

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 14, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 66

### HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

**THE SPEAKER (JOHN M. PERZEL)  
PRESIDING**

#### PRAYER

REV. ROBERT A. GRAYBILL, Guest Chaplain of the House of Representatives, offered the following prayer:

Shall we pause for a moment of prayer:

O gracious God, we stand still for a moment in this House chamber and focus our minds upon Your spirit that dwells among us. It is to You, O God, that we give our praise for the freedom we have, freedom to have different views and perspectives on life, freedom to express them and to share them with each other, but we need Your help to do so peacefully.

Within our great Commonwealth where William Penn instilled his hopes and dreams for "Penn's Woods" many years ago, we the people are still struggling to share responsibility for the well-being of our people. We are quick to state what others should do but slow to step up and say what we can do. So help us, O God of grace, to give peace a chance to grow within these woods of William Penn, who once said, "Wait upon God and feel God's good presence, this will carry you through your day's business."

Within the communities where we live, we battle each other with hateful threats and extreme violent actions, making our streets a place where innocent lives are victimized and even our police are gunned down. We are Your children, O God, but we are anxious and fearful about each other. Send Your spirit afresh so peace does have a chance once again within our communities.

Even within the lives of our people, Lord, there are many homes where the heartaches are so painful, where the tragedies of life are so sad, where the injustices of life are so brutal. We need Thy peace, O God. Help us to give peace a chance to heal the brokenness of our lives.

Living within a world that cries for peace, help all of us gathered here this day to hear its cry and be an instrument of God's peace. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, November 9, 2005, will be postponed until printed.

### JOURNAL APPROVED

The SPEAKER. However, the following Journal is in print: the Journal for Monday, June 27, 2005. Without objection, it will be approved.

### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table:

HB 808;  
HB 1484; and  
HB 1549.

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 808, PN 2990; HB 1484, PN 2991; and HB 1549, PN 1906.**

### BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 808;  
HB 1484; and  
HB 1549.

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

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Bucks, Mr. CLYMER, and the gentleman from Chester, Mr. HERSHEY. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Fayette, Mr. SHANER, and the gentleman from Lackawanna, Mr. WANSACZ, for the week; and for the day, the gentleman from Allegheny, Mr. LEVDANSKY; the gentlelady from Philadelphia, Mrs. LEDERER; the gentleman from Philadelphia, Mr. RIEGER; the gentleman from Washington, Mr. DALEY; and the gentleman from Northampton, Mr. SAMUELSON. Without objection, those leaves will also be granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—194**

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

Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Leh	Roebuck	
Evans, J.	Lescovitz	Rohrer	Perzel,
Fabrizio	Mackereth	Rooney	Speaker

**ADDITIONS—0****NOT VOTING—0****EXCUSED—9**

Clymer	Lederer	Rieger	Shaner
Daley	Levdansky	Samuelson	Wansacz
Hershey			

**LEAVES CANCELED—4**

Daley	Hershey	Lederer	Samuelson
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**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome to the hall of the House guests of the chairman of the Appropriations Committee, Brett Feese. They are from his district. They are on the floor today – Natasha Dincher, who is one of the top five winners of the Pennsylvania Center for Health Careers essay contest, and her parents. Natasha, I believe, is to the left of the Speaker; the rest of the family is seated in the gallery. Would they please rise and be recognized.

The Chair would also like to welcome to the hall of the House guests of Representative Gingrich and Representative Zug. They are M. Sgt. Gary Gillen and Senior Airman Steve Gipe. They are, again, the guests of Representative Zug and Representative Gingrich. Master Sergeant Gillen and Senior Airman Gipe served together in the 201st Red Horse Squadron at Camp Taji, Iraq. Would those two guests please stand and be recognized.

The Chair would like to welcome Dawn Dancer, the southwest regional essay winner for Health Careers Week 2005. Dawn is here with her parents, Albert and Christine, and her Aunt Theresa, Dawn's health-care hero. They are the guests today of Representative Larry Roberts. They are in the balcony. Would they stand and be recognized.

The Chair would like to welcome Jack and Jordan Nunemacher of Manheim Township. They are the guests today of Representative Baldwin. They are to the left of the Speaker. Would they please rise and be recognized.

**BULGARIAN AMBASSADOR PRESENTED**

The SPEAKER. The Chair at this time would like to recognize a very special guest for a very special introduction. I would like to ask Judge Steve McEwen to please come to the rostrum.

JUDGE McEWEN. How are you? Steve McEwen back again. I have been here twice to swear you all in. What a treat to be back. Hello, Delaware County.

May I present Ambassador Elena Poptodorova, Her Excellency, the Ambassador from Bulgaria. The ladies and gentlemen of the House of Representatives of Pennsylvania, Ambassador.

Thank you so much for that kind greeting. The Ambassador is so pleased, she said, "Can I say a few words?" and I said absolutely. So I present Her Excellency.

AMBASSADOR POPTODOROVA. Mr. Speaker, Judge McEwen, distinguished Representatives, you cannot imagine what a special moment this is to be able to humbly pay my respects to you.

My staff and I are here today for the signing of a very important document, a memorandum of understanding between the Republic of Bulgaria and the State of Pennsylvania, the Commonwealth of Pennsylvania. So this is a very special occasion for which we came over here.

But I also have a very personal motive to be emotional and to feel this as a very unique moment in the States for me. For 11 years I have been a fellow Congresswoman of yours back in my country in the Parliament of Bulgaria, from 1990 through 2001. So I can only feel the air, the atmosphere, of this House, and I would like to wish you every good luck in the work you do for the benefit of your constituencies.

Thank you so much for giving these few minutes to me. Thank you.

### GUEST INTRODUCED

The SPEAKER. We have another special guest with us here today, Aleshia Cieniewicz, who is the guest today of Representative Tom Caltagirone. She is in the gallery. She is from the Governor Mifflin High School and is shadowing Representative Caltagirone today. She is in the gallery. Would she please rise and be recognized.

### HEATHER GOSTINSKI PRESENTED

The SPEAKER. The Chair at this time recognizes Representative Matt Baker for the purposes of a citation. Representative Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, it is my honor and privilege to welcome to the hall of the House today not only a regional winner but a statewide winner, the statewide winner of a health-care award essay contest. The Speaker announced earlier five regional winners, but I am honored to say that from Mansfield High School in Tioga County, we have the statewide winner. Her name is Heather Gostinski, and she is standing right behind me. She is a 10th grade student at Mansfield High School in the Southern Tioga Area School District. She is being honored today for winning the statewide essay contest entitled "Celebrating Health Care Heroes of Today and Tomorrow," which was sponsored by the Pennsylvania Center for Health Careers.

Heather has earned this distinction as both the northeast Pennsylvania regional and statewide winner for winning the essay that outlines the career of her health-care hero, her mother, Michelle Gostinski, who is seated to the left along with her daughter, Deanna. Please rise and be recognized.

Heather took State honors this morning in a ceremony along with the other regional award winners that have already been introduced and recognized, and she was recognized for exceptional essay skills which seek to raise the public's awareness to the demand and opportunities for health-care professionals. She is paving the way for a bright future.

Her mother works in a very highly skilled health-care arena, working with emergencies and obstetrics and anesthesia and all kinds of very touchy health-care issues in a hospital.

Heather is truly deserving of high praise and commendation for utilizing her abilities with diligence and for her tenacious pursuit of excellence, and we wish her all the best in her future endeavors. Please welcome and congratulate Heather Gostinski, statewide award winner.

Seated in the gallery are additional family and friends, along with representatives and sponsors from the Northern Tier Regional Planning and Development Commission, Kevin Abrams and staff. I cannot recognize all of you, but please stand and be recognized. Welcome to the hall of the House.

Thank you, Mr. Speaker.

### GUESTS INTRODUCED

The SPEAKER. The March of Dimes student advocates from across Pennsylvania are here today to remind us that tomorrow, Tuesday, November 15, is National Prematurity Awareness Day. Sixteen thousand babies are born prematurely in Pennsylvania each year, and many of those children will face lifelong medical consequences simply because they were born too small or too soon. The March of Dimes is proud to have students from Chester City, Neshaminy, Harrisburg, Pittsburgh, and Erie visiting with us today. They are the guests of Representative Elinor Taylor. Would those guests please rise.

### JACK FOISTER INTRODUCED

The SPEAKER. The Chair at this time recognizes Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

We would be remiss if we did not recognize one of my constituents who, like the aforementioned prize winners, was the northwest Pennsylvania regional winner in the Pennsylvania Center for Health Careers Health Career Expo.

Mr. Speaker, a point of personal privilege.

The SPEAKER. The gentleman is in order.

Mr. PYLE. Jack Foister is a 10th grade student at Marion Center High School. He joins us today and is seated in the gallery with his parents, Tom and Janice Foister. I would like to ask for the House's acclaim, Mr. Speaker.

Mr. Speaker, if Jack Foister and his parents could please rise. I would like to give them a warm welcome.

### GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome today Brian Davis, who is the southeast Pennsylvania regional winner of the Pennsylvania Center for Health Careers essay contest and is the guest today of Representative Paul Semmel. The theme of the essay contest was entitled "Celebrating Health Care Heroes of Today and Tomorrow." Brian is a 10th grader at the Allentown Central Catholic High School and is accompanied by his father, Paul Davis, and Helen Garvey, the deputy director of operations for the PA Career Link, Lehigh Valley. They are seated in the gallery. Would you please join me in extending them a very warm welcome. Would the guests please rise.

The Chair welcomes Nick Turco, Gerry Christoff, Mickey Steinmetz, and John Beyer, who are here as the guests of Representative Josh Shapiro. Welcome to the hall of the House.

**CALENDAR**

**RESOLUTIONS**

Mr. KENNEY called up **HR 490, PN 2958**, entitled:

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.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Samuelson. His name will be added to the master roll.

**CONSIDERATION OF HR 490 CONTINUED**

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

The following roll call was recorded:

**YEAS—195**

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

Creighton	Hutchinson	Pickett	Vitali
Cruz	James	Pistella	Walko
Curry	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnarowski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Mackereth	Rooney	Perzel,
Fabrizio	Maier	Ross	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—8

Clymer	Hershey	Levdansky	Shaner
Daley	Lederer	Rieger	Wansacz

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

\* \* \*

Mr. FRANKEL called up **HR 382, PN 2377**, entitled:

A Concurrent Resolution memorializing Congress to reauthorize the Abandoned Mine Reclamation Fund.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—195**

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Saylor
Bastian	Gabig	McGeehan	Scavello
Bebko-Jones	Gannon	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Siptroth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalf	Smith, S. H.
Birmelin	Gingrich	Micozzie	Solobay
Bishop	Godshall	Millard	Sonney
Blackwell	Good	Miller, R.	Staback
Blaum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Steil
Bunt	Grucela	Mustio	Stern
Butkovitz	Gruitza	Myers	Stetler
Buxton	Habay	Nailor	Stevenson, R.
Caltagirone	Haluska	Nickol	Stevenson, T.
Cappelli	Hanna	O'Brien	Sturla
Casorio	Harhai	Oliver	Surra

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Clymer	Hershey	Levdansky	Shaner
Daley	Lederer	Rieger	Wansacz

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. WOJNAROSKI called up **HR 507, PN 3062**, entitled:

A Resolution designating the month of October 2005 as "Disability Employment Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Saylor
Bastian	Gabig	McGeehan	Scavello
Bebko-Jones	Gannon	McGill	Schroder
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Siptroth
Beyer	Gergely	Melio	Smith, B.
Bianucci	Gillespie	Metcalfe	Smith, S. H.

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Clymer	Hershey	Levdansky	Shaner
Daley	Lederer	Rieger	Wansacz

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

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Mr. SANTONI called up **HR 506, PN 3061**, entitled:

A Resolution paying tribute to and honoring the memory of Sergeant William V. Fernandez, a member of the Pennsylvania Army National Guard's 2nd Brigade Combat Team, who tragically lost his life on September 19, 2005, while on active duty in Iraq.

On the question,  
Will the House adopt the resolution?

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

Mr. SANTONI. Thank you, Mr. Speaker.

Mr. Speaker, it is with a heavy heart that I rise before you today. So many times resolutions on this House floor celebrate happy occasions. We all have applauded many athletes or teams who came here to celebrate a significant achievement or citizens

who achieved noteworthy milestones or goals. And while we will not overlook or disregard the tragedy that brings the family and friends of Army Sgt. William Fernandez here today, I would also like to think that we are here to celebrate a significant achievement.

We are here to celebrate a boy who overcame the struggles of his teenage years to become a man of honor and courage. His high school years were a difficult time for William Fernandez. A desire to hang out with his friends on the street kept him from attending classes regularly, and his grades showed it. But even at a young age, he realized he was in trouble and worked to find a way out.

William made the difficult decision to drop out of high school and followed in his brother Carlos's footsteps by joining the military. The Army, in a sense, saved him from an uncertain future and gave him the discipline, purpose, and direction he needed to turn his life around. He became a specialist in the Army and earned his GED (general educational development). He served for 8 years, including time in Panama, as part of Operation Just Cause and ended up living in California, where he graduated from a police academy and trained as a paramedic.

But William eventually returned to his roots in Reading, Berks County, and the military remained in his blood, because upon his return to Pennsylvania, he signed up to serve with his brother, Carlos, in the Pennsylvania Army National Guard. It was while serving in Iraq with the Pennsylvania Army National Guard's Troop B, 1st Squadron, 104th Cavalry Regiment, 28th Infantry Division, that William's life would tragically come to an all too early end.

William and two other men were killed on September 19, 2005, when an improvised explosive device detonated near their vehicle while on patrol in Ar Ramadi, Iraq. He leaves behind a multitude of family and loved ones and the countless others whose lives he touched.

It would be impossible to calculate the value of the friendships he developed with fellow soldiers, of the bridges he built with Iraqi citizens he came into contact with, or to measure the void left behind in the wake of his death. President John F. Kennedy once said, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them."

The life of William Fernandez is an example and a challenge – to make ourselves better citizens, to dedicate ourselves to a cause we believe in, and to leave the world a better place than we found it. William Fernandez did that, and for that, the residents of Berks County, our Commonwealth, and our nation share in extending to the family and friends of William Fernandez our deepest condolences and our immeasurable gratitude for his sacrifice.

GUESTS INTRODUCED

Mr. SANTONI. Mr. Speaker, I would like to introduce family and friends of Sergeant Fernandez who made the trip up from Berks County today. They are seated to the Speaker's left. I am going to announce their names, and if we could hold our applause until the end: a friend of Sergeant Fernandez, Louis Jimenez – if Louis would stand up, please; casualty officer, Sgt. Robert Mealand; sister-in-law of Sergeant Fernandez, Brenda Homan; father-in-law, Frederick Zabodyn; mother-in-law, Janet Zabodyn; the mother of Sergeant Fernandez, Carmen Fernandez; Sergeant Fernandez's

stepfather, Santos Lozado; stepdaughter, Elizabeth Duesterhoeft; and the wife of Sergeant Fernandez, Jennifer Fernandez. Ladies and gentlemen, please give them a warm Harrisburg welcome.

Thank you, Mr. Speaker, and I understand later on today we are going to be reporting a bill out of the Transportation Committee honoring Sergeant Fernandez by naming a road in Berks County in his honor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

## EXCUSED—8

Clymer	Hershey	Levdansky	Shaner
Daley	Lederer	Rieger	Wansacz

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

### HOUSE BILL INTRODUCED AND REFERRED

**No. 2210** By Representatives SANTONI, DeWEESE, GEIST, SIPTROTH, BISHOP, METCALFE, YOUNGBLOOD, GEORGE, CORRIGAN, CAPPELLI, McGILL, GRUCELA, FICHTER, MUSTIO, BUNT, HERMAN, STERN, JAMES, PYLE, LEH, McGEEHAN, TIGUE, SURRA, DeLUCA, BEYER, LEDERER, CALTAGIRONE, MANN, STABACK, SAINATO, SOLOBAY, KILLION, BALDWIN, THOMAS, SCAVELLO, PAYNE, SATHER, FABRIZIO, YUDICHAK, TRUE, R. STEVENSON, HARRIS, KOTIK, RUBLEY, GOODMAN, B. SMITH, HESS, CAUSER, CRAHALLA, SONNEY, REICHLEY, BEBKO-JONES, CLYMER, PISTELLA, DENLINGER and McCALL

An Act designating a portion of State Route 422 in Berks County as the Sergeant William V. Fernandez Highway.

Referred to Committee on TRANSPORTATION, November 14, 2005.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese, for the purpose of an announcement.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, at the declaration of recess, the House Appropriations Committee will meet at 2 p.m. – 2 p.m. – in the Appropriations conference room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet at 2 p.m. in the Appropriations conference room.

### INSURANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

The House Insurance Committee will hold a voting meeting immediately upon the call of the first recess, which is presently. The meeting will be held in the library of the Speaker Ryan Office Building, which is located on the second floor. The committee will receive a briefing from the Insurance Department on SB 260 and take up consideration of the bill immediately following the briefing. I encourage all committee members to attend.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Insurance Committee will meet immediately at the recess in the Ryan Office Building.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the call of recess, there will be, immediately, a Republican caucus, immediately following the call of the Chair.

The SPEAKER. The Chair thanks the gentlelady.

### DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, immediately upon the call of the recess, there will be a Democratic caucus to go over what we know about this week's legislative schedule.

The SPEAKER. The Chair thanks the gentleman.

### TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist.

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

There will be an immediate meeting of the Transportation Committee at the back of the House. We have one bill that we want to kick out right away, and I would ask the members to please meet at the back of the House at the call of the recess.

Thank you.

The SPEAKER. The Transportation Committee will meet immediately in the back of the House at the recess.

Because the time to return to the floor is uncertain, there will be an announcement made about what time we will return to the floor.

There will be no further votes at this time until we come back from the recess.

### RECESS

The SPEAKER. This House stands in recess.

### AFTER RECESS

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

### THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

### LEAVES OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair acknowledges the presence on the floor of the House of the gentleman, Mr. Hershey, and the gentlelady, Mrs. Lederer, and they will be added to the master roll call.

**RECESS**

The SPEAKER pro tempore. This House stands in recess.

**AFTER RECESS**

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

**THE SPEAKER (JOHN M. PERZEL)  
PRESIDING**

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

**HB 2210, PN 3074**

By Rep. GEIST

An Act designating a portion of State Route 422 in Berks County as the Sergeant William V. Fernandez Highway.

## TRANSPORTATION.

**SB 260, PN 264**

By Rep. MICOZZIE

An Act joining with other states in an effort to establish an interstate compact to regulate designated insurance products.

## INSURANCE.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 2159** By Representatives DeWEESE, GERBER, SHAPIRO, ROSS, BEBKO-JONES, BELFANTI, BISHOP, BLACKWELL, BUNT, BUXTON, CALTAGIRONE, COHEN, CORNELL, CURRY, DERMODY, FRANKEL, GEIST, GEORGE, GERGELY, HARHAI, HERMAN, JAMES, JOSEPHS, LaGROTTA, LEACH, LEVDANSKY, MANDERINO, MANN, McNAUGHTON, R. MILLER, MUNDY, PISTELLA, PRESTON, RAYMOND, READSHAW, ROEBUCK, ROONEY, RUBLEY, SCAVELLO, SHANER, SIPTROTH, B. SMITH, STEIL, STETLER, STURLA, J. TAYLOR, THOMAS, VITALI, WALKO, WHEATLEY, CASORIO, CORRIGAN, EACHUS and GOODMAN

An Act providing for requirements for hospitals and health care facilities that provide services to sexual assault victims, for provision of information and services relating to emergency contraception and for powers and duties of the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 14, 2005.

**No. 2205** By Representative B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for record of license sales.

Referred to Committee on GAME AND FISHERIES, November 14, 2005.

**No. 2206** By Representatives B. SMITH, DeWEESE, HESS, CALTAGIRONE, SEMMEL, HERSHEY, McGEEHAN, M. KELLER, WILT, YOUNGBLOOD, BEYER, GOOD, DENLINGER, GRELL, HARRIS and SIPTROTH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for restrictions on recreational spotlighting.

Referred to Committee on GAME AND FISHERIES, November 14, 2005.

**No. 2207** By Representatives GODSHALL, E. Z. TAYLOR, BUNT, CALTAGIRONE, CLYMER, CRAHALLA, CREIGHTON, FICHTER, GRUCELA, HENNESSEY, HERSHEY, KILLION, LEH, R. MILLER, O'NEILL, PAYNE, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, B. SMITH, TURZAI and WATSON

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 payments on account of instruction.

Referred to Committee on EDUCATION, November 14, 2005.

**No. 2208** By Representatives R. MILLER, BOYD, CALTAGIRONE, CAWLEY, CRAHALLA, FLEAGLE, GEIST, GILLESPIE, GINGRICH, GRUCELA, HANNA, HENNESSEY, HERMAN, HERSHEY, KOTIK, MACKERETH, MANDERINO, MARKOSEK, S. MILLER, MUSTIO, NICKOL, REICHLEY, SAYLOR, SCAVELLO, SCHRODER, R. STEVENSON, J. TAYLOR, TIGUE, WATSON, YOUNGBLOOD, ZUG, SAINATO and SEMMEL

An Act providing for a deferment of real estate tax for certain eligible persons and for powers and duties of the Department of Community and Economic Development.

Referred to Committee on FINANCE, November 14, 2005.

**No. 2209** By Representatives DiGIROLAMO, ARMSTRONG, BAKER, BIANCUCCI, BOYD, BUNT, CALTAGIRONE, CAUSER, CLYMER, COHEN, CORNELL, CRAHALLA, CREIGHTON, DALLY, DENLINGER, DeWEESE, FICHTER, FRANKEL, GEORGE, GINGRICH, GOOD, HALUSKA, HARHAI, HARHART, HARPER, HENNESSEY, HERMAN, JAMES, MACKERETH, MAITLAND, MANDERINO, MELIO, R. MILLER, MUNDY, O'NEILL, PALLONE, RAYMOND, READSHAW, REED, REICHLEY, RUBLEY, SCAVELLO, SCHRODER, SOLOBAY, SONNEY, STABACK, R. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, TURZAI, WALKO, WANSACZ, WATSON, WRIGHT and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for direct payment for ambulance services.

Referred to Committee on INSURANCE, November 14, 2005.



**No. 2211** By Representatives PYLE, BEBKO-JONES, BELFANTI, CALTAGIRONE, CAPPELLI, CAWLEY, CLYMER, COSTA, CREIGHTON, DENLINGER, FREEMAN, GEIST, GOOD, HARPER, HARRIS, HENNESSEY, McILHATTAN, O'NEILL, RAPP, REED, SCAVELLO, SONNEY, STABACK, STEIL, TRUE, YOUNGBLOOD and YUDICHAK

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for appropriations and expenditures for support of the National Guard, various veterans organizations and auxiliaries and historical societies.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 14, 2005.

**No. 2212** By Representatives WILT, ARMSTRONG, BAKER, BALDWIN, BASTIAN, BOYD, CLYMER, CRAHALLA, J. EVANS, GEORGE, GINGRICH, GOODMAN, HARHAI, HARRIS, KAUFFMAN, KILLION, KOTIK, LEH, MARKOSEK, MARSICO, McILHATTAN, MUNDY, MUSTIO, O'NEILL, PHILLIPS, PICKETT, PISTELLA, RAPP, SAINATO, SAYLOR, SCAVELLO, SEMMEL, STABACK, STERN, R. STEVENSON, TIGUE, TURZAI, WALKO, WOJNAROSKI, YOUNGBLOOD, HESS, FABRIZIO and E. Z. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for financial exploitation of older adult or care-dependent individual.

Referred to Committee on JUDICIARY, November 14, 2005.

**No. 2213** By Representatives WILT, ARMSTRONG, BASTIAN, BENNINGHOFF, CRAHALLA, HARRIS, HENNESSEY, M. KELLER, KIRKLAND, LEDERER, LEH, MUSTIO, RAPP, SATHER, STERN, R. STEVENSON, TANGRETTI, E. Z. TAYLOR, TRUE, YOUNGBLOOD and SONNEY

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

Referred to Committee on STATE GOVERNMENT, November 14, 2005.

**No. 2214** By Representatives READSHAW, DERMODY, FREEMAN, GOODMAN, HARHAI, HARPER, KOTIK, LEDERER, MARKOSEK, STURLA, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, further providing for penalties and for limitation of certain actions.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 14, 2005.

**No. 2215** By Representative HICKERNELL

An Act 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, at a price determined through competitive bidding, certain lands situate in Columbia Borough, Lancaster County.

Referred to Committee on STATE GOVERNMENT, November 14, 2005.

**No. 2216** By Representatives ALLEN, GOODMAN, ARGALL, PHILLIPS, FAIRCHILD, BELFANTI, ADOLPH, BAKER, BARRAR, BASTIAN, BELARDI, BEYER, BLACKWELL, BLAUM, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CAUSER, CAWLEY, CLYMER, COHEN, COSTA, CRAHALLA, CURRY, DALEY, DALLY, DeLUCA, DERMODY, DeWEESE, J. EVANS, FABRIZIO, FICHTER, FLEAGLE, FRANKEL, FREEMAN, GEIST, GINGRICH, GOOD, GRUCELA, HALUSKA, HANNA, HARHAI, HARRIS, HENNESSEY, HERMAN, HESS, JOSEPHS, KAUFFMAN, KILLION, KIRKLAND, KOTIK, LEACH, LEH, MACKERETH, MAITLAND, MAJOR, MANDERINO, MANN, MARKOSEK, McGEEHAN, McILHATTAN, S. MILLER, MUNDY, NICKOL, PETRARCA, PICKETT, PISTELLA, PYLE, QUIGLEY, RAPP, READSHAW, REED, REICHLEY, ROEBUCK, ROSS, RUBLEY, SAINATO, SANTONI, SATHER, SAYLOR, SCAVELLO, B. SMITH, SOLOBAY, STABACK, R. STEVENSON, T. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TRUE, WALKO, WANSACZ, WILT, WRIGHT and YOUNGBLOOD

An Act providing for State funding for the Low Income Home Energy Assistance Program.

Referred to Committee on APPROPRIATIONS, November 14, 2005.

**No. 2217** By Representatives FRANKEL, BEBKO-JONES, BELFANTI, BLACKWELL, CALTAGIRONE, COHEN, CURRY, DeWEESE, GERBER, JAMES, JOSEPHS, LEACH, MANDERINO, MANN, MUNDY, PARKER, PISTELLA, SHAPIRO, STETLER, STURLA, WHEATLEY, WILLIAMS and YOUNGBLOOD

An Act establishing certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs; and providing for a penalty.

Referred to Committee on PROFESSIONAL LICENSURE, November 14, 2005.

**No. 2218** By Representatives FRANKEL, BEBKO-JONES, CALTAGIRONE, COHEN, DeWEESE, JAMES, JOSEPHS, MANN, R. MILLER, O'NEILL, READSHAW, WALKO and YOUNGBLOOD

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, providing for the use of home tests by physicians.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 14, 2005.

**No. 2219** By Representatives FRANKEL, BEBKO-JONES, BELFANTI, CALTAGIRONE, CORRIGAN, CURRY, FABRIZIO, GEORGE, GOODMAN, GRUCELA, HARHAI, JAMES, KIRKLAND, MARKOSEK, MYERS, PETRARCA, PISTELLA, REICHLEY, SAINATO, SHANER, SIPTROTH, THOMAS and YOUNGBLOOD

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, defining “enhanced-year service credit”; and further providing for credited school service.

Referred to Committee on EDUCATION, November 14, 2005.

**No. 2220** By Representatives FRANKEL, CALTAGIRONE, CURRY, DeLUCA, GEIST, GOOD, HARRIS, LEVDANSKY, MILLARD, MUNDY, MUSTIO, PYLE, SIPTROTH, TANGRETTI and TRUE

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further defining “crimes related to public office or public employment.”

Referred to Committee on JUDICIARY, November 14, 2005.

**No. 2221** By Representatives GODSHALL, MICOZZIE, BOYD, CAPPELLI, CRAHALLA, GINGRICH, HENNESSEY, MUSTIO, ROSS, SATHER, WALKO and WILT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding and changing definitions; further providing for the unified judicial system; establishing the appellate division of Medical Professional Liability Court; further providing for transfers between intermediate appellate courts, for lien of judgments for money, for direct appeals to the Supreme Court from courts of common pleas, for allowance of appeals from intermediate appellate courts, for appeals to Superior Court from courts of common pleas, for original jurisdiction of the Commonwealth Court and for appeals to the Commonwealth Court from courts of common pleas; providing for the jurisdiction of the appellate division of Medical Professional Liability Court and for the organization and jurisdiction of the Medical Professional Liability Court; establishing the Medical Professional Liability Court Qualifications Commission and prescribing its powers and duties; further providing for selection of judicial officers, for vacancies in judicial offices and for retention election of judicial officers; providing for selection and retention of judges of the Medical Professional Liability Court and for salaries of judges of the Medical Professional Liability Court; establishing the Medical Professional Liability Court Fund and providing for receipts and payments; and further providing for right to appellate review and for appeals generally.

Referred to Committee on JUDICIARY, November 14, 2005.

**No. 2222** By Representatives KAUFFMAN, McILHATTAN, ALLEN, ARMSTRONG, BASTIAN, BOYD, CALTAGIRONE, CREIGHTON, DeLUCA, GABIG, GINGRICH, GRUCELA, JAMES, KILLION, MANN, PHILLIPS, PISTELLA, RAPP, SCAVELLO, SIPTROTH, B. SMITH, SOLOBAY, STERN, R. STEVENSON, E. Z. TAYLOR, THOMAS and TIGUE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance.

Referred to Committee on TRANSPORTATION, November 14, 2005.

**No. 2223** By Representatives SEMMEL, TIGUE, BASTIAN, SOLOBAY, ARMSTRONG, BALDWIN, BEBKO-JONES, BOYD, CALTAGIRONE, CAPPELLI, CAWLEY, CRAHALLA, CREIGHTON, DeLUCA, DENLINGER, DeWEESE, FRANKEL, FREEMAN, GEIST, GEORGE, GINGRICH, GRUCELA, HALUSKA, HARHAI, HARPER, HARRIS, HENNESSEY, HERMAN, HERSHEY, HESS, MARKOSEK, MARSICO, R. MILLER, MUSTIO, NAILOR, O’NEILL, PAYNE, PHILLIPS, RAPP, REICHLEY, RUBLEY, SAINATO, SATHER, SAYLOR, B. SMITH, R. STEVENSON, E. Z. TAYLOR, THOMAS, YOUNGBLOOD and ZUG

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for the title of the act and for definitions; providing for the notation of a site; further providing for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and for applicability to certain pipeline systems and facilities; providing for a voluntary dispute resolution process, for best efforts and for removal or tampering with a marking; further providing for expiration; and repealing provisions of the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law.

Referred to Committee on CONSUMER AFFAIRS, November 14, 2005.

**No. 2224** By Representatives BALDWIN, ARMSTRONG, BOYD, BUNT, CALTAGIRONE, CREIGHTON, DeLUCA, GEIST, GILLESPIE, HARRIS, HENNESSEY, HERMAN, MARKOSEK, McILHATTAN, REICHLEY, SONNEY, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, WILT and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for regulation and operation of neighborhood electric vehicles.

Referred to Committee on TRANSPORTATION, November 14, 2005.

**No. 2225** By Representatives STEIL, CRAHALLA, CREIGHTON, GINGRICH, GODSHALL, HENNESSEY, RUBLEY, SATHER, SAYLOR, SCHRODER, E. Z. TAYLOR, WATSON and WRIGHT

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for exemptions.

Referred to Committee on LABOR RELATIONS, November 14, 2005.

**No. 2226** By Representatives GANNON, DeWEESE, HALUSKA, GEORGE, CALTAGIRONE, WATSON, GOOD, JOSEPHS, HENNESSEY, STABACK, YOUNGBLOOD, TIGUE, THOMAS, CRAHALLA, HERSHEY, MUNDY, KENNEY, CREIGHTON, E. Z. TAYLOR, GEIST, SOLOBAY, B. SMITH, HARPER, DeLUCA, WANSACZ and JAMES

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for medical malpractice insurance disclosure.

Referred to Committee on JUDICIARY, November 14, 2005.

**No. 2227** By Representatives GANNON, HERMAN, SATHER, CALTAGIRONE, HENNESSEY, YOUNGBLOOD, GINGRICH, BUNT, MICOZZIE and E. Z. TAYLOR

An Act establishing the Commission on Property Tax Reform and Restructuring; and providing for its powers and duties.

Referred to Committee on FINANCE, November 14, 2005.

**No. 2228** By Representatives GANNON, GEORGE, MUSTIO, KILLION, STEIL, SCAVELLO, HENNESSEY, BLACKWELL, BUNT, DALLY, CALTAGIRONE, THOMAS, BOYD, SIPTROTH and BARRAR

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for liens by city natural gas distribution operations.

Referred to Committee on CONSUMER AFFAIRS, November 14, 2005.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 509** By Representative SCAVELLO

A Resolution directing the Local Government Commission to study the feasibility of a regionalized collection system for the locally imposed earned income tax levied by the Commonwealth's school districts and municipalities.

Referred to Committee on FINANCE, November 14, 2005.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman, Mr. McCall, rise?

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to submit some remarks for the record.

I recently had a World War II ceremony in my district honoring World War II veterans, and I have the list of the names of those honorees. I would like to submit them for the record.

The SPEAKER. The gentleman is in order.

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

Mr. Speaker, last week I had the privilege of honoring the World War II veterans in my legislative district. I was proud to present these members of "The Greatest Generation" with a commemorative medal and special citation on behalf of the Pennsylvania House of Representatives for their service to our nation. They fought for freedom. They answered the call to protect and defend. When they went to war, the hearts and hopes of the people they left behind went with them.

After Pearl Harbor was attacked, many of these young people left high school and college to enlist in the military. Some of them had never even been out of Carbon County before, and now they were going halfway across the world to fight in places they had never heard of and help defend people they did not know.

These soldiers, sailors, marines, and airmen displayed their bravery of arms and their determination at Midway, at Guadalcanal, on the beaches of Normandy, in the snowy forests at Bastogne, in the skies over Bremen, at Monte Cassino, in Tunisia, and in 100 other places and battles. They helped to liberate citizens who had become prisoners in their own countries.

After the war they came home still holding the attitude that any obstacle could be overcome, and with that attitude, you helped to build the greatest nation the world has ever known.

We often think of a hero as someone who accomplishes incredible deeds or achieves some great feat. To me, a hero is simply someone who continues on despite fear, despite obstacles, despite any circumstance, to complete a task. That is why we can consider each of the veterans who fought in World War II a hero or heroine, because despite being young, despite being afraid, despite extreme weather or limited supplies, despite anything that came their way, they brought down the Third Reich and the Empire of Japan as their mighty arms of tyranny pulled the world closer in a suffocating embrace.

We can honor these citizens by remembering their achievements not just on Veterans Day or on special occasions but every day as we go about our daily lives by trying to make a difference in today's world the way they made a difference in theirs.

The medals and citations are only a small token of thanks from all the people in the Commonwealth to these veterans and their families, but they represent a deep well of gratitude for their service to our country. I want to let the World War II veterans of Carbon County and all of our veterans know how much we appreciate all they have done for us.

### HONOREES

William S. Adams  
Joseph F. Amodea  
Roy Angst  
Ruth Anthony  
Mahlon S. Arner, Jr.  
Benjamin Arthur  
George W. Ashman, Jr.  
Alfred Baldwin  
Albert F. Baloga  
Joseph Barros  
Donald A. Becker  
Berdell A. Beers  
Forrest C. Beers  
Everett E. Behrens  
Andrew J. Benyo  
Wayne Billig  
John J. Bilsak, Sr.  
Michael Bobick  
William C. Boger, Jr.  
Paul Bomba  
Alex Bors

Mary Bowan  
Harry Bowles  
Robert Brady  
George Brimmer  
Rosemary A. Brown  
John E. Bryant  
Stanley I. Burghardt  
John W. Burnard  
Raymond A. Burns  
John J. Carnish  
Joseph F. Carnish  
John Chernansky  
Kathryn Chickilly  
Alfred W. Christman  
Joseph Ciarvella  
Michael E. Ciganek, Jr.  
Sam Citrano  
Richard L. Clift  
Edward J. Conarty, Jr.  
William Fred Connell  
Anthony Consoli  
Charles Cunfer  
George W. Dammeyer  
Harry W. Davidson, Sr.  
James D. Davis  
Frederick J. Dennis  
Peter P. Dimattia  
Thomas M. Domarecki  
John Donchez  
Norman Dotter  
Richard T. Exner  
Nevin P. Farber  
John Ferko  
Marvin Foley  
Lamar H. Freeby  
Lester Gangaware  
Chester Gazinski  
Samuel J. George  
Roland W. Gerhard  
Robert I. Getz  
Daniel E. Gieniec  
Ralph Gigliotti  
David K. Gilbert  
Wilbur H. Gildner  
John F. Graham  
Herbert L. Green  
Rodney C. Grimm  
John F. Gurka  
Ladislaus S. Gurka  
George Washington Hagenbuch  
Elwood C. Hahn  
John Hajcak  
Thomas Hall, Jr.  
Steve Havran  
Roderick L. Hawley  
Harry S. Heilman  
Charles A. Heimbach  
Joseph Heimbach, Jr.  
Joseph W. Heimbach  
Edgar L. Herbine  
James D. Herman  
Charles Herring  
Stephen Higgins  
Wesley J. Hiles  
Arnold Hill  
Robert R. Hillman  
Danton L. Holtzer  
Frank Homcha

Raymond Horn  
Edward J. Horvath  
Ralph E. Hunsicker  
Stanley Isaacson  
Marian C. Jones  
William Kattner  
Lester V. Keiper  
John Keltz  
Helen Kenshaw  
Marlin F. Kester  
Lawrence W. Kimmel, Jr.  
Raymond Kleber  
George W. Klein  
Joseph J. Klementovic  
Alma Klotz  
Harry E. Klotz  
Michael J. Knies  
James E. Koch  
Ralph Kocher  
Albert Kochlor  
Paul Kodacek  
Harold Koddin  
John S. Koehler  
Albert J. Kohler  
John Kokura, Jr.  
Angelo P. Konstas  
Charles Kost  
Bernard R. Kostenbader  
John A. Kotch  
Andrew Koval  
Stephen Koval  
John J. Kovatch, Jr.  
Kermit Kreymoyor  
Charles Kromer  
Walter Kruslicky  
Carolyn Kucan  
Joseph Kucan  
Earl D. Kunkle  
Ralph Kunkle  
Stephena Kurtz  
Stephen Labosky  
Salvatore S. LaRizzio  
George I. LaRose  
Michael Lazar  
Leroy Leibenguth  
Joseph C. Lendvay  
William E. Leopold  
Christian Lisella, Jr.  
George L. Lorah  
William R. Lynn  
Elvin Mace  
Alex Maketa  
Stephen Marek  
Edward S. Martin  
Leonard F. Marzen  
Robert P. McCombs  
Thomas McCullian  
James J. McGinley  
James C. McNealis  
Robert Mertz  
Irving Mesher  
Donald E. Michel  
Leonard J. Milasch  
Stephen Milkowich  
Stephen Mitzen  
Joseph J. Moravek  
William Moskerintz  
George Mosko

George W. Moyer, Sr.  
 James J. Mulligan  
 Barbara (Kreamer) Neast  
 John K. Neast  
 John Joseph Nelligan  
 Harold C. Nicholas  
 Juan Nieves  
 Willard J. Noll  
 Robert C. Northstein, Sr.  
 Stephen Joesph Oblas  
 Joseph O'Donnell  
 Paul J. Ondrasik  
 Peter P. Ondrasik  
 Pauline Oriel  
 Charles Ovsak  
 A.M. Partel  
 Eugene F. Patton  
 Timothy P. Payonk  
 Joseph J. Pelcheck  
 Daniel S. Petrecca  
 Peter P. Pietruch  
 Floyd Pry  
 Mary T. Porambo  
 Sophie Porambo  
 Walter P. Porambo  
 Walter S. Porambo  
 Daniel Rabayda  
 Wilson L. Rehrig  
 Edward J. Reimann  
 James F. Remaley  
 George Retallick  
 John Richie  
 Raymond Robertshaw  
 Edward G. Ronemus  
 Robert E. Russell  
 George A. Sander  
 Norbert F. Sander  
 George Sassaman  
 Elmer W. Scheese  
 Bruno E. Schlecht  
 Charles F. Schweibinz  
 Carl D. Sell  
 James E. Serfass  
 Paul D. Serfass  
 Edward G. Shellhammer, Sr.  
 Jackson Shellhammer  
 Alex Shereba  
 Mary Shigo  
 George Shinsec  
 Charles Sikorsky  
 Ladislav Simek  
 Paul Skodacek  
 Michael A. Skreptach  
 Andrew Slog  
 Frank Slog  
 Peter Slog  
 Walter Slog  
 Michael Sluck  
 Lee F. Smale  
 Eugene E. Smith  
 James Smith  
 Luther Smith  
 Clarence Smoyer  
 Walter E. Snell  
 Michael Sniscak  
 Andrew Solomon  
 Charles A. Solt, Jr.  
 William Sommers

Joseph Steber  
 Bertine Steigerwalt  
 Clair Stemler  
 John J. Sterzen  
 Loren E. Straubinger  
 Warren C. Strauss  
 Leroy F. Strohl  
 Estelle Sverchek  
 Stanley Sydovak  
 Frank C. Tergo  
 Michael L. Terry  
 Lewis W. Thompson  
 Samuel Todt  
 Marie M. Turnbach  
 Edward Ulshafer  
 Raymond J. Vishnesky  
 Frank C. Vlossak, Jr.  
 Karl T. Wagner  
 John A. Wargo  
 John A. Weaver  
 Raymond S. Weicker  
 William Wenzel  
 John F. Wiessner, Jr.  
 Albert C. Williams  
 Theodore Wiscocky  
 Walter A. Woods  
 Paul Yanchura, Jr.  
 Frederick T. Young  
 Frederick M. Young  
 Paul Yurick  
 Joseph C. Zanders  
 James E. Ziegenfuss  
 Robert C. Zimmerman  
 William J. Zimmerman  
 John J. Zissa, Jr.

## SUPPLEMENTAL CALENDAR B

### RESOLUTION PURSUANT TO RULE 35

Mr. PETRONE called up **HR 510, PN 3075**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Lance Corporal Patrick Brian Kenny, 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, who tragically lost his life on October 6, 2005, while in the service of his country when his vehicle hit a homemade roadside bomb in Karmah, Iraq.

On the question,  
 Will the House adopt the resolution?

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, we have in this hallowed House of Representatives from time to time paid tribute to many true heroes: Medal of Honor winners such as Mitchell Page from the Battle of Guadalcanal; Gino Merli from the Battle of the Bulge; members of the 506th Regiment Band of Brothers; and survivors of the sinking of the Yorktown and the Battle of Midway. They all had the same feeling that it is most appropriate that the Medal of Honor be given to those who did not come back, for they gave up all of their tomorrows for our todays; heroes like LCpl. Patrick Kenny.

It is with great sorrow that I honor LCpl. Brian Patrick Kenny, a member of the United States Marine Corps, from the Borough of Emsworth. Brian was a very well-respected and well-liked young man. He enlisted in the Marines immediately after graduating from Avonworth High School in 2003. Brian was the captain of his football team and served as an altar boy for his local church.

Lance Corporal Kenny was serving on his second tour of Iraq when he was killed. His first tour of Iraq brought him to Fallujah and his second brought him to the Al Anbar Province. Corporal Kenny was killed when the vehicle he was traveling in hit a roadside bomb in Karmah, Iraq. He served for 2 years in the 2d Battalion, 2d Marine Regiment, 2d Marine Division.

During his service to his country, Lance Corporal Kenny was honored by receiving many awards and medals. These include a Combat Action Ribbon for service in Iraq, Purple Heart, Operation Iraqi Freedom Medal, a National Defense Service Medal, and his Iraq Campaign Medal, a Global War on Terrorism Expeditionary Medal, a Global War on Terrorism Service Medal, and a Sea Service Deployment Ribbon.

His parents have noted that there were over 1,200 people at his funeral, indicating the great impact he had on all those who knew him. Many of his teachers, classmates, teammates, and friends were present at his funeral.

His father said, he was a wonderful human being, a caring person who always put others first. He always tried to make someone feel good.

In addition to his parents, Charles and Patricia, Patrick survived by three sisters: Maggie, Molly, and Pvt. Katy Kenny, also a member of the U.S. Marine Corps, who was inspired to join her brother.

Heroes, yes, and do not forget he gave up all of his tomorrows for our today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Clymer	Levdansky	Shaner	Wansacz
Daley	Rieger		

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

**SUPPLEMENTAL CALENDAR C**

**RESOLUTION PURSUANT TO RULE 35**

Ms. BISHOP called up **HR 511, PN 3076**, entitled:

A Resolution honoring C. DeLores Tucker and mourning her death.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Feese	Maher	Ross
Allen	Fichter	Maitland	Rubleby
Argall	Fleagle	Major	Ruffing
Armstrong	Flick	Manderino	Sainato
Baker	Forcier	Mann	Samuelson
Baldwin	Frankel	Markosek	Santoni
Barrar	Freeman	Marsico	Sather
Bastian	Gabig	McCall	Saylor
Bebko-Jones	Gannon	McGeehan	Scavello
Belardi	Geist	McGill	Schroder
Belfanti	George	McIlhattan	Semmel
Benninghoff	Gerber	McIlhinney	Shapiro
Beyer	Gergely	McNaughton	Siptroth

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

NAYS—0

NOT VOTING—1

Wheatley

EXCUSED—6

Clymer	Levdansky	Shaner	Wansacz
Daley	Rieger		

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

**BILLS REREPORTED FROM COMMITTEE**

**HB 1956, PN 3073** By Rep. FEESE

An Act repealing the act of July 7, 2005 (P.L.201, No.44), entitled, "An act amending Titles 42 (Judiciary and Judicial Procedure), 46 (Legislature) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for compensation; and making an inconsistent repeal."

APPROPRIATIONS.

**SB 932, PN 1270** By Rep. FEESE

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. Douth, 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.

APPROPRIATIONS.

**SUPPLEMENTAL CALENDAR A**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 932, PN 1270**, entitled:

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. Douth, 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.

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

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

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

The following roll call was recorded:

YEAS—197

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Ruffing
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Sather

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Clymer	Levdansky	Shaner	Wansacz
Daley	Rieger		

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

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

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move for an immediate suspension of the rules for consideration of HB 1956, PN 3073.

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Clymer	Levdansky	Shaner	Wansacz
Daley	Rieger		

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.



## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1956, PN 3073**, entitled:

An Act repealing the act of July 7, 2005 (P.L.201, No.44), entitled, "An act amending Titles 42 (Judiciary and Judicial Procedure), 46 (Legislature) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for compensation; and making an inconsistent repeal."

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

Mr. **S. SMITH** offered the following amendment No. **A04226**:

Amend Title, page 1, line 6, by striking out "REPEAL." " and inserting  
repeal"; reenacting the act of September 30, 1983 (P.L.160, No.39), entitled "An act establishing salaries and compensation of certain public officials including justices and judges of Statewide courts, judges of courts of common pleas, judges of the Philadelphia Municipal Court, judges of the Philadelphia Traffic Court, district justices and the Governor, the Lieutenant Governor, the State Treasurer, the Auditor General, the Attorney General and certain other State officers and the salary and certain expenses of the members of the General Assembly; and repealing certain inconsistent acts," and further providing for members of the General Assembly; and making editorial changes.

Amend Bill, page 1, lines 9 through 14, by striking out all of said lines

Amend Bill, page 2, line 24, by striking out all of said line and inserting

Section 1. Declaration of policy.

(a) The General Assembly declares that the reenactment of the superceded provisions of the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, is necessary to effectuate the repeal of the act of July 7, 2005 (P.L.201, No.44), entitled "An act amending Titles 42 (Judiciary and Judicial Procedure) 46 (Legislature) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for compensation; and making an inconsistent repeal," and to adopt salaries in effect on July 6, 2005.

(b) The exercise of the authority of the General Assembly to establish the salary of the justices, judges and justices of the peace pursuant to section 1 of Article II and section 16(a) of Article V of the Constitution of Pennsylvania is not intended to diminish or infringe on, or otherwise interfere with, the independence of the judicial system or the Executive Department.

(c) For purposes of implementing this act and restoring salaries in effect on July 6, 2005, the General Assembly finds and declares that the officials referred to in this act shall constitute the "salaried officers of the Commonwealth" for purposes of section 16(a) of Article V of the Constitution of Pennsylvania.

Section 2. Repeal.

The act of July 7, 2005 (P.L.201, No.44), entitled "An act amending Titles 42 (Judiciary and Judicial Procedure), 46 (Legislature) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for compensation; and making an inconsistent repeal," is repealed as follows:

[Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

### CHAPTER 18 COMPENSATION

Sec.

1801. Definitions.

1802. Supreme Court.

1803. Superior Court.

1804. Commonwealth Court.

1805. Courts of common pleas.

1806. Philadelphia Municipal Court.

1807. Philadelphia Traffic Court.

1808. Magisterial district judges.

1809. Senior judges.

1809.1. District attorneys.

1810. Cost of living.

§ 1801. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Base salary." The salary for the designated Federal official as of January 1, 2005.

§ 1802. Supreme Court.

(a) Justices.—Except as set forth in subsection (b), a justice of the Supreme Court shall receive as an annual salary the base salary of a circuit judge of the United States Court of Appeals plus all adjustments under section 1810 (relating to cost of living).

(b) Chief Justice.—In addition to the salary under subsection (a), the Chief Justice of the Supreme Court shall receive \$5,000.

§ 1803. Superior Court.

(a) Judges.—Except as set forth in subsection (b), a judge of the Superior Court shall receive as an annual salary the base salary of a judge of the United States District Court plus all adjustments under section 1810 (relating to cost of living).

(b) President judge.—In addition to the salary under subsection (a), the President Judge of the Superior Court shall receive \$5,000.

§ 1804. Commonwealth Court.

(a) Judges.—Except as set forth in subsection (b), a judge of the Commonwealth Court shall receive as an annual salary the base salary of a judge of the United States District Court plus all adjustments under section 1810 (relating to cost of living).

(b) President Judge.—In addition to the salary under subsection (a), the President Judge of the Commonwealth Court shall receive \$5,000.

§ 1805. Courts of common pleas.

(a) Judges.—Except as set forth in subsection (b), a judge of a court of common pleas shall receive as an annual salary the base salary of a United States magistrate judge plus all adjustments under section 1810 (relating to cost of living).

(b) President judges.—In addition to the salary under subsection (a), the president judge of a court of common pleas shall receive additional compensation in accordance with the following schedule:

(1) Allegheny County, \$2,500.

(2) Philadelphia County, \$3,000.

(3) Judicial districts having six or more judges, \$1,300.

(4) Judicial districts having one to five judges, \$650.

(5) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$1,300.

(6) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or fewer judges, \$650.

(7) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$1,300.

(8) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or fewer judges, \$650.

§ 1806. Philadelphia Municipal Court.

(a) Judges.—Except as set forth in subsection (b), a judge of the Philadelphia Municipal Court shall receive as an annual salary the base salary of a United States magistrate judge minus \$3,450 plus all adjustments under section 1810 (relating to cost of living).

(b) President judge.—In addition to the salary under subsection (a), the President Judge of the Philadelphia Municipal Court shall receive \$2,250.

§ 1807. Philadelphia Traffic Court.

(a) Judges.—Except as set forth in subsection (b), a judge of the Philadelphia Traffic Court shall receive an annual salary equal to 50% of the annual salary determined under section 1805(a) (relating to courts of common pleas) plus \$3,800.

(b) President judge.—In addition to the salary under subsection (a), the President Judge of the Philadelphia Traffic Court shall receive \$650.

§ 1808. Magisterial district judges.

A magisterial district judge shall receive an annual salary equal to 50% of the annual salary determined under section 1805(a) (relating to courts of common pleas).

§ 1809. Senior judges.

(a) Amount.—The compensation payable to a senior judge of a court of common pleas, a senior Commonwealth Court judge, a senior Superior Court judge and a senior Supreme Court justice, assigned pursuant to section 4121 (relating to assignment of judges), and a senior Philadelphia Municipal Court judge assigned pursuant to section 4124 (relating to assignment of senior Philadelphia Municipal Court judges) shall be \$456 per day plus all adjustments under section 1810(a)(1)(ii) (relating to cost of living). In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not, when added to retirement income paid by the Commonwealth for the senior judge, exceed the annual salary payable by the Commonwealth to a judge then in regular active service on the court from which the senior judge retired.

(b) Limitation.—In any calendar year, the amount of compensation which a senior judge assigned to serve on a court referred to in section 1806 (relating to Philadelphia Municipal Court), 1807 (relating to Philadelphia Traffic Court) or 1808 (relating to magisterial district judges) shall be permitted to earn as a senior judge shall not, when added to retirement income paid by the Commonwealth to that senior judge, exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which that senior judge retired.

(c) Volunteer service.—A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

§ 1809.1. District attorneys.

Notwithstanding section 1401(g) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, the salary of a district attorney and a part-time district attorney shall be determined as follows:

(1) The salary of a full-time district attorney shall be 95% of the salary of a judge of the court of common pleas under section 1805(a) (relating to court of common pleas).

(2) The salary of a part-time district attorney shall be determined as follows:

(i) Counties of the third or fourth class shall be 60% of the salary under paragraph (1).

(ii) Counties of the fifth or sixth class shall be 50% of the salary under paragraph (1).

(iii) Counties of the seventh or eighth class shall be 40% of the salary under paragraph (1).

§ 1810. Cost of living.

(a) Increase.—Beginning January 1, 2007, and each January 1 thereafter, the current annual salaries under this chapter shall be increased as follows:

(1) Except as set forth in paragraph (2), by the greater of:

(i) the percentage increase in the salary of the applicable designated Federal official during the immediately preceding period from December 1 through November 30; or

(ii) the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the salary of the applicable designated Federal official has been increased in the previous 12-month period after not having been increased in one or more previous consecutive 12-month periods, the current annual salaries under this chapter shall be increased by the greater of:

(i) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics; or

(ii) the excess of the percentage of the increase in the salary of the applicable designated Federal official over the cumulative percentage increase of the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the same period of time between the most current increase in the salary of the applicable designated Federal official and the immediate prior increase.

(b) Administration.—The annual salaries as adjusted under subsection (a) shall be published in the Pennsylvania Bulletin by the Court Administrator of Pennsylvania by January 1, 2007, and by each January 1 thereafter.

Section 2. Title 46 is amended by adding a part to read:

#### PART II

#### MEMBERS OF THE GENERAL ASSEMBLY

Chapter

11. Compensation

13. Officers and Leaders

#### CHAPTER 11

#### COMPENSATION

Sec.

1101. Definitions.

1102. Members of the General Assembly.

1103. Legislative officers and leaders.

1104. Cost of living.

1105. Payment of salaries.

1106. Mileage and expenses.

1107. Additional expenses.

§ 1101. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Base salary.” The salary for the designated Federal official as of January 1, 2005.

§ 1102. Members of the General Assembly.

(a) Senate.—Except as set forth in section 1103(a) (relating to legislative officers and leaders), a member of the Senate shall receive an annual salary equal to 50% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104 (relating to cost of living).

(b) House of Representatives.—Except as set forth in section 1103(b), a member of the House of Representatives shall receive an annual salary equal to 50% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104.

§ 1103. Legislative officers and leaders.

(a) Senate.—Annual salaries for legislative officers and leaders of the Senate are as follows:

(1) Except as set forth in paragraph (5)(i), a committee chairman shall receive 55% of the base salary of a member of the

United States House of Representatives plus all adjustments under section 1104 (relating to cost of living).

(2) A committee vice chairman shall receive 52.5% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104.

(3) The following shall receive the salary determined under paragraph (1) plus 20% of that salary:

- (i) Caucus Administrator.
- (ii) Caucus Secretary.
- (iii) Caucus Policy Chairman.
- (iv) Deputy Whip.

(4) The Caucus Chairman shall receive the salary determined under paragraph (3) plus 8% of that salary.

(5) The following shall receive the salary determined under paragraph (4) plus 8% of that salary:

- (i) Appropriations Chairman.
- (ii) Whip.

(6) A Floor Leader shall receive the salary determined under paragraph (5) plus 8% of that salary.

(7) The President pro tempore of the Senate shall receive the salary determined under paragraph (6) plus 8% of that salary.

(b) House of Representatives.—Annual salaries for legislative officers and leaders of the House of Representatives are as follows:

(1) Except as set forth in paragraph (5)(i), a committee chairman shall receive 55% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104.

(2) A committee vice chairman and a subcommittee chairman shall receive 52.5% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104.

(3) The following shall receive the salary determined under paragraph (1) plus 20% of that salary:

- (i) Caucus Administrator.
- (ii) Caucus Secretary.
- (iii) Caucus Policy Chairman.

(4) The Caucus Chairman shall receive the salary determined under paragraph (3) plus 8% of that salary.

(5) The following shall receive the salary determined under paragraph (4) plus 8% of that salary:

- (i) Appropriations Chairman.
- (ii) Whip.

(6) A Floor Leader shall receive the salary determined under paragraph (5) plus 8% of that salary.

(7) The Speaker of the House of Representatives shall receive the salary determined under paragraph (6) plus 8% of that salary.

(c) Limitations.—

(1) An individual entitled to receive an annual salary under this section shall be ineligible to concurrently receive an annual salary under section 1102 (relating to members of the General Assembly).

(2) An individual shall be ineligible to concurrently receive more than one annual salary under this section.

(3) An individual entitled to receive an annual salary under subsection (a)(3), (4), (5), (6) or (7) shall be ineligible to concurrently receive an annual salary under subsection (a)(1) or (2).

(4) An individual entitled to receive an annual salary under subsection (b)(3), (4), (5), (6) or (7) shall be ineligible to concurrently receive an annual salary under subsection (b)(1) or (2).

(d) Officers and chairmen.—

(1) Except as set forth in paragraph (2), if an individual receives an annual salary increase under this section, the salary increase shall take effect as of the date the individual is selected or elected.

(2) For an individual who is selected or elected in the first two months of an odd-numbered year, if the individual receives an annual salary increase under this section, the salary increase shall be retroactive to December 1 of the preceding even-numbered year.

§ 1104. Cost of living.

(a) Formula.—On December 1, 2006, and each December 1 thereafter, the current annual salaries under sections 1102 (relating to members of the General Assembly) and 1103(a)(1) and (2) and (b)(1) and (2) (relating to legislative officers and leaders) shall be increased as follows:

(1) Except as set forth in paragraph (2), by the greater of:

(i) the percentage increase in the salary of the applicable designated Federal official during the immediately preceding period from December 1 through November 30; or

(ii) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the salary of the applicable designated Federal official has been increased in the previous 12-month period after not having been increased in one or more previous consecutive 12-month periods, the current annual salaries under sections 1102 and 1103(a)(1) and (2) and (b)(1) and (2) shall be increased by the greater of:

(i) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics; or

(ii) the excess of the percentage of the increase in the salary of the applicable designated Federal official over the cumulative percentage increase of the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the same period of time between the most current increase in the salary of the applicable designated Federal official and the immediate prior increase.

(b) Administration.—The annual salaries determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives under subsection (a) shall be published in the Pennsylvania Bulletin by December 1, 2006, and by each December 1 thereafter.

§ 1105. Payment of salaries.

The annual salary of a member of the General Assembly shall be payable in equal monthly installments the first day of the month, including the installment due December 1 of each even-numbered year.

§ 1106. Mileage and expenses.

(a) Mileage.—A member of the General Assembly shall be reimbursed for mileage, circular, between the member's home and the State Capitol for each week the member was in actual attendance in session. The rate of reimbursement shall be set by the Committee on Management Operations for members of the Senate and by the Bipartisan Management Committee for members of the House of Representatives. The rate shall not exceed the Standard Business Mileage Rate set by the Internal Revenue Service.

(b) Expenses.—Each member of the General Assembly shall receive an allocation for clerical assistance and other actual expenses incurred during the member's term in connection with the duties of the member's office in the sum of \$7,500 annually.

## § 1107. Additional expenses.

## (a) Senate.—

(1) Beginning on the effective date of this subsection and ending November 30, 2008, a member of the Senate shall receive monthly, in addition to any allocation for clerical assistance and other actual expenses, an unvouchered expense allocation in the amount of 1/12 of the difference between:

## (i) the amount specified for a member in:

(A) section 1102(a) (relating to members of the General Assembly) plus section 1104 (relating to cost of living) as appropriate; or

(B) section 1103(a) (relating to legislative officers and leaders) plus section 1104 as appropriate; and

(ii) the amount calculated for that member as of the effective date of this subparagraph pursuant to the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law.

(2) This subsection shall expire November 30, 2008.

## (b) House of Representatives.—

(1) Beginning on the effective date of this subsection, a member of the House of Representatives may receive each month, in addition to any allocation for clerical assistance and other actual expenses, an unvouchered expense allocation in the amount of 1/12 of the difference between:

## (i) the amount specified for a member in:

(A) section 1102(b); or

(B) section 1103(b) as appropriate; and

(ii) the amount calculated for that member as of the effective date of this subparagraph pursuant to the Public Official Compensation Law.

(2) The Rules Committee of the House of Representatives shall determine the procedure by which a member of the House of Representatives may receive an allocation under this subsection.

(3) This subsection shall expire November 30, 2006.

CHAPTER 13  
OFFICERS AND LEADERS

## Sec.

1301. Senate.

1302. House of Representatives.

## § 1301. Senate.

## (a) Election.—

(1) The President pro tempore of the Senate shall be elected by the members of the Senate.

(2) The following officers of the Senate shall be elected by the appropriate caucus:

(i) Majority Leader.

(ii) Minority Leader.

(iii) Majority Whip.

(iv) Minority Whip.

(v) Majority Caucus Chairman.

(vi) Minority Caucus Chairman.

(vii) Appropriations Chairman.

(viii) Minority Appropriations Chairman.

(ix) Majority Caucus Secretary.

(x) Minority Caucus Secretary.

(xi) Minority Policy Chairman.

## (b) Appointment.—

(1) The following officers of the Senate shall be appointed by the President pro tempore of the Senate:

(i) Majority Policy Chairman.

(ii) Majority Caucus Administrator.

(iii) Majority Deputy Whip.

(2) The following officers of the Senate shall be appointed by the Minority Leader of the Senate:

(i) Minority Caucus Administrator.

(ii) Minority Deputy Whip.

## § 1302. House of Representatives.

(a) Members.—The Speaker of the House of Representatives shall be elected by the members of the House of Representatives.

(b) Caucuses.—The following officers of the House of Representatives shall be elected by the appropriate caucus:

(1) Majority Leader.

(2) Minority Leader.

(3) Majority Whip.

(4) Minority Whip.

(5) Majority Caucus Chairman.

(6) Minority Caucus Chairman.

(7) Appropriations Chairman.

(8) Minority Appropriations Chairman.

(9) Majority Caucus Secretary.

(10) Minority Caucus Secretary.

(11) Majority Policy Chairman.

(12) Minority Policy Chairman.

(13) Majority Caucus Administrator.

(14) Minority Caucus Administrator.

Section 3. Title 71 is amended by adding a part to read:

PART II  
EXECUTIVE OFFICERS

## Chapter

## 11. Compensation

CHAPTER 11  
COMPENSATION

## Sec.

1101. Definitions.

1102. Governor, Lieutenant Governor and Cabinet.

1103. State Treasurer, Auditor General and Attorney General.

1104. Additional salary prohibited.

1105. Cost of living.

## § 1101. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Base salary.” The salary for the designated Federal official as of January 1, 2007.

## § 1102. Governor, Lieutenant Governor and Cabinet.

(a) Governor.—The Governor shall receive an annual salary equal to 85% of the base salary of the Vice President of the United States plus all adjustments under section 1105 (relating to cost of living).

(b) Lieutenant Governor.—The Lieutenant Governor shall receive an annual salary equal to:

(1) the salary under 46 Pa.C.S. § 1103(a)(7) (relating to legislative officers and leaders); plus

(2) \$15,000.

(c) Cabinet.—Each of the following officers shall receive an annual salary equal to 85% of the base salary of the Attorney General of the United States plus all adjustments under section 1105:

(1) Adjutant General.

(2) Secretary of Aging.

(3) Secretary of Agriculture.

(4) Secretary of Banking.

(5) Secretary of the Commonwealth.

(6) Secretary of Community and Economic

Development.

(7) Secretary of Conservation and Natural Resources.

(8) Secretary of Corrections.

(9) Secretary of Education.

(10) Secretary of Environmental Protection.

(11) Secretary of General Services.

(12) Secretary of Health.

(13) Insurance Commissioner of the Commonwealth.

(14) Secretary of Labor and Industry.

(15) Secretary of Public Welfare.

(16) Secretary of Revenue.

(17) Pennsylvania State Police Commissioner.

(18) Secretary of Transportation.

§ 1103. State Treasurer, Auditor General and Attorney General.

Each of the following officers shall receive an annual salary equal to 94% of the base salary of the Attorney General of the United States plus all adjustments under section 1105 (relating to cost of living):

- (1) State Treasurer.
- (2) Attorney General.
- (3) Auditor General.

§ 1104. Additional salary prohibited.

No officer listed in this chapter shall receive additional salary for services rendered to the Commonwealth in any capacity.

§ 1105. Cost of living.

(a) Increase.—On January 1, 2008, and each January 1 thereafter, the current annual salaries under section 1102(a) and (c) (relating to Governor, Lieutenant Governor and Cabinet) and 1103 (relating to State Treasurer, Auditor General and Attorney General) shall be increased as follows:

(1) Except as set forth in paragraph (2), by the greater of:

(i) the percentage increase in the salary of the applicable designated Federal official during the immediately preceding period from December 1 through November 30; or

(ii) the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the salary of the applicable designated Federal official has been increased in the previous 12-month period after not having been increased in one or more previous consecutive 12-month periods, the current annual salaries under sections 1102(a) and (c) and 1103 shall be increased by the greater of:

(i) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics; or

(ii) the excess of the percentage of the increase in the salary of the applicable designated Federal official over the cumulative percentage increase of the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the same period of time between the most current increase in the salary of the applicable designated Federal official and the immediate prior increase.

(b) Administration.—The annual salaries as adjusted under subsection (a) shall be published by the Secretary of the Budget in the Pennsylvania Bulletin by January 1, 2008, and by each January 1 thereafter.

Section 4. This act shall apply as follows:

(1) Except for the application of 46 Pa.C.S. § 1107, the addition of 46 Pa.C.S. §§ 1101 through 1104 and 1106(a) shall apply to members of the General Assembly elected after the effective date of this act.

(2) The addition of 46 Pa.C.S. § 1107 shall apply to members of the General Assembly elected prior to the effective date of this act.

(3) The addition of 71 Pa.C.S. §§ 1102(c) and 1105 shall apply to individuals who are appointed after December 31, 2006.

(4) The addition of 71 Pa.C.S. §§ 1102(a) and (b) and 1103 shall apply to individuals who are elected after the effective date of this act.

(5) For purposes of section 3(d) of the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, the salary of the Secretary of Community and Economic Development shall be deemed to be the salary on the day before the effective date of this act. This salary is subject to adjustment under section 3(e) of the Public Official Compensation Law.

Section 5. The act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law is repealed insofar as it is inconsistent with this act.

Section 6. The provisions of this act are nonseverable. If any provision of this act or its application to any person or circumstance is held invalid, the remaining provisions or applications of this act are void.

Section 7. This act shall take effect immediately.]

Section 3. Reenactment.

Section 1 of the act is reenacted to read:

Section 1. Short title.

This act shall be known and may be cited as the Public Official Compensation Law.

Section 4. Reenactment and amendment.

Section 2.1 of the act, added October 19, 1995 (P.L.324, No.51), is reenacted and amended to read:

Section 2.1. Judicial salaries.

(a) Supreme Court.—The annual salary of the Chief Justice of the Supreme Court shall be \$123,000, and the annual salary of each of the other justices of the Supreme Court shall be \$119,750.

(b) Superior Court.—The annual salary of the President Judge of the Superior Court shall be \$117,750, and the annual salary of the other judges of the Superior Court shall be \$116,000.

(c) Commonwealth Court.—The annual salary of the President Judge of the Commonwealth Court shall be \$117,750. The annual salary of each of the other judges of the Commonwealth Court shall be \$116,000.

(d) Courts of common pleas.—

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$106,000.

(ii) Philadelphia County, \$106,500.

(iii) Judicial districts having six or more judges, \$105,000.

(iv) Judicial districts having three to five judges, \$104,500.

(v) Judicial districts having one or two judges, \$104,000.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$105,000.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$104,500.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$105,000.

(ix) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$104,500.

(2) The other judges of the courts of common pleas shall be paid an annual salary of \$104,000.

(e) Philadelphia Municipal Court.—The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$103,000. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$101,250.

(f) Philadelphia Traffic Court.—The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$55,000. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$54,500.

(g) [District justices] Magisterial district judges.—A [district justice] magisterial district judge shall receive an annual salary payable by the Commonwealth of \$51,500.

(h) Senior judges.—The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$315 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

(i) Annual cost-of-living adjustment.—Beginning January 1, 1997, and each January 1 thereafter, the annual salaries under subsections (a) through (h) shall be increased by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics immediately prior to the date the adjustment is due to take effect. The percentage increase and salary amounts shall be determined prior to the annual effective date of the adjustment by the Supreme Court and shall be published in the Pennsylvania Bulletin by the Court Administrator of Pennsylvania within 20 days of the date the determination is made.

Section 5. Reenactment and amendment.

Section 3(a), (b), (c) and (e) of the act, amended October 19, 1995 (P.L.324, No.51), are reenacted and amended to read:

Section 3. Compensation of Governor and Lieutenant Governor; State Treasurer; Auditor General; Attorney General; Commissioners of the Pennsylvania Public Utility Commission; and heads of departments.

(a) The Governor, the Lieutenant Governor and Cabinet.—The annual salaries of the Governor, the Lieutenant Governor and the heads of the departments shall be as follows: Governor, \$125,000; Lieutenant Governor, \$105,000; Adjutant General, \$90,000; Secretary of Aging, \$95,000; Secretary of Agriculture, \$90,000; Secretary of Banking, \$90,000; Secretary of [Commerce] Community and Economic Development, \$95,000; Secretary of the Commonwealth, \$90,000; [Secretary of Community Affairs, \$90,000;] Secretary of Education, \$100,000; Secretary of Environmental Protection, \$100,000; Secretary of General Services, \$95,000; Secretary of Health, \$100,000; Insurance Commissioner, \$90,000; Secretary of Labor and Industry, \$100,000; Secretary of Public Welfare, \$100,000; Secretary of Revenue, \$95,000; State Police Commissioner, \$95,000; Secretary of Transportation, \$100,000; Secretary of Corrections, \$100,000; Secretary of Conservation and Natural Resources \$95,000.

(b) Compensation of State Treasurer, Auditor General and Attorney General.—The annual salaries of the State Treasurer, Auditor General and Attorney General shall be as follows: State Treasurer, \$104,000; Auditor General, \$104,000; Attorney General, \$104,000.

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(c) Additional compensation prohibited.—Neither the Governor, Lieutenant Governor, State Treasurer, Auditor General or Attorney General nor the head of any administrative department nor member of any board or commission referenced herein, shall receive any additional compensation for any services rendered to the Commonwealth in any capacity.

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(e) Annual cost-of-living adjustment.—Beginning January 1, 1997, and each January 1 thereafter, the stated annual salaries of the Governor and Lieutenant Governor, the State Treasurer, the Auditor General, the Attorney General and the heads of the departments and members of boards and commissions denoted herein shall be increased by an annual cost-of-living increase calculated by applying the percentage change in the Consumer Price Index for All Urban

Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics immediately prior to the date the adjustment is due to take effect, to the then current salary amounts authorized. The percentage increase and the salary amounts shall be determined by the Governor prior to the annual effective date of the adjustment and shall be published by the Secretary of the Budget in the Pennsylvania Bulletin within ten days of the date the determination is made.

Section 6. Reenactment and amendment.

Section 4(a) of the act, amended July 3, 1987 (P.L.193, No.28), is reenacted and amended to read:

Section 4. Members of the General Assembly.

(a) Members salary, expense and mileage.—The salary of members of the General Assembly shall be \$47,000 per annum and mileage to and from their homes at the rate of 20¢ per mile, circular, for each week a member was in actual attendance in session between their homes and the State Capitol and, except as provided herein, no other compensation shall be allowed whatsoever, except each member of the General Assembly shall receive an [allowance] allocation for clerical assistance and other expenses incurred during his term in connection with the duties of his office in the sum of \$7,500 annually; the salary to be payable in equal monthly installments the first day of the month, including the installment due December 1 of each even-numbered year, [except that the salaries of Senators elected at the General Election of 1986 during the remainder of their term shall be \$35,000 per annum and such members shall receive, in addition to the allowance for clerical assistance and other expenses, the unvouchered expense allowance of \$12,000 per annum.]

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Section 7. Reenactment.

Section 4(b), (c), (c.1), (d) and (d.1) of the act, amended July 3, 1987 (P.L.193, No.28) and October 19, 1995 (P.L.324, No.51), are reenacted to read:

Section 4. Members of the General Assembly.

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(b) Officers and leaders salaries.—

(1) Senate.—

(i) The following officers of the Senate who shall be elected by the Senate or their respective caucuses shall, in addition to their salaries as members of the General Assembly, receive the following as additional compensation: President pro tempore, \$26,370; Majority Leader, \$21,097; Minority Leader, \$21,097; Majority Whip, \$16,011; Minority Whip, \$16,011; Majority Caucus Chairman, \$9,983; Minority Caucus Chairman, \$9,983; Appropriations Chairman, \$16,011; Minority Appropriations Chairman, \$16,011; Majority Caucus Secretary, \$6,593; Minority Caucus Secretary, \$6,593; Minority Policy Chairman, \$6,593.

(ii) The following officers of the Senate who shall be appointed by the President pro tempore shall, in addition to their salaries as members of the General Assembly, receive the following amounts as additional compensation: Majority Policy Chairman, \$6,593; Majority Caucus Administrator, \$6,593.

(iii) The following officer of the Senate who shall be appointed by the Minority Leader shall, in addition to his salary as a member of the General Assembly, receive the following amount as compensation: Minority Caucus Administrator, \$6,593.

(2) House of Representatives.—The following officers of the House of Representatives who shall be elected by the House or their respective caucuses, in addition to their salary as members of the General Assembly, shall receive the following amounts as additional compensation: Speaker of the House of Representatives, \$26,370; Majority Leader, \$21,097;

Minority Leader, \$21,097; Majority Whip, \$16,011; Minority Whip, \$16,011; Majority Caucus Chairman, \$9,983; Minority Caucus Chairman, \$9,983; Appropriations Chairman, \$16,011; Minority Appropriations Chairman, \$16,011; Majority Caucus Secretary, \$6,593; Minority Caucus Secretary, \$6,593; Majority Policy Chairman, \$6,593; Minority Policy Chairman, \$6,593; Majority Caucus Administrator, \$6,593; Minority Caucus Administrator, \$6,593.

(c) First annual cost-of-living adjustment for members.—For the 12-month period beginning December 1, 1996, through November 30, 1997, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which shall be determined by increasing the amounts contained in subsection (a) by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from July 1, 1990, through October 31, 1996. The percentage increase and the new salary amounts shall be determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives and published by them in the Pennsylvania Bulletin within 20 days immediately prior to the cost-of-living increase taking effect.

(c.1) First annual cost-of-living adjustment for officers and leaders.—For the 12-month period beginning December 1, 1996, through November 30, 1997, the additional compensation of the officers and leaders of the General Assembly shall be increased by a cost-of-living factor which shall be determined by increasing the amounts contained in subsection (b) by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from July 1, 1990, through October 31, 1996. The percentage increase and the new compensation amounts shall be determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives and published by them in the Pennsylvania Bulletin on or before November 30 immediately prior to the cost-of-living increase taking effect.

(d) Subsequent annual cost-of-living adjustment for members.—For the 12-month period beginning December 1, 1997, through November 30, 1998, and for each like 12-month period thereafter, the salary of the members of the General Assembly shall be increased by an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics immediately prior to the date the adjustment is due to take effect, to the then current salary amounts. The percentage increase and the new salary amounts shall be determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives prior to the annual effective date of the adjustment and shall be published by them in the Pennsylvania Bulletin within ten days of the date such determination is made.

(d.1) Subsequent annual cost-of-living adjustment for officers and leaders.—For the 12-month period beginning December 1, 1997, through November 30, 1998, and for each like 12-month period thereafter, the additional compensation of the officers and leaders of the General Assembly shall be increased by an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics immediately prior to the date the adjustment is due to take effect, to the then current compensation. The percentage increase and the new compensation amounts shall be determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives prior to the annual effective date of the adjustment and shall be published in

the Pennsylvania Bulletin within 20 days immediately prior to each cost-of-living increase taking effect.

Section 8. Reenactment.

Section 7 of the act is reenacted to read:

Section 7. Effective date.

(a) Sections 1, 2, 3(a) and 5 shall take effect December 1, 1983; section 5 shall expire November 30, 1984.

(b) Section 3(b) shall take effect on the third Tuesday of January 1985.

(c) Section 4 shall take effect December 1, 1984.

(d) The remainder of this act shall take effect December 1, 1983.

Section 9. Continuation.

The reenactment of provisions of the act of September 30, 1983 (P.L.160, No.39) known as the Public Official Compensation Law, in sections 3, 4, 5, 6, 7 and 8 of this act is a continuation of the Public Officials Compensation Law as of July 6, 2005.

Section 10. Compensation.

The officials referred to in this act shall, on and after the effective date of this section, receive compensation as provided by law and such additional adjustments as authorized by law and in effect on July 6, 2005.

Section 11. Retroactivity.

Section 9 of this act shall apply retroactively to July 6, 2005.

Section 12. 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. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Would the gentleman, Mr. Smith— I would like to interrogate the maker of the amendment, Mr. Smith.

The SPEAKER. The gentleman, Mr. Smith, indicates that he will stand for interrogation. The gentleman is in order.

Mr. VITALI. Perhaps the interrogation might be best started off by just a brief explanation of the amendment.

Mr. S. SMITH. Mr. Speaker, I was prepared to give the members a little bit of a summary of this amendment, but by and large, it is an amendment that would repeal the pay raise for all three levels of State officials and it would take the compensation back to essentially what it was on the first of July, July 6.

Mr. VITALI. Thank you, Mr. Speaker.

Now, what I am trying to get at is what this will do. Does it change in any way what would have happened should we never have passed the initial pay raise bill? In other words, what differences remain, is what I am trying to get at.

Mr. S. SMITH. Mr. Speaker, to the best of our ability, and I am 99.9 percent confident that the language in this amendment returns the compensation plan back to what it was prior to July 7. So there are no differences in tomorrow, tomorrow being when this, not literally tomorrow but in the next few days when this bill presumably would be signed into law, and what the compensation would have been on July 6. To the best of my knowledge, to the best of my ability, that is what is embodied in this amendment.

There are some extra references in this amendment. It is a little bit lengthy, and that is due to some recent court rulings which basically suggest that when you repeal a bill that repealed something else, that does not automatically reinstate. It gets kind of double-talk sounding, but it is the court ruling that we

are trying to deal with, and that is why we had to make reference clear back to the 1995 compensation law.

Mr. VITALI. So when I look at section 7 of this bill, which starts on page 14, line 33, and goes to page 16, line 27, that is just to get things back to the way they were on July 6 and does not change anybody's compensation level. Is that correct?

Mr. S. SMITH. That is correct; yes, sir.

Excuse me, Mr. Speaker. It changes them in that it reduces the salaries back to what they were on July 6.

Mr. VITALI. In other words, no one at the end of the day is getting more in salary than they would have had this not—No officer of the Commonwealth, no member of the judiciary, executive branch, or legislature is getting more under this, would get more under this amendment than they would have, had we never enacted that piece of legislation on July 6?

Mr. S. SMITH. Mr. Speaker, that is my understanding and interpretation and intent with this amendment.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Metcalfe, wish to be recognized?

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, if I could ask a brief question of the prime sponsor of the amendment?

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that is before us has some legislative intent language that has been put into the bill. Would you be able to expand upon that a little bit for the membership as far as what the intent of that language is?

Mr. S. SMITH. Mr. Speaker, if you will recall, over the past 2 weeks one of the key areas of disagreement, if you will, between the House and the Senate was how to structure this bill as it relates to all three branches of State government.

The language in the front end of this amendment that deals with intent is our best effort to legitimately put forth what I believe is the absolute intent of this legislative body, both the House and the Senate, quite frankly, to state that as directly and as consistently as possible with the provisions of the State Constitution. So all of those parts that are enumerated in the intent section are there just to best lay forth for future interpretation, you know, what our actual intent is with the enactment of this legislation.

Mr. METCALFE. Thank you, Mr. Speaker.

If I could make a brief comment?

The SPEAKER. The gentleman is in order.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentleman's answer on the amendment. I appreciate him putting forth this language in the legislative intent section, which I believe makes it clear that this bill applies to all three branches of State government and that this pay raise is a broadly applied pay raise repeal for all three branches. So thank you very much for this language, and I look forward to passing this amendment and passing this repeal bill that will repeal the legislative pay raises for all three branches of our State government.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Tangretti, seek recognition? The gentleman is in order.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I, too, would like to ask the majority leader a couple of questions.

The SPEAKER. The gentleman is in order.

Mr. TANGRETTI. Mr. Speaker, I wonder if the majority leader could enlighten us as to whether this is an agreement among all of the principals associated with this language and with this effort.

Mr. S. SMITH. Mr. Speaker, I cannot speak in absolute terms for anyone other than myself in reality, but obviously, we have worked this out within our body, and to the best of my understanding and it is my belief that the language in this amendment is and will be agreeable to the Senate. We have certainly discussed the key elements of this with them, and you know, if your concern is whether or not they are going to proceed over the next 3 days to run this bill and put it on the Governor's desk, it is my full expectation that that is in fact what will happen.

Mr. TANGRETTI. Thank you very much.

Thank you, Mr. Speaker.

The SPEAKER. For the information of the members, the Senate has been known to change its mind, Mr. Tangretti.

Mr. DeWeese, there are—

The House will be at ease.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker, for recognizing me. I see the gentleman, Mr. Bunt, on the far horizon. I always know that when I have the honorable gentleman's attention, that is a good sign for focus from the GOP.

These penultimate moments before the pay raise is rescinded merit a few observations, I believe, from the minority pulpit of a couple things to observe. One, retrospectively, Mr. Speaker, we made some mistakes, and I obviously was involved and complicit in that phenomenon.

The four things that we should have done differently, and this is a very, very momentous vote for the House to rescind its pay raise; there is no way around that issue, so from the microphone and from our district offices and in meetings, whether it is at one of Mr. Metcalfe's pancake breakfasts or one of Mr. Levdansky's town meetings, we all have to go back, Mr. Speaker, and discuss these matters with our constituency, but if we had done four things differently, I am confident we would not be here, and those were mistakes that we made. We should have probably asked for fewer dollars; two, we should have demolished the idea of unvouchered expenses that had been a part of our process, sanctioned by the Supreme Court in the 1980s and 1990s; number three, we should not have taken a dime until after the next election; and number four – and this is, I think, a specious number four, but nevertheless, the media has succeeded and we have failed in projecting this – we should have done it at 3 in the afternoon rather than in the wee hours.

Now, notwithstanding the fact that we have probably passed 30 or 35 percent of the important bills during my long tenure in this building in the wee hours, that is just a phenomenon. I have said it many, many times. That is something that the British Parliament has done for 300 years. It is something Mr. Samuelson reminds me that that does not make it a good thing, but we have passed so many things, the democracy that we experience in this chamber is sometimes cumbersome and sometimes elongated and sometimes, oftentimes for the past 30 years and way, way before I came here, Mr. Speaker,



we passed things at night, but it was a terrible perception and that was our fourth mistake.

Now, having realized that – moving to my second category, and I only have three – the whip and I on the minority side last time cast a symbolic vote, not a substantive vote. We knew that the proverbial Niagara Falls of “yes” votes was going to cascade and overwhelm us, but in that process I think the honorable gentleman from Beaver and I felt like we were union leaders at that point, metaphorically anyway. The gentleman from Beaver County has represented a hearty phalanx of steelworkers, Aliquippa, Beaver Falls, the Lehigh— Excuse me; the Lehigh Valley does have their steelworkers, but in the Beaver Valley, Mike is known as a, among other things, as a steelworker’s representative, and I come from the coal fields south of Pittsburgh, and I am very, very well acquainted with UMWA (United Mine Workers of America) leadership, UMWA contracts, UMWA politics, and I thought and still believe that a symbolic protest vote was appropriate.

Bringing us to the third and final observation, Mr. Speaker, the inexorable momentum of the moment is tangible. This is going to pass overwhelmingly, and we will have to go back and try to do something else another day, another year, another session, but it is not totally inappropriate for this General Assembly to consider its compensation from time to time. Whether the mechanism will be a commission as was founded three or four decades ago, whether it will be another rough-and-tumble vote, I am certain it will be debated much more aggressively, much more openly in the broad light of day.

The Governor said that he was against the pay raise most recently, that was his pronouncement, but he was for it for judges. The Governor obviously knows that somewhere approaching 80 percent of this money is going to go to judges, so when we cast this vote in a little while, the record will be, as was entertained in the brief debate by the gentleman from Butler, the gentleman from Westmoreland, the gentleman from Delaware, approaching the majority leader, the record will be unequivocal in the General Assembly’s House chamber that this rescission is for House and Senate and executive and judicial officers. It cannot be made more unequivocal on the record. My speculation is that the Supreme Court will vouchsafe the authenticity of their pay raise somewhere down the line and this will go to Federal court, but tonight’s vote is a rescission of a pay raise for the judiciary also. If we were to just rescind a House vote, as I said a week ago, and a Senate and legislative vote, Mr. Speaker, we are only talking about 20, 25 percent of the pie. That has to be realized.

We are the General Assembly. We have taken the grief and many people would aver that we deserved the grief, but the bottom line is, the amount of dollars going into this putative pay raise, the lion’s share, was going to the judiciary. Tonight’s vote, notwithstanding what I would opine will be a reversal at the Supreme Court level, says that this vote rescinds General Assembly, judicial, and executive pay raises.

Those were the three points I wanted to make. Thank you very much, Mr. Speaker, for the microphone.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Smith, wish to be recognized? The gentleman is in order.

Mr. S. SMITH. Very briefly, Mr. Speaker.

Mr. Speaker, just let me kind of supplement a couple of the comments that I made in response to the interrogations.

Obviously, the clear intent of this bill is to deal with all salaried officers of this Commonwealth. I believe the amendment and ultimately the bill that we have before us should pass constitutional muster. It is something that we have put a lot of time and effort into trying to meet all the various elements of such challenges.

Probably the most key thing in reflecting on this exercise over the last few weeks is that clearly it has put a cloud over the legislature in terms of our ability to get things done. It concerns me in that regard, and as we hope to move forward in the coming weeks, to move forward with a positive agenda to put Pennsylvania back on track, hopefully dispensing with this would at least allow us, I do not know what will happen in the editorial pages and in the newsrooms, but at least in this room, that we will be able to return our focus to the business of the people, to focus on the issues that are most important relative to tax reform, health-care issues, jobs, and economy, some of the basic issues that we know are important, and that is really what we are about today, is to clear the slate so that we can get to that agenda, and I would ask the members, Mr. Speaker, for an affirmative vote on the amendment and the bill.

The SPEAKER. The Chair thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Daley. His name will be added to the master roll.

### CONSIDERATION OF HB 1956 CONTINUED

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

The following roll call was recorded:

#### YEAS—197

Adolph	Fairchild	Mackereth	Ross
Allen	Feese	Maher	Rubley
Argall	Fichter	Maitland	Ruffing
Armstrong	Fleagle	Major	Sainato
Baker	Flick	Manderino	Samuelson
Baldwin	Forcier	Mann	Santoni
Barrar	Frankel	Markosek	Sather
Bastian	Freeman	Marsico	Saylor
Bebko-Jones	Gabig	McCall	Scavello
Belardi	Gannon	McGeehan	Schroder
Belfanti	Geist	McGill	Semmel
Benninghoff	George	McIlhattan	Shapiro
Beyer	Gerber	McIlhinney	Sipthoth
Biancucci	Gergely	McNaughton	Smith, B.
Birmelin	Gillespie	Melio	Smith, S. H.
Bishop	Gingrich	Metcalfe	Solobay
Blackwell	Godshall	Micozzie	Sonney
Blaum	Good	Millard	Staback
Boyd	Goodman	Miller, R.	Stairs
Bunt	Grell	Miller, S.	Steil
Butkovitz	Grucela	Mundy	Stern
Buxton	Gruitza	Mustio	Stetler
Caltagirone	Habay	Myers	Stevenson, R.
Cappelli	Haluska	Naillor	Stevenson, T.
Casorio	Hanna	Nickol	Sturla
Causer	Harhai	O’Brien	Surra
Cawley	Harhart	Oliver	Tangretti
Civera	Harper	O’Neill	Taylor, E. Z.
Cohen	Harris	Pallone	Taylor, J.

Cornell	Hasay	Parker	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Vitali
Cruz	Hickernell	Phillips	Walko
Curry	Hutchinson	Pickett	Waters
Daley	James	Pistella	Watson
Dally	Josephs	Preston	Wheatley
DeLuca	Kauffman	Pyle	Williams
Denlinger	Keller, M.	Quigley	Wilt
Dermody	Keller, W.	Ramaley	Wojnaroski
DeWeese	Kenney	Rapp	Wright
DiGirolo	Killion	Raymond	Yewcic
Diven	Kirkland	Readshaw	Youngblood
Donatucci	Kotik	Reed	Yudichak
Eachus	LaGrotta	Reichley	Zug
Ellis	Leach	Roberts	
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

## NAYS—1

Veon

## NOT VOTING—0

## EXCUSED—5

Clymer	Rieger	Shaner	Wansacz
Levdansky			

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. The Chair recognizes the gentleman, Mr. George. Mr. George.

Mr. GEORGE. Mr. Speaker, I have an amendment. Would my amendment be in order, Mr. Speaker?

The SPEAKER. No, Mr. George.

Mr. GEORGE. Well, Mr. Speaker, if I may—

The SPEAKER. Mr. George, your amendment clearly goes to a fiscal code. The amendment, the bill that is before us amends Titles 42, 71, and 46. Yours is clearly out of order, Mr. George.

Mr. GEORGE. With the Speaker's permission, would you allow me 2 minutes to elaborate on this, just 2 minutes?

The SPEAKER. Mr. George, if it were up to me by myself, I would listen to you all evening, but it is up to the membership. Under that, the gentleman, Mr. George, is in order until someone objects.

Mr. GEORGE. Well, if somebody objects, then I will just make a move that we suspend the rules, but it is not my position or my hope to embarrass my colleagues. We have been in this slugfest for too long now. We have been doing nothing for nobody, including ourselves, and we owe it to these people in Pennsylvania to do the people's business, and so what I am saying, Mr. Speaker, because I believe in the Republicans on that side and the Democrats on this side and we as rank and file, I have been here 31 years, and I have never seen what I am

seeing today, but I am willing to believe that things will get much better for the people in Pennsylvania.

I was going to introduce a LIHEAP (Low-Income Home Energy Assistance Program) amendment. You can laugh or you can jangle, but you will not be cold this year. A lot of other people will be. So my apology to you, Mr. Speaker, my apology to my friends, Mr. Smith and to Mr. DeWeese, but I am not apologizing for the fact that I believe when we come back, we better start attending to those things that the people sent us down here to attend to.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. McGeehan, intend to offer his amendment?

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I want to ask your permission to withdraw amendment 4231 and replace it with amendment 4235. That goes to the heart of compensation and would disallow any earned outside income for members of the House and Senate.

The SPEAKER. Mr. McGeehan, we have 4231. We do not have 4235. Could you send a copy of that down to the—

## GUESTS INTRODUCED

The SPEAKER. The Chair recognizes the gentleman, Mr. Surra, for the purpose of introducing several guests that he has here.

Mr. SURRA. Thank you, Mr. Speaker, and I would like to use this little delay in the action to announce some people on behalf of myself and a number of my colleagues.

We have several officers and directors of the Pennsylvania State Snowmobile Association in the gallery area. They are the president, Mr. Bob Kirchner, and his wife, Kathy; the vice president, Glen Knisely, who are the constituents of Representative Saylor; the secretary of the association, Roger Auker, who is a constituent of Representative Denlinger; and the director, Josh Hinkle, who lives in Representative Nailor's district. I would like to have the House join me in giving them a big round of applause. They are seated up in the balcony.

## CONSIDERATION OF HB 1956 CONTINUED

The SPEAKER. Would the gentleman, Mr. McGeehan, please come to the rostrum.

(Conference held at Speaker's podium.)

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McGeehan.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

And thank you and the House for their indulgence in meeting with me and discussing what I think is just as important when we deal with reforms in this House. I must say that I am in full agreement with many of the members here who believe a change, a radical change, is needed. I do not come to that decision lightly, and I know many people in this chamber and outside of this chamber will look at this movement and this amendment as somehow disingenuous and somehow, as it was termed, a poison pill for this bill.

I want to assure you, Mr. Speaker, and the members of this House that I was not playing a game with the integrity of these collective members both here in the House and in the Senate. I truly believe that the election process for members of the House and Senate has gotten beyond the means of ordinary people, has gotten beyond the means of steelworkers and electricians and plumbers and truck drivers, the majority that used to make up this body and the Pennsylvania Senate, but they are being locked out of this process. They are being replaced by lawyers and businesspeople and doctors and people who can self-finance campaigns, and I have a real problem with that and I think the majority of Pennsylvanians do as well.

I believe, in listening to the debate in this House and in the Senate on the repeal of the pay raise provisions, that those advocates were right. Those advocates were right in that our attention as legislators should be based full time on the interests of the people we are elected to represent, not on your outside interests, not on your bond work, not on your other income-making revenue sources, but on the attention of the people in Pennsylvania.

Mr. Speaker, I know that many people have worked long and hard on this pay raise issue, many of my friends on both sides of the aisle, and in their interest and in the interest of a speedy resolution to what has become a very ugly situation, I will withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

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 gentleman, Mr. DeWeese.

Mr. DeWEESE. Just to echo some of the sentiment of the previous speaker, I was chatting with one of my colleagues from Westmoreland County earlier today, and he reminded me that in the late 1960s and early 1970s under the aegis of Herbert Fineman, Matthew Ryan, and others, the Pennsylvania General Assembly became pretty much a full-time legislative operation. In recent debates we have neglected to project that phenomenon. Most of us are full time, and that needs to be stated once again for the record.

When the executive branch ran Pennsylvania almost unilaterally in the 1960s and back into history, there were calls for reform among many media outlets to give the legislature more power, more muscle, more central involvement. So a full-time legislature with full-time salaries, as discussed by the honorable gentleman, Mr. McGeehan, is certainly worthy of subsequent debate. I realize his reluctance to enmesh this particular amendment into the final bill to rescind and into this evening's endeavor, but nevertheless, as the future goes forward, I am confident that this issue will be addressed once again here on the floor.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

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

NAYS—1

Veon

NOT VOTING—0

EXCUSED—5

Clymer	Rieger	Shaner	Wansacz
Levdansky			

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. There will be no further votes on the floor. Tomorrow is a nonvoting day.

#### **ANNOUNCEMENT BY MR. COHEN**

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be immediate informal discussions in the House Democratic caucus room.

The SPEAKER. The Chair thanks the gentleman.

#### **RECESS**

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

#### **AFTER RECESS**

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

#### **THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING**

#### **BILLS AND RESOLUTIONS PASSED OVER**

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

#### **RECESS**

The SPEAKER pro tempore. The gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Mr. Speaker, I move that this House do now recess until Tuesday, November 15, 2005, at 11 a.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 10:59 a.m., e.s.t., Tuesday, November 15, 2005, the House recessed.