. In years when we take in a lot, we lower taxes, as we did in the nineties when our economy was booming. We returned some \$4 billion in tax cuts to Pennsylvania's citizens. In the years when we do not have enough revenue to meet all of our needs, we either raise taxes or we make difficult choices, as we did in this year's budget.

But let us be clear, the only way there will be a tax increase is if you vote for one. You control the agenda. You control what bills are voted on. You have the majority of votes. We cannot raise taxes on the Democrat side in the minority.

Under both Democrat and Republican Governors, we have been a fiscally conservative State without the need for this extreme and radical measure. Pennsylvania has the smallest State government work force per capita in the nation. Out of the 41 States that have a personal income tax, Pennsylvania has the second lowest personal income tax rate in the country. Pennsylvania's State and local tax burden is also low — 35th highest out of 50 States.

So this is not something that we need to do. HB 2082 may seem politically sexy today, but it will come back to haunt us as we work on next year's budget, and make no mistake, it will cause great pain to those who rely on us — college students, the elderly, children, and the business community, and anyone else who relies on State government services.

Finally, this bill and the bill that is coming, the bill that would cut the personal income tax along with Federal cuts to vital programs that are coming year after year, will result in

severe budget cuts in programs our constituents count on, and no one can honestly dispute that.

The SPEAKER. The gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, will the prime sponsor of the bill stand for one question, please?

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order and may proceed.

Mr. LEVDANSKY. Thank you.

Mr. Speaker, what is the effective date? Should this bill become law, when would the caps become effective?

Mr. ALLEN. Immediately.

Mr. LEVDANSKY. Immediately. Okay. Thank you.

On the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. LEVDANSKY. Mr. Speaker, so the caps will take effect immediately if we pass this, and yet I read in the newspapers that there is a commitment to the members of the Commonwealth Caucus that we will consider and vote on their proposal to eliminate all property taxes through a proposal that would raise State revenue of \$10 to \$12 billion.

So we are going to adopt caps here tonight and give the illusion to the Commonwealth taxpayers that we are going to be tight on spending, but we are going to come back here in a couple weeks and some of the same members that are going to vote for this tonight are going to vote for the Commonwealth Caucus proposal to raise State taxes \$10 to \$12 billion. You are going to raise spending. State spending, Commonwealth spending, will increase \$10 to \$12 billion, and the Commonwealth's entire budget is about \$24 billion, I believe.

So you vote for this, but you are going to come back in a couple weeks and propose another proposal to increase spending above your caps by 40 percent. You cannot have it both ways. If you are for Taxpayer's Bill of Rights, this arbitrary, capricious spending cap proposal, if you are for that, then you cannot be for Commonwealth Caucus to raise State taxes and State spending \$10 to \$12 billion. You can have this legislation, but if you are at all honest with your constituents, you have got to be against the Commonwealth Caucus proposal in a couple of weeks. Or if you are for Commonwealth Caucus in a couple of weeks, to be honest about it, you have got to vote against this, because the very proposal that you are going to stand up and articulate and support a couple of weeks from now on this floor will violate the caps proposal that we are confronted with tonight.

You cannot have it both ways. You cannot speak out of two ends of your mouth for all too long. The honest thing, if you are for Commonwealth, and I honestly respect, there are some members who advocate that proposal. I think it is wrong; I think it is going to have a terrible economic impact on the State; I think it is regressive, but that notwithstanding, I admire the courage of the members who advocate that, because in their heart of hearts, they believe it. But if they believe that we should increase State spending \$10 to \$12 billion to fund their proposal, they should be honest and vote against this tonight. Above all else, that is really important. If you are for Commonwealth, you should vote against this, or if you vote for this, in a couple of weeks, to be honest about it, you need to vote against the Commonwealth proposal then. But again, you cannot have it both ways.

I think this is arbitrary. I think it takes away the discretion of the General Assembly. You know, if we wanted to limit how

much we spend on an annual basis on the State budget, we could do that. You know, last year the Governor sent us a proposal, and what did we do as a legislative body? We added about \$1 billion in spending. And I for one do not know why nonpreferreds are exempt from this cap proposal as well. That does not make a lot of sense.

Mr. Speaker, in the end, let us do the right thing. It is our choice. We can practice fiscal discipline every year if we so choose, and we do not need a gun to our head under this legislation to make that happen. But we ought to be honest to our citizens. And again, for those of you that advocate the Commonwealth Caucus proposal, you ought to be a "no" vote against this, because in a couple of weeks, you are going to be figuring out a way to dig yourself out of that hole. So vote "no" on this tonight.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Benninghoff. The gentleman waives off.

The gentleman, Mr. Leach.

Mr. LEACH. Mr. Speaker, first, before I speak and make my two points on final passage, I would say that the voters of Colorado who overwhelmingly approved TABOR legislation are now by a margin of 43,000 votes rejecting TABOR legislation after their experience with it, and I just think we should take some guidance from that.

Mr. Speaker, I am not going to make many of the economic arguments that have been made earlier tonight. They have been made well, they have been made eloquently, and I really do not have anything to add to those. I have a different reason for opposing TABOR, which is that I believe it to be undemocratic, and I believe it to be undemocratic in a very profound way for this reason. The whole theory of democratic elections, as I understand it, is that we have a group of people who campaign promising to do certain things, they are elected, and they implement their policies, and if the voters like their policies, they reelect them; if the voters do not like their policies, they elect the other guys who promised to do the opposite, and those people get to implement their policies for a while. The problem with TABOR legislation is that that ends that democratic balance. What TABOR legislation says is that the people who believe that government should be shrank smaller and smaller in power, they should implement their policies, and when the voters decide that they want people who are going to spend more money for schools or more money for roads and elect a different group of people who promise to spend more money to invest in Pennsylvania the way they see it, those people would still have to implement their policies. In other words, elections would not matter anymore, because whoever won elections, the policies are enshrined in this legislation and in the constitutional provision that we are going to be debating later. Those policies would be enshrined no matter who won elections. It would not matter who won elections anymore, Mr. Speaker, and I think that is really dangerous. I think it makes— People are cynical enough about the political process, but what this does is it says to the voters of Pennsylvania that if you want people who promise to spend more money for schools or more money for roads or whatever it is, you cannot have that; you cannot democratically elect those people.

Now, there are certain things that we should not put up to a vote, that we should not decide democratically, very personal decisions like what God we pray to or whether or not we can

express a political opinion. Those are individual rights. But taxes and spending policy, fiscal policy, yearly budget priorities, that has always been the purview of the democratic process, and what we are saying now is that whoever wins elections, we are going to have one set of policies, Mr. Speaker, and I think that is very, very damaging to the democratic process.

Finally, because I know it is late, I just want to say one more thing, and I want to address it specifically to my Democratic colleagues, because let us face it, I mean, we do not have the votes as a party on those issues. All we can decide is how we are going to vote. But I wonder, Mr. Speaker, how we can be Democrats and vote for this bill, because if there is any core principle of our party, it is that we believe in government as a tool to make people's lives better. If we do not fight for that principle, if we do not stand for that principle, what is our purpose here? Why does it make any difference who occupies these seats other than which individuals get, you know, get the paycheck here? I mean, if this is not a core principle, I do not know what this is.

This particular policy is part of a national movement. The idea of TABOR legislation was founded by Grover Norquist, who I actually got into an argument with at the NCSL (National Conference of State Legislatures) conference on this, and he is very up-front. His purpose, he says, is to shrink government so small – and these are his words, not mine – that it can be drowned in a bathtub. Okay? Now, you may believe that, but I do not know how you believe that and adhere to the principles of the Democratic Party.

Mr. Speaker, I just want to take one minute to tell my story and explain why I believe this so strongly. When I was born, my grandmother had a neuromuscular disease. My mom was single, and she had to take care of her – there were no programs to do that at the time – and we were on welfare when I was born. And then when I went to school, I received government-subsidized school lunches, and then when I was a little bit older, I went to a government-funded day-care center so my mother could go back to work. And then I wanted to go to college, so I got government loans and I got Pell grants, and I was able to go to college, I was able to go to law school, and I was able to do that because my government invested in me, and as a result of that investment, I paid far more in taxes than they ever paid to help me out. And that is the theory, that is our entire theory as a party, that we invest in people and that society, not just that individual but society, gains as a result of that, and if we do not stand for that, Mr. Speaker, I do not think we stand for anything. I like what Mario Cuomo said about this. He said, we should have only the government we need, but we should have all the government we need. So I would urge my colleagues on the Democratic side of the aisle to stand for this core principle and oppose this legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Curry.

Mr. CURRY. Thank you, Mr. Speaker.

I would like to thank Mr. Allen for bringing this discussion to our attention. I think it was an idea worth discussing. I do think we should have had a public hearing on this measure and heard different points of view other than just elected Representatives, and had we had such a hearing, we might have come across some of what I consider to be major deficiencies.

If you look at the last section of 2082, it reads, “THE PRO RATA REFUND SHALL BE IN THE FORM OF A TAX CREDIT APPLIED AGAINST THE TAX LIABILITY REPORTED ON THE ANNUAL INCOME TAX RETURNS FILED PURSUANT TO SECTION 330 OF THE TAX REFORM CODE... IF THE TAX CREDIT PROVIDED UNDER THIS SECTION EXCEEDS THE TAXPAYER’S LIABILITY, THE TAXPAYER SHALL RECEIVE A REFUND OF THE AMOUNT IN EXCESS OF THE LIABILITY,” and therein, I think, lies the weakness. We should have targeted that refund, the surplus, based on the financial need of our citizens – senior citizens on fixed income, the disabled, veterans widows or widowers. Why do we not target this tax relief based on need? Why not direct it to augment property tax relief? Property tax is a major social problem in this country and in this State. Are we going to risk limiting some worthwhile programs to get a tax refund? You all lived through this summer after the pay raise vote and you know the criticism, and now we are going to get a tax refund, all of us, by cutting programs? That is a terrible mistake, and I urge a “no” vote on this bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker, and I will try to be very brief.

It is November 1, 2005. Let the games begin. The election of 2006 has started. You know, I try to be a good legislator, and I read all my cosponsorship memos. Quit sending them: increase LIHEAP; take care of autism; firefighters. Today we caucused a bill, which is a good idea, to increase spending on the turnback program by 20 percent – Republican bill. I go to meetings with other legislators and we talk to Penn State, to Pitt, to our schools: We need more funding. We all get the e-mails from our college students: My tuition is going through the roof. We all live near a State System school – a Clarion, a Slippery Rock, a Lock Haven, East Stroudsburg, thank you. This is irresponsible. Every year we sit down and pass a balanced budget. If the budget has grown so much over all these last 10 years, as some members have mentioned, why did the Republican-controlled General Assembly do that? This is surreal. It is like watching a movie about a serial killer. He should be handing out notes: Stop me before I spend again. You all, you all are good people. You support good programs. It is our jobs, it is our jobs annually to sit down and pound out a balanced budget that takes care of the needs of this Commonwealth. This legislation will not allow us to do that.

I am tired, I am tired of politicians who have the disconnect between spending and programs. And I am sorry, my good Republican friends, you are becoming the credit card party. You have done it in Washington and now you are trying to do it at the State level. So I am voting “no,” but I will be watching. In NASCAR racing (National Association for Stock Car Auto Racing) they call this time of year the silly season; in politics it started right now.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Just to follow up on some of the comments of my colleague, Representative Surra. If I really thought that my Republican colleagues believed that this was going to get passed into law,

I might be heartened by this, because there can only be one of two things: Either they finally come to the admission that they are spending addicts and cannot control themselves, or they believe that they are going out of the majority and it is their last chance to control spending after the Democrats take over. But I believe, as Representative Surra pointed out, that this is just the first shot over the bow in the 2006 election, and they fully expect that Governor Rendell will veto this and that because it takes a two-thirds majority to override the Governor's veto, that they will be safe, and they will be able to go back home and beat their chests and say, I wanted to control spending but they would not allow us, and now it proves I can be for all the spending that you want because we do not have that cap on ourselves anymore. But I would ask all those members that vote for this to impose that cap on themselves after this bill gets vetoed by the Governor and the veto gets sustained. When you go back into your districts, do not you dare tell anybody that you are for increasing funding for their program unless you tell them who else's program you are going to cut, because we do not have the luxury anymore of saying, oh well, do not worry; there is always a little more money in the budget, and I can give you more and I do not have to cut anybody else. That will not be true anymore. So I will make sure that I will hold my Republican colleagues' feet to the fire for the next year as they run around the districts saying, I will get you more money; do not worry about it. I just hope you all hold your own feet to the fire.

Now, there are a handful of my Republican colleagues and even a few on the Democratic side that have voted against all increases in spending since time eternal, ever since they got here, and while I do not agree with them, I can at least respect them for having that position and holding their feet to the fire and standing for it every day. But what we are going to see here is the sham of, yes, I am for controlling spending; send it to the Governor; let him veto it; and oh, now all bets are off and I can go spend like, you know, the alcoholic that I am. I can go spend like the spendaholic; I can go spend; I can be this wide-eyed guy that says, you want it, I will get it for you, because somebody else took those spending controls off of you.

Republicans have been in the majority in both the House and the Senate for more than 10 years now, and you all now believe you have to control yourselves. We have not been able to control the budget for more than 10 years on the Democratic side. If spending has been out of control, there is only one place to look. You need to do a little self-examination, and I would hope that after this gets vetoed by the Governor, you would continue with that self-examination and pledge to your constituents not to be for increasing funding to any program in your district. If you do that, I will respect you; otherwise, I will know it is the political sham that I believe it really is.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

At the top of this debate tonight, the majority leader suggested that, I think in a, I hope in a very self-effacing manner, that people on that side of the aisle may be guilty of spending too much, or maybe with tongue in cheek that maybe even he is guilty of spending too much. I rise to the microphone to say he is guilty of nothing and I think should be very proud of what he did and Bill DeWeese and Mr. Veon, Mr. Evans, Speaker Perzel, just a few months ago in crafting a very

intricate budget during very extraordinarily difficult times. If the information I have seen over the last few days is accurate, then the last 30 years, the spending has increased in Pennsylvania at an average of 3 percent a year under some pretty great Governors – Thornburgh, Casey, Ridge, and now Ed Rendell. I think those kinds of comments sell us short, sell him short. He is doing a good job. All of you are doing a good job if over the last 30 years the spending increases in Pennsylvania amount to 3 percent, when we have had a special session on crime and we need our prisons to be secure, when college tuition is going through the roof, as we all know, as we try to educate our kids, as we do try to increase the amount of money to our school districts so we can keep the property taxes lower.

You do not need this bill. I do not need this bill. This General Assembly and this institution does not need this bill. It sells it short. So I know it will pass tonight, but I hope that we do not let something like this become law, because we simply do not need it. We have good people in this room, fiscally responsible people when you think over 30 years it has only increased 3 percent, unlike our Republican and our Democratic guys in Congress who spend hand over fist. The majority leader, I suspect, has participated in his 27th or 28th consecutive balanced budget. There are not many places that can say that. We do not need this bill.

Let us look, if the gentleman, Mr. Leach, is supplying us with accurate returns, let us look at the experience in Colorado if in fact tonight they are reversing this kind of legislation in their State when they saw the roads deteriorating, when they saw the college tuitions going through the roof again, when they saw vital programs, health care for the poor that we wrestled with last summer, being cut in Washington and thrust upon the States. Let us take time after tonight and rethink whether or not we actually want something like this to become law in Pennsylvania.

I will be voting "no," and I ask as many of you as possible to vote "no." You are better than this, we do not need it, and I urge a negative vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I will be very brief. I just want to respond to some comments made by the gentleman from Montgomery County. He had said that he and the Democrat Party invest in humanity and mankind – I think that is what I am paraphrasing – and I have many good friends over there on the other side of the aisle, but for the life of me, if that is the case, I do not understand how he then could vote to bring 61,000 addictive slot machines into this great Commonwealth, because we know that the poor, the disenfranchised, and the less educated are going to spend much of their money. In fact, they say 50 to 55 percent of those who patronize the casinos are in that classification, people who are going to destroy themselves—

The SPEAKER. Mr. Clymer—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. Clymer, you are far afield.

Mr. CLYMER. Mr. Speaker, I was not sure just how far I could go afield but— But for those remarks I do appreciate the opportunity, but I think I made my point, and thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Washington, Mr. Daley.

Mr. DALEY. HB 2082. Now, I am going to ask you a couple questions this evening. Now, it is about 11:28 in the evening. I want to know, what party, what party in Pennsylvania in the House of Representatives has had its finger on the engine of government for the last 9 years? I did not hear you. Republican.

HB 2082. The last 11 years has been controlled in the Senate by whom? Throughout the Rendell administration, who has been the majority chairmen of the Appropriations Committees in the House and in the Senate? It has not been Democrats, it has been?

Now, I counted the votes on that board right below HB 2082 for final passage, and you know what? I counted 109 on that side and 94 on that side, and the majority of 109 are? Republicans. Now, every vote in this House, in this chamber, for the last year has been controlled by? The Republicans.

Now here we are tonight, what I believe is PPR, post-pay-raise legislation. You are going to see a whole bunch of bills, Mr. Speaker, cavalcading out of this legislature, all well intended, but we better pause and take heed, because the people of Pennsylvania now are watching every one of us. No matter if you voted "yes," no matter if you voted "no," no matter if you were excused, they are going to watch what we are doing.

Now, I do not know if HB 2082 is a good bill, but I know when we are working on legislation for the next several weeks before that primary, we better make sure we have quality legislation, because this chamber is controlled by the Republicans.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and would like to correct the record. There are 110 Republicans, not 109.

The gentleman from Westmoreland, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I rise with consternation, because I know as an elected official in the Commonwealth of Pennsylvania, we all are elected and have the public trust that we are going to act responsibly and that we will not overspend, we will not underfund, we will not legislate irresponsibly, but we have before us a piece of legislation that causes us to do just that, to react irresponsibly. And there have been a number of speakers this evening who have already said and have pointed to the Governor's Office that it is his fault that certain programs do not have the funding that they need, and we have pointed across the aisle, it is your fault — it is the Democrats' fault; it is the Republicans' fault — but as a legislative body, we are elected and charged with the responsibility, again, to fund the programs that people depend on in Pennsylvania and that help the needy, the infirm, the ill, the elderly, those with special needs, volunteer fire departments, emergency service agencies, police departments, local municipal governments and counties, prisons, public defenders, district attorneys. We provide funding for all of the programs in Pennsylvania that no private sector wants to run, because they do not show a profit. We provide funding for all of the needs for the needy, the special needs for children, for education at all levels, public education at the K through 12 as well as funding for college.

This particular piece of legislation does nothing more than create a problem in the future. It is easy for me, quite frankly, to be able to stand here and tell you that I am going to be voting "no," because when I get the phone call or the e-mail or the letter or the personal request in my Harrisburg office or my district office asking for funding for public education, for the senior citizens, for the local fire departments, for the

special education needs for disabled children, for disabled adults, both physically and mentally disabled, when those people are in my office and their families come to see me, it is going to be easy for me to tell them, I would like to provide additional funding for your agency, I would like to provide additional funding for public education, I would like to provide additional funding for emergency services in Pennsylvania and volunteer fire departments and ambulance and police, I would like to be able to provide funding for these programs, but our funding mechanisms are capped and we cannot provide the funding that you need so that you can exist.

This is bad legislation, and I think with all due respect, my colleague from Washington County has identified it most appropriately as post-pay-raise legislation and preelection legislation. Please, I implore you to vote "no."

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, referring back to the start of this debate, the majority leader said people in Pennsylvania do not want to pay taxes or any more taxes. Well, I have been here 11 years. The only taxes that people have come to me and said, Gary, we have to do something about property taxes. They have never said anything about personal income tax or any other tax. The last time I looked, I do not write a check out to the State of Pennsylvania for property tax. That is not on my agenda. I have the local taxes, the school taxes, the county tax, my municipal tax. You know the reason why I am writing out those checks and they are bigger and bigger every year? Because the State of Pennsylvania has pulled away from funding education. They have pulled away from helping the commissioners with those programs that we have at the county level. They have pulled away from those municipalities and helping them. We no longer give them help to treat their sewage and all these other things that we have taken away over the years.

So it is our responsibility. I think when you look around Pennsylvania and wonder why your property taxes are going up, you do not have to look any further than right here and right across the hall in the Senate. We are the guys that did it to them. We took money away from our local schools, our local townships, our local boroughs. They had no other recourse but to raise property taxes. So we are the problem. If we pass this legislation and our economy is burgeoning next year or the year after, we could take some of those moneys, we could fix our infrastructure; we could do a Kvaerner deal; we could reinvent things in our cities, our convention centers— Excuse me; I forgot where I was going there for a minute. But we could help our convention centers and help our port authorities and our transit, but we have not done that, and if we pass this legislation tonight, we are definitely not going to be able to do those things, because we are going to shackle ourselves. We are not going to be able to take that extra money— Even if we do not raise any taxes, we do not raise the tax rates any more than what they are now and we get extra money into our coffers, instead of fixing these problems, we are going to rebate these people on their personal income tax, which a lot of people in this State do not pay personal income taxes. So who is going to get the funds coming back? It is not going to be the poor guy that is paying a lot of real estate tax because he is sending his kids to school; it is going to be those people that are making a lot of money and pay State income tax.

So I think this whole thing is skewed, and I really think it is a bad bill, I think it is a bad approach, and I think we really have to look at ourselves here in Harrisburg. And we are the problem. We have stressed our counties, we have stressed our boroughs, and we have stressed our school districts, so the buck stops here. So I think that is where we have to look to fix this.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Someone just said, please be brief, and I will try.

First of all, if I could interrogate either the sponsor of the bill or anyone else who would like to answer a question regarding the referendum part of the bill. Mr. Speaker?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, in the bill there is a provision which would allow for a referendum to go over the index. How would that work? There is no time frame. How do we do a referendum after we have to pass a budget?

Mr. ALLEN. Mr. Speaker, to give you an answer to that is that we would have to prepare as the budget goes along, and if we get to the point where we know that the funding, it is going to be necessary to make a change, then we will have to have a vote. Now, we only have the options of having, I realize, a primary and a general election statewide, but we would have to have it in that area.

Mr. TIGUE. Thank you, Mr. Speaker.

I am finished with my interrogation.

The SPEAKER. The gentleman is in order.

Mr. TIGUE. Mr. Speaker, I appreciate the response the gentleman just gave me, but I think that points out one of the flaws. And I hate to bring some facts into this discussion, but this bill has only been here for 4 days, 4 calendar days, and we are doing things which are important, I hope. Although I do not think so, but I hope.

What we have is a situation which I am very surprised and somewhat disappointed in my colleagues on the other side of the aisle, whom I agree with on many occasions, especially when they talk about individual responsibility. It is our individual responsibility as members to vote or not vote for spending or for budgets. I have been here long enough that I voted for budgets which were by Republican Governors; I voted against Republican Governors' budgets. I voted for Democratic Governors' budgets, and I voted against some Democratic Governors' budgets. As one of the previous speakers said, this is something that is unnecessary. It is not well thought out, obviously; that is why we are in a hurry to do this for political reasons, I guess.

But a lot of things were said earlier, and one of the first speakers was the majority leader, and he talked about there are two ways to govern. There are more than two ways to govern, but the most important way, whichever way you take, whichever option you accept, the most important thing is to be responsible, and I think over the years, at least that I have been here, that we have done that. We can limit spending by making tough decisions. Somebody alluded to Act 72 and it is similar to what we did in Act 72; it is not. And if you would just listen for a second, I know it is late, but this is not like Act 72, although so many people think it is. In Act 72 there is no – let me repeat

this – there is no limit on spending in Act 72, none. They can spend a 50-percent increase as long as the taxes are not increased over an index. It is not the spending; it is the taxes.

What we are doing here tonight, and again, I am surprised by my colleagues on the other side of the aisle, the bill actually would have been better had you not put in the amendment, the last amendment that went in that requires three-fifths, because now you cannot pass anything without us. You have given away the right, the authority, and the responsibility of the majority to govern. When you have the majority, whether you are a Democrat or a Republican, an Independent, or whatever, your job is to govern, to do what is responsible. You should want to be in the majority, not give away your authority to a minority by having these crazy things of 60 percent.

I have no doubt in my mind this is going to pass. I think that is unfortunate, I think it is wrong, and I do not think we should be doing that. We have a responsibility. My constituents, all of our constituents for that matter, are not dumb. They understand that we have to do things. We have to provide money to educate people. We have to provide health care for those who do not have access to it or cannot afford it. We have to provide for those in nursing homes, those with disabilities. If the Federal government makes changes, there is a provision in here which says we can do that. Well, now if we go into debt, we need three-fifths. If we have pensions, if – if – the stock market has a downturn, now, according to the amendment you just voted to put in, we have to have three-fifths to vote whether or not we can have a contribution by the employer into the pensions. So now the pension funds are unfunded because the majority cannot pass something unless the minority agrees.

These are the kinds of questions that I think we should ask ourselves. Let us get real. If you are in a hurry to do this, we could have passed the bills – you could have passed the bills; as the majority, you have that right to do it and obviously the authority to do it – that passed the Senate. I do not understand what we are doing back and forth, but that is fine. I would ask everyone, you can be responsible. I do not think our State should have a blank check, and I voted that way. That is not what this does. This sets up an artificial system where a minority of people will control what goes on, and that is what is going to happen. And some of these things are going to be out of your control, whether it is a national disaster, whether it is declared or not declared. You do not have the answer, nobody has the answer in this bill at least, of how that referendum would happen, because come July 1, it is the only time we know where we are fiscally, and July 2 you are not going to have a referendum when you decide on July 1 that there is a problem.

So this bill cannot work. It does not make sense. It is not necessary. It cannot work. Please vote “no.” Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Allen. The gentleman waives off.

The gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, my friend and neighbor from Schuylkill County has stirred up a bit of a hornet's nest tonight, and we are hearing all of these predictions, all of these people looking into their crystal balls and making their educated guesses as to what will happen if we have the audacity to pass this simple bill which puts a control on spending in the future. We have even heard the “v” word used tonight, the threat of a “veto” by the Governor, which is interesting, because if you look at the votes by which

this bill came to us, a similar concept in the Senate, one version came on a 42-to-8 vote, another was 50 to 0. Just a few minutes ago on the Allen amendment, we saw a pretty good, I think, bipartisan agreement between both Republicans and Democrats that this bill does make a lot of sense.

Now, I am not going to make a lot of predictions; I will only make one. Now, I realize this is a very diverse State, that your district is probably a little bit different from mine. However, I think that if the Governor were to go around this State and ask people this one simple question, "Should the State government limit its spending to the rate of inflation?" – that is the one requirement included in Representative Allen's bill – I believe that the answer will be an overwhelming "yes" to that question. I know it is in the small towns in Berks and Schuylkill Counties that I represent.

I would ask for your "yes" vote. I would ask that we can send this to the Senate. I would ask that we can ultimately send it to the Governor's desk and turn this simple, commonsense bill into reality to try to get a better control upon spending in the future.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Allen, wishes to speak last, but it is always the prerogative of the majority and minority leaders to speak last, and they both wish to speak. So, Mr. Allen, if you would like to speak, you have the floor.

Mr. ALLEN. Thank you, Mr. Speaker.

Before the Democrat leader speaks, which I expect will be a speech somewhat similar to William Jennings Bryan's speech of 1896, "Cross of Gold," and I think that may be the direction that he may be going, I would like to point out that this is an austere bill. I agree with that. My Democratic colleagues and some of my Republican colleagues may think this is severe, but let me point out that it is not a zero-based budget. It will have additional funds, roughly \$630 million of additional funds for us to work in the budget, if the CPI is at 2.8 percent, where it is today.

So I ask the people on both sides of the aisle, make the big step here. Come over and understand that what the taxpayers of this State want, they want controlled spending. We can do the job. There has been nothing in the past budget or this coming budget that we have to eliminate. Every line item can be debated, and this body, the 203 members, can decide where the State of Pennsylvania and the course of Pennsylvania will go in the years 2006 and 2007.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, the minority leader, the gentleman from Greene, Mr. DeWeese.

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

I do not remember the exact words, Mr. Speaker, but Jennings Bryan did carve himself a niche in immortality for oratory about pressing down upon the brow of labor that crown of thorns; do not crucify mankind on a cross of gold. I am having a hard time bringing the metaphor to fruition tonight, so I will not, but I do agree with you, those were some of the most melodious words ever uttered in the history of American political discourse. And notwithstanding my good friend from Upper St. Clair and myself tonight – I will include myself – we probably have not come close to William Jennings Bryan, but we have not pretended to either.

I am going to use plain vernacular and just say that this is political pandering by my GOP brethren at the highest

magnitude. If this kind of cap had been in place for last year's budget, we would be approaching \$1 billion in arrears or we would have had to cut. And as has been enunciated again and again and again, or as Franklin D. Roosevelt would have said, again and again and again, you have not showed us your ability to take out the budgeteer's hatchet and cut in the years of the Ridge administration or in subsequent years, and when Mr. Rendell had to enhance our tax base in 2003, we had help from the Republican leadership. So it was a bipartisan effort.

But notwithstanding the beneficent motivations of my honorable colleague from Schuylkill, the prime sponsor of the measure, if this proposal were as worthwhile as he would opine, I would like to think that we could have had public hearings. The honorable gentleman, Mr. Evans, had also made a reference to a scarcity. In fact, there were no public hearings on this matter at all. One would think that, Mr. Speaker, if we are going to change the whole dynamic in our budgetmaking process, that we would have had a series of public hearings, maybe one in Philadelphia, one in Pittsburgh, one in Erie, one in Scranton, one in Greene County, who knows. We could have had a handful of hearings. This is a big, big change in the status quo. If we are going to put a cap on the amount of State spending, as is being rejected tonight in the Rocky Mountains – 2500 miles to the west of here, it is being rejected in the State of Colorado – and while they are rejecting, it is a very unhappy moment of simultaneity that we are embracing it, and we are embracing it without public hearings, we are embracing it in a rather party-line debate, and nobody has any idea what is going to happen as this whole thing unravels.

But I do have a series of proposals, and I cannot remember which one of my honorable colleagues, in fact, probably several, but as I look here, Mr. Speaker, at some of the proposals offered in recent months, the happy and gregarious pugilist from the 22d District, my worthy colleague from Allegheny County, had produced a proposal here talking about the remediation of blighted properties in Pennsylvania municipalities. It is going to cost – he is a Republican member of the General Assembly – \$200 million in bonds. Now, that is not going to have any impact upon our bond payment dynamic that could potentially be impacted by this artificial cap that my honorable majority leader is advocating?

The very, very talented young man who heads the Appropriations Committee on the Republican side of the aisle, the gentleman from the 124th District of Schuylkill and Berks, here he is proposing a bill in the General Assembly, HB 1235, PN 1448, a \$3.2 million price tag, talking about staffing levels and limitations on inmate capacity at the State correctional institutions around the Commonwealth. My honorable colleague and I have had meeting after meeting after meeting with State correctional officers. The fact is, we are going to have to find more money for these crazy, crazy mandatory sentencing laws that we put into effect 10, 15, 20 years ago, and yet he is introducing legislation with me to offer more corrections officers at the same time that he is trying to put on an artificial cap. We have said again and again, you cannot have it both ways. This debate, Mr. Speaker, will reverberate throughout the General Assembly as time unravels.

I have just a couple more. I am not going to burden the House with a hundred of these, although I do have probably 30 or 40 in my pocket. Here is another very, very worthy program – a Military Family Relief Fund. The honorable lady from the 93d District of York County is proposing this

Military Family Relief Fund that I would like to vote for. It is \$100,000. Is it something that we should garner State funds for, or should we cut taxes to the bone and not do that? That is a debate for this room to decide. We should not have the artificial limitation, the artificial cap.

Here is one for \$4.2 million by the gentlelady from southeastern Pennsylvania, one of our new colleagues, a very active colleague in the 152d District of Montgomery County. It is for school lunches and breakfast reimbursements. Again, a good program, but a \$4.2 million price tag on it, and hopefully, hopefully some of these people will recognize the inconsistency, the inconsistency of wanting to spend 4.2 million bucks and yet put this crazy artificial cap on spending. I could go on and on. Of course, you hope I do not, and I am not going to disappoint you.

My good pal, my convivial cohort from the 134th District of Lehigh County, trying to add \$250,000. Again, a good, good bill, I think, regarding stroke information. Strokes are a very, very prominent part of our health-care challenge in the Commonwealth, and the gentleman has a piece of legislation that I would like to support, but it is 250,000 additional dollars.

Just one or two more, Mr. Speaker, and then I will wrap it up. The honorable gentleman, the chairman of our Education Committee from Westmoreland and Fayette, has a \$10 million, \$10 million price tag on this project Link to Learn, and he wants to finance education technology grants that help qualified applicants connect to and utilize the Pennsylvania education network – worthy project. If our youngsters are not going to be able to get on the Internet and learn technology, we will fall behind as a Commonwealth.

I will not go on any further with the examples; I will just say that they are multitudinous and they are metastasizing, and week after week, month after month, season after season it is incumbent, it seems, upon my worthy Republican colleagues to try to spend more money, in many cases deserved. As one of my colleagues a long time ago in this debate, hours and hours ago, said, we are here to take care of folks who cannot take care of themselves, whether it is youngsters of lower socioeconomic circumstances that are trying to get a college education, whether it is youngsters that have a challenge with autism, whether it is prison guards that need to enhance their complement, whether it is men and women in the National Guard, et cetera, et cetera, et cetera.

But as I conclude my remarks, as I conclude my remarks, I want to share with you one final observation, and this, to me, encapsulates everything. It encapsulates the hypocrisy of the night, and one of our State Senate colleagues, a good buddy of mine running for Governor – you might know him; he used to serve in this chamber; in fact, I think he ran against the Speaker once for an inside job once – the bottom line, Mr. Speaker, one of your colleagues on the other side of the aisle decided when Ed Rendell, Governor of the State, says, I am going to eliminate money for the black fly system, the black fly negating system, the spraying system along the Susquehanna River Valley, admittedly a good program, admittedly a good program, but one of the things on the margins that the Governor tried to stop, every single legislator in the Susquehanna Valley was up in arms: You cannot stop black fly spraying; you cannot stop black fly spraying. That symbolizes the impossibility of what you are trying to do tonight. You are going to talk a good game. You are going to talk the talk, but you are not going to walk the walk. Excuse me for such a bromidic metaphor, but this debate

is so impossible, I could not come up with anything more original. But you are going to spend money for all the black fly programs of the world as you hypocritically pronounce your decisions and your abilities to save money. It is not going to work, and we are going to come back and prove to you again and again and again it is not going to work.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. A \$24 billion budget, give or take a few dollars, and over \$630 million in new spending. That would be the projection right now of what we would be facing in this coming budget year if this were in place.

Mr. Speaker, I think a lot of what the minority leader just talked about, the various programs that have been introduced, whether they have been introduced or proposed by Republicans or Democrats, and all of the wonderful spending that he would like to support, I think that makes the case in much the same way. The fact is plain and simple. There is always another idea. All of us have somebody walking through our door, virtually every day we are in this building and most of the days we are back in our district, telling us, you know, we got this great idea; they just need a little bit of money. My favorite is the one that comes in and says, if I just give him \$2 million, he could save us \$4 million.

The bottom line is, we are all besieged with requests for programs that need money, and some of them are good, some of them might be a little bit harebrained, who knows; they cover the whole gamut. The difference is, are we going to put in place the tools and the mechanisms to help us control that spending, or is your reaction going to be, let us just raise taxes or borrow more money? I am not saying we have never raised taxes or we have never borrowed money. I am just saying, we have done it too much.

I stand here and I think I have been quite honest. I am willing to take my share of the blame, but I am also willing to say it is time we turn it around.

Now, this is not Colorado. This bill is not what Colorado has. It is based on some of the ideas that came out of Colorado, but the fact is, Colorado put in place some spending mandates at the same time that they were limiting their overall spending and revenues. They put themselves in kind of a complex situation. I think what we have before us is, it is not a panacea, and I do not, I do not doubt anything the minority leader says when he says it is not going to work and, you know, we will rue this day, or whatever he was saying about it not going to work. It is going to be tough, especially if people continue to propose spending more money on new programs, because you are always going to be able to come up with a great idea to spend more money on and say, well, you are not spending it on this; you are not spending it on that. As long as you keep saying you are going to spend more money on more programs, what you are really saying is you are going to spend more tax dollars, meaning you would have to raise more taxes, and if that is how you want to define this, that is fine with me. You are either for increasing spending and increasing taxes or you are for trying to control spending and control taxes, and that is how I would define this bill. A vote for this bill is a vote to control spending and keep the lid on taxes. A vote against this bill is saying, let us not worry about it anymore; let us just raise more taxes and keep on spending.

Mr. Speaker, some of the comments I heard tonight kind of reminded me of years ago when there was this big hubbub in DC about the School Lunch Program, and I remember everybody was screaming, they are going to cut the School Lunch Program; they are going to cut the School Lunch Program, and all these problems were going to ensue. The fact was that all the Federal government was talking about was decreasing the increase, and somehow that was a cut. We are not talking about cutting with this bill; we are talking about a ceiling on an increase, an allowable increase. To characterize a decrease in the increase as a cut, well, I will not say it; you know my word.

Mr. Speaker, this bill is fundamentally about controlling spending. If you are trying to control spending, then vote for it. If you are trying to spend more money and increase taxes, vote against it. Plain and simple.

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—110

Adolph	Feese	Killion	Reed
Allen	Fichter	Leh	Reichley
Argall	Fleagle	Mackereth	Rohrer
Armstrong	Flick	Maher	Ross
Baker	Forcier	Maitland	Rubley
Baldwin	Gabig	Major	Sather
Barrar	Gannon	Marsico	Saylor
Bastian	Geist	McGill	Scavello
Benninghoff	Gillespie	McIlhattan	Schroder
Beyer	Gingrich	McIlhinney	Semmel
Birmelin	Godshall	McNaughton	Smith, S. H.
Boyd	Good	Metcalfe	Sonney
Bunt	Goodman	Micozzie	Stairs
Cappelli	Grell	Millard	Steil
Casorio	Habay	Miller, R.	Stern
Causar	Hanna	Miller, S.	Stevenson, R.
Civera	Harhart	Mustio	Stevenson, T.
Clymer	Harper	Nailor	Taylor, E. Z.
Cornell	Harris	Nickol	Turzai
Crahalla	Hasay	Payne	Watson
Creighton	Hennessey	Petrarca	Wilt
Dally	Herman	Petri	Wojnaroski
Denlinger	Hershey	Phillips	Wright
DiGirolamo	Hess	Pickett	Yewcic
Diven	Hickernell	Pyle	Zug
Ellis	Hutchinson	Quigley	
Evans, J.	Kauffman	Rapp	Perzel,
Fairchild	Keller, M.	Raymond	Speaker

NAYS—87

Bebko-Jones	Evans, D.	Mann	Santoni
Belardi	Fabrizio	Markosek	Shapiro
Belfanti	Frankel	McCall	Siptroth
Bianucci	Freeman	McGeehan	Solobay
Bishop	George	Melio	Staback
Blackwell	Gerber	Mundy	Stetler
Blaum	Gergely	Myers	Sturla
Butkovitz	Grucela	O'Brien	Surra
Buxton	Haluska	Oliver	Tangretti
Caltagirone	Harhai	O'Neill	Taylor, J.
Cawley	James	Pallone	Thomas

Cohen	Josephs	Parker	Tigue
Corrigan	Keller, W.	Petrone	Veon
Costa	Kenney	Pistella	Vitali
Cruz	Kirkland	Ramaley	Walko
Curry	Kotik	Readshaw	Wansacz
Daley	LaGrotta	Rieger	Waters
DeLuca	Leach	Roberts	Wheatley
Dermody	Lederer	Rooney	Williams
DeWeese	Lescovitz	Ruffing	Youngblood
Donatucci	Levdansky	Sainato	Yudichak
Eachus	Manderino	Samuelson	

NOT VOTING—0

EXCUSED—6

Gruitza	Roebuck	Smith, B.	True
Preston	Shaner		

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.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For your information, there will be no further votes this evening. Both caucuses will caucus tomorrow at 10 a.m. The voting session will begin at 11 a.m.

COMMITTEE MEETING POSTPONED

The SPEAKER. The gentleman, Mr. Geist, wishes to make an announcement. Mr. Geist.

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

The Transportation Committee meeting scheduled for 10 tomorrow morning will be postponed because of the caucus. We will call the meeting from the floor. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

COMMITTEE MEETING POSTPONED

The SPEAKER. The gentleman, Mr. Denlinger.

Mr. DENLINGER. Mr. Speaker, the special session Finance Committee on property tax reduction scheduled for 9:30 this morning will be postponed to a later time. Thank you.

The SPEAKER. The Chair thanks the gentleman.

RECESS

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

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(R. TED HARHAI) PRESIDING**

The SPEAKER pro tempore. Members need not report to the floor. We will make an announcement later at a more convenient time.

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

HB 2191, PN 3026

By Rep. KENNEY

An Act creating the Commonwealth Pharmaceutical Recycling Act; providing for redistribution of prescription drugs at State correctional facilities; and imposing powers and duties on the Governor's Office of Administration.

HEALTH AND HUMAN SERVICES.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Geist, who calls for a Transportation Committee meeting at 4 p.m. in room 60 of the East Wing.

Once again, the Chair recognizes the gentleman, Mr. Geist, who calls for a Transportation Committee meeting at 4 p.m. in room 60 of the East Wing.

RECESS

The SPEAKER pro tempore. This House stands in recess till the call of the Chair.

AFTER RECESS

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

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 Armstrong, Mr. Pyle.

Mr. PYLE. Mr. Speaker, I move that this House do now recess until Wednesday, November 2, 2005, at 9:50 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 9:49 p.m., e.s.t., Wednesday, November 2, 2005, the House recessed.