

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 13, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 77

HOUSE OF REPRESENTATIVES

The House convened at 10:22 a.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:

May you pause with me.

O Lord God, we quietly pause in this great chamber of our government and invite Your spirit to be near to our hearts. The season which we are living now brings to our minds the thoughts of giving and receiving gifts.

So if You would, help us to experience this day as a gift from Thee; a gift of time that we have not lived before, nor can we live it again, so enable us to treasure it, realizing Your goodness and mercy is upon us. A gift that You, O Lord God, have given, may we receive it graciously.

And if You would, enable us to appreciate the people among us this day who labor for the good of our Commonwealth, who share their years of wisdom as a guide for the well-being of our government, and who provide genuine support and struggles for change and growth within our State. Labor, wisdom, and support are gifts that they have given to us. May we receive them with the heart of humility.

And if You would, make us pause for a quiet moment sometime within this day so we can realize that Your spirit comes and dwells among us. A love that is amazing, a peace that is everlasting, a hope that is never-ending – these are Your gifts that You, O Lord God, give to each of us today. May we be able to receive them with a gentle soul.

In the season of giving and receiving, we simply ask of Thee, O Lord God, that we may be touched with Thy spirit in this season. 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 Monday, December 12, 2005, will be postponed until printed.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 537 By Representative FEESE

A Resolution establishing a select committee to investigate alleged illegal rebating practices relating to the sale of cigarettes in this Commonwealth, to analyze the current system of enforcement of laws relating to such illegal activities and to make recommendations for the orderly and legal enforcement of laws relating to this practice.

Referred to Committee on APPROPRIATIONS,
December 13, 2005.

No. 538 By Representatives ARGALL, GEIST, McCALL, PERZEL, ARMSTRONG, BAKER, BALDWIN, BOYD, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, GINGRICH, GOOD, GRELL, GRUCELA, HARRIS, HERMAN, HERSHEY, HICKERNELL, JAMES, M. KELLER, MANN, MARKOSEK, MARSICO, McGILL, McNAUGHTON, NAILOR, O'NEILL, PAYNE, PHILLIPS, PICKETT, PYLE, RAPP, READSHAW, REED, REICHLEY, ROSS, RUBLEY, SAYLOR, SCAVELLO, S. H. SMITH, R. STEVENSON, E. Z. TAYLOR, TIGUE, TRUE, WILT, YOUNGBLOOD, FORCIER, MAJOR, WALKO, BARRAR, DALLY, R. MILLER, CLYMER and GEORGE

A Resolution directing the Transportation Committee to conduct an investigation of the Southeastern Pennsylvania Transportation Authority.

Referred to Committee on APPROPRIATIONS,
December 13, 2005.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate
December 12, 2005

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Tuesday, January 3, 2006, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses the week of January 3rd, it reconvene on Monday, January 23, 2006, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, December 19, 2005, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of December 19th, it reconvene on Tuesday, January 3, 2006, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of January 3rd, it reconvene on Monday, January 23, 2006, unless sooner recalled by the Speaker of the House of Representatives.

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

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 760 be taken off the table.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move HB 760 be placed upon the table.

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

RESOLUTION REPORTED FROM COMMITTEE

HR 529, PN 3203 By Rep. FAIRCHILD

A Resolution urging the President and Congress of the United States to amend the provision of law requiring applicants for hunting and fishing licenses to provide their Social Security numbers or other identifying numbers by exempting applicants age 16 and under.

INTERGOVERNMENTAL AFFAIRS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1618, PN 3306 (Amended) By Rep. STAIRS

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

EDUCATION.

GUESTS INTRODUCED

The SPEAKER. We have a special guest here, Anthony Sofia. He is a 17-year-old senior at the Hershey High School. He is interning for Representative John Payne in his district office in Hershey. Again, obviously he is the guest of Representative John Payne. Would that guest please rise and be recognized.

The Chair would like to welcome Eric Dotson, a student at the Emmaus Baptist Academy, who is serving as a guest page for the day of Representative Reichley. He is in the well of the hall of the House. Would Eric please rise.

BILLS REMOVED FROM TABLE

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

SB 394;
SB 854;
SB 862;
SB 881;
SB 895;
SB 897;
SB 1034; and
HB 2317.

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:

SB 394, PN 1400; SB 854, PN 1231; SB 862, PN 1319; SB 881, PN 1414; SB 895, PN 1417; SB 897, PN 1369; SB 1034, PN 1398; and HB 2317, PN 3294.

BILLS RECOMMITTED

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

SB 394;
 SB 854;
 SB 862;
 SB 881;
 SB 895; and
 SB 897.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Allegheny, Mr. HABAY, and the gentleman from Philadelphia, Mr. O'BRIEN. Without objection, those leaves will be granted. The Democrat whip has no additional leaves of absence.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

Adolph	Fairchild	Maher	Ruble
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.
Cappelli	Harhai	Nickol	Sturla
Casorio	Harhart	Oliver	Surra
Causar	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.
Civera	Hasay	Parker	Taylor, J.
Clymer	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Corrigan	Hess	Petrone	Turzai
Costa	Hickernell	Phillips	Veon
Crahalla	Hutchinson	Pickett	Vitali
Creighton	James	Pistella	Walko
Cruz	Josephs	Preston	Wansacz
Curry	Kauffman	Pyle	Waters
Daley	Keller, M.	Quigley	Watson
Dally	Keller, W.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams

Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolamo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Eachus	Habay	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

LEAVES ADDED—2

Harhai	Lederer
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LEAVES CANCELED—2

Eachus	Habay
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CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1604, PN 2007**, entitled:

An Act providing for a Statewide adult day resource and referral system; establishing a central adult day services database; and imposing additional responsibilities upon the Department of Aging.

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

Mr. **SEMME** offered the following amendment No. **A04706**:

Amend Sec. 3, page 3, by inserting between lines 25 and 26 "Area agency on aging." The single local agency designated by the Department of Aging within each planning and service area to administer the delivery of a comprehensive and coordinated plan of social and other services and activities.

"Defined geographic area." Any of not more than ten geographic areas established by the Department of Aging to be utilized for the purpose of creating adult day resource and referral service areas.

Amend Sec. 4, page 4, line 7, by inserting before "The"

(a) General rule.—

Amend Sec. 4, page 4, line 8, by inserting after "services" in defined geographic areas

Amend Sec. 4, page 4, by inserting between lines 11 and 12

(b) Construction.—Nothing in this act shall be construed to prohibit an area agency on aging or any other governmental entity from entering into a contractual agreement with the department to serve as an adult day resource and referral agency.

Amend Sec. 5, page 4, line 30; page 5, lines 1 through 6, by striking out "their" in line 30, page 4, all of lines 1 through 6, page 5 and inserting

this Commonwealth.

Amend Sec. 6, page 5, lines 8 through 11, by striking out all of said lines and inserting

An adult day resource and referral agency shall provide, at a minimum, the following services:

Amend Sec. 6, page 5, line 13, by striking out “specific” and inserting

defined

Amend Sec. 6, page 5, lines 17 and 18, by striking out all of said lines and inserting

(2) Maintenance of a comprehensive database on adult day services supply and demand in the defined geographic area served by the agency.

Amend Sec. 6, page 6, line 7, by inserting after “the” where it appears the second time

defined

Amend Sec. 6, page 6, lines 11 through 18, by striking out all of lines 11 through 17 and “(8)” in line 18 and inserting

(7)

Amend Sec. 7, page 7, lines 1 through 7, by striking out all of said lines and inserting

(2) Advertise their services.

(3) Tailor services provided for under this act to the defined

Amend Sec. 7, page 7, line 9, by striking out “(5)” and inserting

(4)

Amend Sec. 7, page 7, line 11, by striking out “(6)” and inserting

(5)

Amend Sec. 7, page 7, line 17, by striking out “(7)” and inserting

(6)

Amend Sec. 7, page 7, line 22, by striking out “(8)” and inserting

(7)

Amend Sec. 7, page 7, lines 27 through 29, by striking out all of lines 27 and 28 and “(iv)” in line 29 and inserting

(iii)

Amend Sec. 7, page 8, line 1, by striking out “particular geographic area.” and inserting

defined geographic area.

Amend Sec. 7, page 8, line 2, by striking out “(v)” and inserting

(iv)

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Habay	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

The Chair recognizes the gentleman, Mr. Semmel.
Mr. SEMMEL. Thank you, Mr. Speaker.

In the way of an explanation, HB 1604 requires the Pennsylvania Department of Aging to arrange for the availability of adult day resource and referral services throughout the Commonwealth through contractual agreements with public or private adult day resource and referral agencies. HB 1604 requires the department to establish and maintain a central adult day services database and comprehensive, up-to-date reference base on adult day services. Also, if enacted into law, it requires the department to establish a 3-year implementation schedule for phasing in adult day resource and referral services.

The provisions of HB 1604 will be a tremendous benefit for families searching for quality care for their loved ones, companies who want and need to keep their employees on the job without worrying about care-dependent persons home alone,

and also for those communities, particularly in rural areas, that need assistance in starting an adult day services program.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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.
Bianucci	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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.
Cappelli	Harhai	Nickol	Sturla
Casorio	Harhart	Oliver	Surra
Causser	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.
Civera	Hasay	Parker	Taylor, J.
Clymer	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Corrigan	Hess	Petrone	Turzai
Costa	Hickernell	Phillips	Veon
Crahalla	Hutchinson	Pickett	Vitali
Creighton	James	Pistella	Walko
Cruz	Josephs	Preston	Wansacz
Curry	Kauffman	Pyle	Waters
Daley	Keller, M.	Quigley	Watson
Dally	Keller, W.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolamo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Habay	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

* * *

The House proceeded to third consideration of **HB 1621, PN 2056**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the duty of the State Veterans' Commission.

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

Mr. **SEMME**L offered the following amendment No. **A02916**:

Amend Sec. 1 (Sec. 8904), page 2, line 2, by inserting a bracket before "at"

Amend Sec. 1 (Sec. 8904), page 2, line 2, by striking out the bracket before "two"

Amend Sec. 1 (Sec. 8904), page 2, line 2, by striking out "[five"

Amend Sec. 1 (Sec. 8904), page 2, line 2, by inserting a bracket after "years"

Amend Sec. 1 (Sec. 8904), page 2, line 6, by inserting brackets before and after the period after "need" and inserting immediately thereafter
as follows:

(i) Applications approved in the year 2003 will be reviewed in the year 2006; and then will be reviewed every five years thereafter.

(ii) Applications approved in the year 2004 will be reviewed in the year 2008; and then will be reviewed every five years thereafter.

(iii) Applications approved in the year 2005 will be reviewed in the year 2010; and then will be reviewed every five years thereafter.

(iv) Applications approved after the year 2005 will be reviewed every five years thereafter.

Amend Sec. 2, page 2, line 15, by striking out "in 60 days" and inserting

immediately

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.
Cappelli	Harhai	Nickol	Sturla
Casorio	Harhart	Oliver	Surra
Causer	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.
Civera	Hasay	Parker	Taylor, J.
Clymer	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Corrigan	Hess	Petrone	Turzai
Costa	Hickernell	Phillips	Veon
Crahalla	Hutchinson	Pickett	Vitali
Creighton	James	Pistella	Walko
Cruz	Josephs	Preston	Wansacz
Curry	Kauffman	Pyle	Waters
Daley	Keller, M.	Quigley	Watson
Dally	Keller, W.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Habay	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.
Cappelli	Harhai	Nickol	Sturla
Casorio	Harhart	Oliver	Surra
Causer	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.
Civera	Hasay	Parker	Taylor, J.
Clymer	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Corrigan	Hess	Petrone	Turzai
Costa	Hickernell	Phillips	Veon
Crahalla	Hutchinson	Pickett	Vitali
Creighton	James	Pistella	Walko
Cruz	Josephs	Preston	Wansacz
Curry	Kauffman	Pyle	Waters
Daley	Keller, M.	Quigley	Watson
Dally	Keller, W.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Habay	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

* * *

The House proceeded to third consideration of **HB 2145, PN 2968**, entitled:

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

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—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.
Cappelli	Harhai	Nickol	Sturla
Casorio	Harhart	Oliver	Surra
Causer	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.
Civera	Hasay	Parker	Taylor, J.
Clymer	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Corrigan	Hess	Petrone	Turzai
Costa	Hickernell	Phillips	Veon
Crahalla	Hutchinson	Pickett	Vitali
Creighton	James	Pistella	Walko
Cruz	Josephs	Preston	Wansacz
Curry	Kauffman	Pyle	Waters
Daley	Keller, M.	Quigley	Watson
Dally	Keller, W.	Ramaley	Wheatley
DeLuca	Kenny	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolamo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	

Evans, J. Fabrizio	Levdansky Mackereth	Ross	Perzel, Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus Gruitza	Habay O'Brien	Rieger Shaner	Yewcic
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 2157, PN 2980**, entitled:

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

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—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.
Cappelli	Harhai	Nickol	Sturla
Casorio	Harhart	Oliver	Surra
Causer	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Habay	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

* * *

The House proceeded to third consideration of **HB 2282, PN 3194**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in personal income tax, for classes of income.

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-196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.
Cappelli	Harhai	Nickol	Sturla
Casorio	Harhart	Oliver	Surra
Causer	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.
Civera	Hasay	Parker	Taylor, J.
Clymer	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Corrigan	Hess	Petrone	Turzai
Costa	Hickernell	Phillips	Veon
Crahalla	Hutchinson	Pickett	Vitali
Creighton	James	Pistella	Walko
Cruz	Josephs	Preston	Wansacz
Curry	Kauffman	Pyle	Waters
Daley	Keller, M.	Quigley	Watson
Dally	Keller, W.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolamo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Habay	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

GUEST INTRODUCED

The SPEAKER. On behalf of Representative Todd Eachus, from the 116th Legislative District, I am pleased to introduce Sarah Schott. Sarah is serving as a guest page today. Sarah is a junior at the Hazleton Area High School. Would that guest please rise and be recognized. Welcome, Sarah.

ACTUARIAL NOTE

The SPEAKER. The Speaker announces receipt of the following actuarial note: SB 394, PN 1400.

(Copy of actuarial note is on file with the Journal clerk.)

GAME AND FISHERIES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Smith.

Mr. B. SMITH. Thank you, Mr. Speaker.

There will be a brief meeting of the Game and Fisheries Committee to consider one resolution and one amendment at the rear of the House immediately.

Thank you, Mr. Speaker.

The SPEAKER. There will be an immediate meeting of the Game and Fisheries Committee at the rear of the House.

As the members may or may not be aware, we are here this morning and one of our duties is to swear in our new Chief Clerk, but I wanted the members to understand first that the video tribute to our current Chief Clerk will be dispensed with before we swear in Roger.

ELECTION OF CHIEF CLERK

The SPEAKER. Pursuant to Act 104 of 1979, the Bipartisan Management Committee has unanimously selected Roger Nick as the Chief Clerk of the Pennsylvania House of Representatives. This act also provides that the Bipartisan Management Committee's nominee must be confirmed by a two-thirds vote of the House.

On the question of the confirmation of Roger Nick as the Chief Clerk of this House, the Chair recognizes at this time the majority leader of the House of Representatives, the gentleman from Punxsutawney, Mr. Smith.

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

It is a great pleasure to be a part of this role of electing Roger Nick to the post of Chief Clerk of the House of Representatives. I want to welcome Roger and his wife, Karen, to the floor this morning and all of your other friends and former colleagues that you worked with in the past here.

For some of us, Roger Nick is kind of a household word around here. There are a few people around here probably that maybe remember first meeting Roger back in the early seventies, when as a graduate of Edinboro University he came on board as a director of the House Transportation Committee. There is probably another group of people around this building and within the hall of the House that made their acquaintances with Roger in the eighties while he served as an assistant to Senator Kusse and later went on to a legislative liaison's job at the Department of Transportation. And probably the greatest majority of the people around here know Roger mostly from his last post that he held while he worked here in the House, serving as the chief of staff to Speaker Matthew J. Ryan.

Roger, of course, left our service for a short period of time, and no matter where you came to meet him or even if you have not really gotten to know Roger yet, if you are one of the newer members or newer staff people around, I think that everyone

would agree that he is a person that is a gentleman of high moral character and someone with great integrity. Roger is someone whom I have always known to be hardworking and probably as decent and straightforward a man as I have dealt with in the House of Representatives. He is an individual whose level of dedication to this institution has never been questioned, and his record of service and his relationships he has developed in the building in these 30 years speak for themselves. He is someone who is well known and respected on both sides of the aisle and can certainly claim many friends within both parties.

Roger, you will have some challenges ahead of you, but there is nothing in front of you that you are not aware of. You have been over many of those speed bumps in the past, and I am certain that as you approach them with the same level of professionalism and just quiet confidence that you have attacked problems in the past, that you will be very successful in helping to guide this legislative body through its administrative processes.

So it gives me great pleasure, Mr. Speaker, to formally nominate Roger Nick to the full House as the Chief Clerk of the House of Representatives.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the Democrat leader, the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

"When the right wind blows or the star calls" is a line from Thoreau, and for Roger, the right winds are blowing and the stars are calling and he has returned. He is familial, and although I am occasionally a man of an exaggerated gesture or a hyperbolic declaration, the sense of fraternity and brotherhood that Roger Nick has evinced since the day I ambled into this chamber is unabated and certainly keen in my recollection.

Those of us who are privileged to have some seniority in this process have a very warm, special feeling for Roger Nick, and contextually speaking, it is amplified by the fact that he was such a quiet and steady part of Matthew Ryan's team. And Matthew Ryan, I used to love to call him the Machiavelli of the Emerald Isle; I used to call him a few other things; he used to refer to me in vituperative terms on occasion, but there was never a moment that Roger was not able to add some sense of warmth and equanimity and substance to any kind of excitement that might have been going on in and around the Speaker's office over the span of time.

The passage from Ted Mazia to Roger Nick is an interesting one. Those of us who knew Ted and know Ted get a charge out of him and respect his focus and his public service, and they are two different personalities, but they are welded together by their unrelenting and unambiguous devotion to this institution. Whether it was James Manderino or Herbert Fineman or Matthew Ryan or K. Leroy Irvis, Robert O'Donnell, my predecessors, and certainly Speaker Perzel with his commitment to our institutional world, were well served by the Chief Clerks that we have had. There are not moments like this in Basra and Mosul and Fallujah and Baghdad. They are striving, they are striving after years and years of tumult and turmoil, but yet here my Republican friend is being welcomed by the Democratic side of the aisle as indeed being seconded by the Democratic side of the aisle.

Roger, you still look relaxed and sunny and nimble and limber, and as my colleague, Jefferson County's own Sam Smith, said, there will be some exciting times ahead.

I do commend you for that institutional drive and that institutional excitement and enlightenment. I know that you are experiencing a substantial pay cut, and I do not know whether the news has reached you, but there has been a substantial diminution in our recompense lately also. But you, you are rooted, you are rooted to the soil. Like a Whitman, like a Longfellow, like a Melville, you are rooted to the soil.

So as I give up the microphone and second your nomination, I would like to quote a comment that Emerson made about Thoreau. Unfortunately, these remarks were made during his obsequies, not during the launching of a second career. But he said, he was nothing – “he” being Thoreau – he was nothing if he was not loyal. You are a loyal fellow, and as a Democrat and my colleagues on the Democratic side of the aisle, we are happy to second and endorse your reascent involvement in this wonderfully scintillating, happy, sometimes a little crazy but wonderful institution known as the House of Representatives. Welcome.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is the election of a Chief Clerk. Those voting in favor of the election of Roger Nick will vote “aye”; those opposed, “no.”

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Haluska	Myers	Stevenson, R.
Caltagirone	Hanna	Nailor	Stevenson, T.
Cappelli	Harhai	Nickol	Sturla
Casorio	Harhart	Oliver	Surra
Causar	Harper	O'Neill	Tangretti
Cawley	Harris	Pallone	Taylor, E. Z.
Civera	Hasay	Parker	Taylor, J.
Clymer	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	True
Corrigan	Hess	Petrone	Turzai
Costa	Hickernell	Phillips	Veon
Crahalla	Hutchinson	Pickett	Vitali
Creighton	James	Pistella	Walko
Cruz	Josephs	Preston	Wansacz
Curry	Kauffman	Pyle	Waters
Daley	Keller, M.	Quigley	Watson
Dally	Keller, W.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolamo	LaGrotta	Reichley	Youngblood

Diven	Leach	Roberts	Yudichak
Donatucci	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Habay	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

The SPEAKER. More than the required two-thirds majority having voted in the affirmative, Roger Nick is elected Chief Clerk of the Pennsylvania House of Representatives.

Congratulations, Roger.

OATH OF OFFICE ADMINISTERED TO CHIEF CLERK

The SPEAKER. At this time I would like to invite Roger and his wife, Karen, to come to the podium for the purpose of administering the oath of office to Mr. Nick.

I, Roger Nick, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania and that I will discharge the duties of my office with fidelity.

(Mr. Nick asserted oath.)

The SPEAKER. Congratulations.

Please be seated.

REMARKS BY SPEAKER

The SPEAKER. Ladies and gentlemen, it is with the greatest of pleasure that I join you this morning to participate in this historic event – historic because over 80 men since 1682 have preceded Roger as the Chief Clerk of the Pennsylvania House of Representatives; historic because figures such as Benjamin Franklin, Jonathan Dickinson, and David Lloyd have all served as the Chief Clerks of this House and followed that service as Speakers of this House; and historic because Roger ascends to the powerful key position in the General Assembly after having served as the chief of staff for almost 20 years to the late great Speaker of this House, Matthew J. Ryan. You learned the trade of the House at the knee of your good and loyal friend, Roger, and I know that Matt is smiling down on you today, blessing this ceremony and telling you, well done, my young and faithful friend.

And while she could not join us today at age 83, we know that your mother, Elena Snyder, is proud of you today as well as your sisters – Sandy, Cathy, and Terri – and their families, and your son, Nathan. But perhaps the proudest of all is your wife of 31 years, Karen. She will remember that Roger literally began his public service the day after graduating from Edinboro University of Pennsylvania in 1973. Roger graduated

on a Sunday and started work as the executive director of the Transportation Committee here in the House the following Monday morning. That is the kind of dedication you are known and respected for, Roger.

We have been waiting for this day a long time, for it is a year now since your predecessor, Ted Mazia, announced his retirement. To replace him, we needed to find someone who could manage the challenges of the high office of Chief Clerk. We needed someone whom we could trust, who was forthright yet kind, someone who knows and appreciates the workings of this great institution. We also needed someone who is admired and respected by all, who is thoughtful in actions and blessed with passion for accuracy, maintaining the record of all the proceedings when we are in session and our day-to-day, in-and-out activities of this House. We needed someone who was sincere, because sincerity results in credibility, and credibility generates trust.

You are a rare individual, Roger. Your character is unblemished. Your work ethic is very strong, and your credibility is untarnished. We know you will serve with fidelity, with clarity, and with wisdom.

With your nomination by the Bipartisan Management Committee and the election by the House members to this position, we welcome you as the Chief Clerk of the Pennsylvania House of Representatives.

REMARKS BY CHIEF CLERK

The SPEAKER. The Chair at this time recognizes the Chief Clerk, Roger Nick.

The CHIEF CLERK. I would like to thank Speaker John Perzel for nominating me, Majority Leader Sam Smith, Majority Whip Dave Argall, Democrat Leader Bill DeWeese, Democrat Whip Mike Veon – the Bipartisan Management Committee – for bringing my name before you for consideration and each of you for your vote of confidence and for this great honor. I also thank the Speaker and the floor leaders for their very kind and gracious remarks today.

I first entered this chamber in 1972 as a college intern, right after the floods of Hurricane Agnes. From the first time I entered the hall, I was in awe, not only of the magnificence of the room itself but at the mission being pursued here in the “People’s House.” Over the next three decades, my respect and admiration for this institution has only increased.

The House of Representatives, or the Assembly as it was known before the Senate was created, has a great and glorious history, spanning more than three centuries – a history of dedication to public service and achievement for the citizens of the Commonwealth. This public service is a noble calling, and I am proud to once again join you in this great mission.

One of our most beloved historical figures, portrayed in “The Apotheosis” behind me, former Chief Clerk and Speaker of the Assembly, Benjamin Franklin, wrote these words in 1772: “We must not in the course of public life expect immediate approbation and immediate grateful acknowledgment of our services. But let us persevere through abuse and even injury. The internal satisfaction of a good conscience is always present and time will do us justice in the minds of the people, even those at present most prejudiced against us.” Timeless words of wisdom from a great Pennsylvania statesman.

I am extremely proud and honored to be elected to serve as Chief Clerk. Ted Mazia did a wonderful job in his 10 years as Chief Clerk, as has Brian Preski since Ted’s retirement, and it will be difficult to follow in their footsteps. I would like to personally thank them and Clancy Myer for their friendship, support, and counsel over my many years working here in the House.

I also want to thank my wife, Karen, and son, Nathan, who always support and strengthen me. They know working in the legislature is not a 9-to-5 job and are willing to share the commitment with me.

Somewhere up above another former Speaker, a grand Irishman, is looking down and saying, “I showed you what I could, primarily a great love and respect for this wonderful institution, but now you are on your own. Don’t let me down.” That will be my goal and commitment, not to let him or any of you down but to do the best I can to serve with fairness and integrity.

Thank you again for this great honor and opportunity.

The SPEAKER. That concludes the ceremony. The guests are free to leave.

Roger has a real job now. He has to stay.

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the call of recess, there will be a Republican caucus immediately; Republican caucus at the call of recess.

The SPEAKER. The Chair thanks the gentlelady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a Democratic caucus at the call of the recess with formal and informal discussions.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

RECESS

The SPEAKER. This House is in recess until 12:30.

RECESS EXTENDED

The time of recess was extended until 1:15 p.m.

AFTER RECESS

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

The gentlelady from Philadelphia, Mrs. LEDERER, requests a leave of absence for the remainder of the day. Without objection, that leave will be granted.

CALENDAR CONTINUED**RESOLUTION PURSUANT TO RULE 35**

Mrs. RUBLEY called up **HR 495, PN 2963**, entitled:

A Resolution designating the month of January 2006 as "Radon Action Month" in Pennsylvania.

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 from Allegheny, Mr. Habay. His name will be added to the master roll.

CONSIDERATION OF HR 495 CONTINUED

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

The following roll call was recorded:

YEAS—192

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

Costa	Hershey	Pickett	Veon
Crahalla	Hess	Pistella	Vitali
Creighton	Hickernell	Preston	Walko
Cruz	Hutchinson	Pyle	Wansacz
Curry	Josephs	Quigley	Waters
Daley	Kauffman	Ramaley	Watson
Dally	Keller, M.	Rapp	Wheatley
DeLuca	Keller, W.	Raymond	Williams
Denlinger	Kenney	Readshaw	Wilt
Dermody	Killion	Reed	Wojnaroski
DeWeese	Kirkland	Reichley	Wright
DiGirolamo	Kotik	Roberts	Youngblood
Diven	LaGrotta	Roebuck	Yudichak
Donatucci	Leach	Rohrer	Zug
Ellis	Leh	Rooney	
Evans, D.	Lescovitz	Ross	
Evans, J.	Levdansky	Rubley	Perzel, Speaker
Fabrizio	Mackereth		

NAYS—0

NOT VOTING—4

Blackwell	James	Melio	Parker
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EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2001, PN 3234**, entitled:

An Act prohibiting price gouging; providing for preemption of municipal laws and ordinances; and imposing penalties.

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

Mr. **FLICK** offered the following amendment No. **A05097**:

Amend Sec. 2, page 2, line 6, by inserting after "goods" and services

Amend Sec. 2, page 2, line 8, by striking out "unnecessary grossly" and inserting
unconscionably

Amend Sec. 7, page 5, line 22, by inserting after "General" , in addition to the other remedies available under this act,

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

The SPEAKER. On the amendment, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I would just like to ask for a brief explanation of this amendment.

The SPEAKER. This amendment makes three technical changes to the bill. The first two changes are in the findings section. The third change ensures that the restitution to the

consumer is in addition to the other remedies available to the Attorney General under this act.

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Maher	Ruble
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	Josephs	Preston	Wansacz
Curry	Kauffman	Pyle	Waters
Daley	Keller, M.	Quigley	Watson
Dally	Keller, W.	Ramaley	Wheatley
DeLuca	Kenney	Rapp	Williams
Denlinger	Killion	Raymond	Wilt
Dermody	Kirkland	Readshaw	Wojnaroski
DeWeese	Kotik	Reed	Wright
DiGirolamo	LaGrotta	Reichley	Youngblood
Diven	Leach	Roberts	Yudichak
Donatucci	Leh	Roebuck	Zug
Ellis	Lescovitz	Rohrer	
Evans, D.	Levdansky	Rooney	Perzel,
Evans, J.	Mackereth	Ross	Speaker
Fabrizio			

NAYS—0

NOT VOTING—1

James

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

The gentleman, Mr. Vitali.
Mr. VITALI. Thank you, Mr. Speaker.
Will the prime sponsor of the bill stand for brief interrogation?

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

Mr. VITALI. Could we have a brief explanation of this bill?
Mrs. BEYER. Certainly, Mr. Speaker.

HB 2001 is an anti-price-gouging bill and is a bill that was prepared with the assistance of the Consumer Affairs chair. It is in response to and establishes for the first time in Pennsylvania a bill that protects consumers in the event of a natural disaster declared by the Governor, that no business would take advantage of a consumer in terms of prices for goods and services.

Mr. VITALI. And how does that work, maybe a little more specifically? What are retailers limited to?

Mrs. BEYER. What this does, Mr. Speaker, is this bill defines what is unconscionably excessive prices. It addresses all goods and services throughout the entire chain of distribution, and it empowers the Attorney General to investigate allegations of price gouging.

Mr. VITALI. Okay. Thank you.
Mrs. BEYER. Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentelady.

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—196

Adolph	Fairchild	Maher	Ruble
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kenney	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGirolo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

* * *

The House proceeded to third consideration of **HB 1879, PN 3056**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special license plates for recipients of medals for military service and for exemption of persons, entities and vehicles from fees.

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

Mr. **VITALI** offered the following amendment No. **A05072**:

Amend Title, page 1, line 3, by striking out "AND" and inserting a comma

Amend Title, page 1, line 4, by removing the period after "FEES" and inserting

and for automated red light enforcement systems in first class cities.

Amend Sec. 1, page 1, line 9, by striking out "AND 1901(C)" and inserting

, 1901(c) and 3116(e)(3)

Amend Sec. 1, page 4, by inserting between lines 9 and 10 § 3116. Automated red light enforcement systems in first class cities.

* * *
(e) Limitations.—
* * *

(3) Notwithstanding any other provision of law, information prepared under this section and information relating to violations under this section which is kept by the city of the first class, its authorized agents or its employees, including photographs, written records, reports or facsimiles, names, addresses and the number of violations under this section, shall be for the exclusive use of the city, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties under this section and under any ordinances and resolutions of the city. The information shall not be deemed a public record under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section or any ordinance or resolution of the city. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action. The restrictions set forth in this paragraph are intended to protect the privacy of individuals and refer to information relating to specific drivers and vehicles. The city of the first class or its authorized agents shall provide the public, upon request and at a reasonable cost, with statistical information regarding the number of violations and fines imposed, a compilation of fines paid and outstanding and the amount of money paid to a vendor or manufacturer under this section, provided that no individual driver or vehicle is identified.

* * *

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.

This amendment is relevant to the issue of red light cameras. It is a modification of the law we passed authorizing red light cameras. In the law that we passed, the public was not allowed to view information relating to revenues generated, tickets imposed, and other information relating to the red light cameras. What this amendment does is basically say that that statistical information, not personal information but that statistical information – revenues gleaned, numbers of citations issued – that shall be made available to the public at a reasonable cost.

Now, the purpose of this amendment is as follows. When we passed the red light camera legislation, we did it under the guise that it was necessary to protect the safety of motorists, particularly at dangerous intersections such as the Roosevelt Boulevard, and I understand that, but there was a concern that there might be excessive revenue generation, that it may be

abused as a moneymaking tool. So what we are simply trying to do now is expose this information to the public so it can decide.

Mr. Speaker, when I introduced a similar amendment on the floor last week, there was some confusion as to what the amendment did and what the amendment did not do, and I am going to ask the indulgence of the members, just to be clear, this amendment is only two sentences long, and I am simply going to read those two sentences just so we are not arguing for naught as to what this does and what this does not do. This is what the amendment says: “The restrictions set forth in this paragraph are intended to protect the privacy of individuals and refer to information relating to specific drivers and vehicles. The city of the first class or its authorized agents shall provide the public, upon request and at a reasonable cost, with statistical information regarding the number of violations and fines imposed, a compilation of fines paid and outstanding and the amount of money paid to a vendor or manufacturer under this section, provided” – now, this is important – “provided that no individual driver or vehicle...” information is intended. That is the entire amendment.

So my hope is that this is just a good-government amendment that just provides the public with more information so they can assess whether the public should have this information about the kinds of moneys and tickets red light cameras are generating. After all, this was viewed as a pilot program, and the purpose of a pilot program is to get information and make decisions as to whether it is good and should be expanded. So that is why it is important for the public to have this information.

So I ask for a “yes” vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman brings up the request that just last week this body passed HB 1993, 185 to 6, to provide this same information for free. Is the gentleman now proposing that we make the public pay for this information? On the amendment. I am speaking on the amendment.

Mr. Speaker, will the gentleman stand for an interrogation on the amendment?

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

Mr. PAYNE. Mr. Speaker, I am asking that last week this body passed HB 1993, 185 to 6, where we would provide this information to the public for free. Your amendment, as I read it, would require some fee be set for this same information. Is that correct?

Mr. VITALI. No; I think you may be under a misunderstanding. What we passed this last week did not require this information to be provided to the public. That is the whole point of my amendment, to require this information to be provided to the public at a reasonable cost. What the amendment last week said was the city may, if it chooses to, provide it to the public. This requires it to be provided to the public. The amendment we talked about this last week did not deal with the issue of costs at all. The amendment we are dealing with here basically says this should be provided to the public at a reasonable cost. So, for example, if the Inquirer said, you know, I want 10 reams’ worth of paper, the city would not be unduly burdened. The point here is, as with any request on a public body for information, if there is a reasonable cost associated with it, the public should pay. So the key point here

is, this requires, this requires this information to be provided to the public.

Mr. PAYNE. Mr. Speaker, I thank you for that clarification.

Just for further clarification, though, I want to point out, Mr. Speaker, that HB 1993, which we passed last week, had the support of the AAA (American Automobile Association) and the newspapers’ association, because that bill would allow information that is already required by statute – it is already in the statute that that information has to be made available to us – and the bill we just passed allows that information now to be made available for free to those organizations, and I have assurance that that is exactly what we are going to do, that the information currently provided under statute that we get, that in the past was not released, is now going to be released for free, and it has the backing of both the newspapers and the AAA. And my only point, Mr. Speaker, is that your amendment now would require the same thing but for some fee, and I am asking, is it not appropriate that we provide this information to those people for free.

The SPEAKER. The Chair thanks the gentleman.

GERMANENESS QUESTIONED

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, looking at this amendment and looking at the bill, the bill deals with license plates. This amendment deals with red light cameras. I think from recent court rulings and from the direction that the General Assembly is moving in with trying to make sure that our amendments actually are germane and pertain to that subject that is outlined in the bill, I would question this amendment on germaneness and whether or not it is appropriate to have this subject introduced with a bill that is directed toward license plates.

The SPEAKER. The gentleman from Butler, Mr. Metcalfe, has raised the question as to whether or not amendment No. A5072 is germane. Under House rule 27, questions involving whether an amendment is germane is the subject that shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

I have been in this chamber now for 13 years, and the rule on germaneness has always been an amendment is germane if it modifies the same title as the bill. The amendment deals with Title 75; the bill deals with Title 75.

Now, we can play games and decide not to deal with this on its face by using a parliamentary issue, but I think we ought to have a little bit of intellectual integrity here. This is clearly a germane bill.

If you want to, and I do not really think any further argument is necessary, but you can make the argument, frankly, that what my bill is all about and the subject matter, oh, this is all—No. It involves license plates; the bill in chief involves license plates. My bill involves the photographing of license plates and the showing of data relating to it. So you can sort of draw some,

if you need to, some, you know, subject linkage there, but it is, frankly, really not necessary.

I mean, the real issue is, should the public be able to view this information, and if your answer is no, the question is, what are we really trying to hide here? What are we really trying to hide here? Why do we not want the public to know—

The SPEAKER. Mr. Vitali, Mr. Vitali, you are entirely off the subject matter. It is on germaneness. Please stick to that.

Mr. VITALI. Thank you, Mr. Speaker.

I would ask that a “yes” vote be offered here, because this is clearly consistent with the rules and tradition of this House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to express my support for the fact that this is germane. As the gentleman, Mr. Vitali, pointed out, his amendment deals with red light cameras. That obviously pertains to the Vehicle Code. License plates pertain to the Vehicle Code. Even regardless of the recent rulings by the court pertaining to germaneness, it is extremely clear that it is not that much of a leap of difference. Both pertain to Title 75, which is the Vehicle Code. Both have an obvious connection in terms of license plates, whether you are photographing them or whether you are awarding special plates.

And I would hope the House would not hide behind this parliamentary maneuver. Let us declare this amendment germane, let us get on to the substance of it and debate that, but please, let us not misuse the germaneness procedure as a way to block the consideration of legislation. Thank you.

MOTION WITHDRAWN

The SPEAKER. The gentleman, Mr. Metcalfe.

Mr. METCALFE. Mr. Speaker?

The SPEAKER. Mr. Metcalfe.

Mr. METCALFE. I would like to withdraw my motion.

The SPEAKER. The Chair thanks the gentleman.

Mr. METCALFE. Thank you.

The SPEAKER. On the Vitali amendment, Mr. Payne. Does the gentleman wish to be recognized?

Mr. PAYNE. Thank you, Mr. Speaker.

Just one more time. I want the members in the House to understand that what we are doing here is providing a license plate to people in the armed services who had received the Distinguished Service Cross, and this amendment on the red lights, we handled, clearly we handled, just last week on 1993 to provide that information, which statute currently requires we provide, for free, and that bill had the support of the AAA and the newspapers' association.

I would ask for a “no” vote on the Vitali amendment because of the fact that we have already done this and that his amendment will require a fee.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Vitali amendment. In reading the Vitali amendment and being here last week regarding the debate of the amendment and the bill that went through last week, it is my opinion that we accomplished this last week, and it is not going to cost anyone any money.

Under the Vitali bill, there are fees involved and so forth. And I have a bill running, you know, sometime today, also a specialty plate for military people, and Representative Vitali has an amendment on that as well, the same type of thing.

So I urge the members to defeat the Vitali amendment. Number one, let us see if we can accomplish a couple things here in the last couple days before we all go home, and let us not try to add amendments on to some issues just to cloud it. So I really believe that we need to keep some of these bills clean so the Senate gets a clean bill, and I think this is certainly, when it comes to our military, I think these specialty plates should be left alone without clouding it with other amendments.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Smith.

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

Mr. Speaker, I would also ask the members to vote against the Vitali amendment.

I would also like to comment, Mr. Speaker, that I appreciate the gentleman from Butler County withdrawing his motion on germaneness. While I am sympathetic or certainly can see his perspective, I think from my perspective, Mr. Speaker, technically, I would rather say that this amendment is in fact germane to the bill, but probably on a more personal note, and perhaps that is what the previous speaker was making reference to, that on a personal note we have a bill that deals with license plates for a specific group of people, a way of honoring people, and that this amendment is not truly germane on a personal level. So I do appreciate his withdrawing of the motion.

Additionally, I would add that I think the arguments made by the sponsor of the bill, that the substance of the amendment is something that is being debated, and handling is being dealt with through other legislation and that that would be the best venue to further that debate. So, Mr. Speaker, I would ask the members to reject amendment 5072.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Geist.

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

I would also like to thank the gentleman from Butler for withdrawing his motion. I believe it was the right thing to do. I believe that we now need to face this amendment and vote it down.

For the reasons that we passed the legislation, at the suggestion of the newspaper publishers and the Philadelphia Inquirer so that we would have open access, this amendment is not needed. We have already done it. Giving the ability to the authority to charge for the information that we have already legislated to make it free I do not think is the way to go, and I would ask that we vote “no” and get rid of this amendment, and let us get about the business of the House.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members to support the Vitali amendment. The bill that we passed last week, HB 1993, said verbatim that “Nothing in this paragraph shall prevent the city of the first class or its authorized agents from providing the public with statistical information regarding...” a number of things, and the problem with that language is, nothing prevents them. It is not a “shall” provision in the law. It just says that, you know, if somebody asks for it, they could very whimsically

say yes or no to providing that information, and I do not think that is right. What are we trying to hide here?

This legislation or this amendment that the gentleman, Mr. Vitali, is offering is a good amendment, it is a good-government amendment, and if you are about good government, you are going to vote to support the Vitali amendment, because it says that as a pilot program, that you are going to provide that statistical information, and what is wrong with providing that statistical information? We know where red light cameras have been used elsewhere across the country, the timing provisions on those lights have been altered and there have been problems with the red light cameras. Why can we not have the statistical information at our fingertips that is going to tell us the number of violations that were issued and the amounts of the fines that were paid or the fines that have been imposed? I think the public has every right to know that information, and it should not be up to a decision made by a bureaucrat as to whether or not he is going to release that information. It is information that should be provided and should be released, and the public has every right to know it, and we should put it in the law to make sure the public has every right to know.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman, Mr. McCall. Mr. Speaker, I have a constituent who has been victimized by the red light camera in Philadelphia. The constituent of mine, and articles appeared in the press and everything, he received a ticket and a photo of what was allegedly the rear end of his car with the license plate, and you could not read the license plate, that is how altered the image was and how blurry the image was, yet my constituent still received the ticket and had to go through a long, drawn-out, and difficult process. He did eventually get it resolved, but the point is, he should not have been ticketed in the first place and having to go through this process, because he was never in Philadelphia on the day that this alleged violation occurred and he in no way was responsible for this.

So, Mr. Speaker, we do have some problems out there that have occurred with the red light cameras, and I believe that instead of just saying that the city or the parking authority may provide the information, I believe we need the amendment that requires them to provide the information when needed and open up the light to shine on this program so we can really get to the bottom of whether or not there are just a few incidences of problems or whether there are systemic problems.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, I, too, stand with Mr. Vitali, Mr. McCall, Mr. Schroder. I believe that we should pass this amendment. The Senate will then have two versions. They will have the version we passed last week saying that nothing shall prevent the relevant authorities from sharing the information about the red light cameras; they will have this version requiring them to do it but imposing a reasonable cost fee, and it certainly would be acceptable to me and I am sure to many other people if they would compromise and simply mandate they give the information out and not allow a cost to be charged for it.

That probably would be the preferable situation, and I think the way to get there is to vote for the Vitali amendment.

The Vitali amendment is a meritorious amendment, and it certainly is not something that either the AAAs or the newspapers ought to be opposed to. I urge a "yes" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, for the gentleman who raised the issue on this information being available and the question, right now our act requires that the system administrator will file an annual report to the chairmen, majority and minority chairmen of the Transportation Committee in both the House and the Senate, and that report will include the number of violations, the fines issued, the total amount of fines paid, the fines that are outstanding, and any money paid to a vendor or a manufacturer under this section.

So, Mr. Speaker, I respectfully report to you that this information is public in the sense that once it is turned over to the House chairman of the Transportation Committee and the minority chairman, that information is available to be sent out to all the members of the House and all the members of the Senate, and I have just talked to the chairman, and he assures me that that is in fact the intent of what they want to do.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

I am wondering, would the chairman of the Transportation Committee stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Vitali, would like to interrogate the gentleman, Mr. Geist, on the Vitali amendment. Does the gentleman consent to an interrogation on the Vitali amendment? The gentleman indicates he will stand for interrogation. The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

One of the objections that has been raised, Mr. Speaker, by you and others is that the Vitali amendment would require a reasonable cost be paid for this information and your bill requires that it be provided to the public at no cost. I have your bill here, and I am struggling to find where in this bill it requires this to be provided at no cost. Could we focus in on the cost issue, because I see nowhere where it even deals with costs to the public. Could you show me or point out what line or page it is?

The SPEAKER. I am sorry. Mr. Vitali, Mr. Vitali, we are on your amendment. Is the question about your amendment?

Mr. VITALI. It relates to the cost issue in my amendment, yes. It relates to cost.

The SPEAKER. Mr. Vitali, you can ask questions about your amendment if you would like. The gentleman, Mr. Geist, has indicated that he will answer questions about your amendment. So please confine your questions to your amendment.

Mr. VITALI. Thank you, Mr. Speaker.

I want to be very clear, Mr. Speaker, that if this amendment fails and I redraft it, I want to make sure I have your concerns addressed. Could you, Mr. Speaker, let me know specifically what objections you have to my amendment? Is your objection the cost, the reasonable cost requirement of my amendment?

Mr. GEIST. I believe that the way that you have drafted your amendment is not in a form and a shape that I would support.

Mr. VITALI. What specific objections do you have to this amendment? In other words, what objections would need to be dealt with for you to support the Vitali amendment?

Mr. GEIST. I do not think there is any need for it at all. The way that the bill was passed, the amendment, the way that we amended it, I do not think there is any need for it at all, and that is why I oppose it.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on my amendment.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, there is a very definite need for this amendment, because under existing law and under the Geist bill, if it becomes law, there is no requirement that this information about red light cameras be provided to the public.

The SPEAKER. Mr. Vitali, Mr. Vitali, nothing before us has anything to do with the Geist bill.

Mr. VITALI. I understand that.

The SPEAKER. Please confine your remarks to your amendment.

Mr. VITALI. I was getting to that. The need for my—

The SPEAKER. Please get there a little quicker.

Mr. VITALI. The need for my amendment arises because my amendment requires the public be provided with information on red light cameras. My bill requires that, and currently there is not a requirement in the law. My amendment is also important because right now under current law, the law is silent with regard to the cost issue. My amendment requires— It protects the public in that not only does my amendment require the public to be provided with this information, it prevents the city of Philadelphia from charging an unreasonable amount of money. The reasonable cost is a public protection, not a public penalty. Therefore, for those reasons I would ask for support of this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

POINT OF ORDER

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

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I just had a point of order or a parliamentary inquiry, and the point or question would have been with Mr. Vitali asking a question or talking about the costs associated with his amendment as opposed to language that we passed last year. Two of the previous speakers both used the argument of cost in their debate to defeat the Vitali amendment, stating that the language that this House did in fact pass last week had language in it that there were no costs associated with someone obtaining information from the parking authority, and in fact, that is not a valid assertion, because there is no language in that bill that says that. I think that Mr. Vitali should have been provided the opportunity to make that argument and that debate by virtue of those arguments being made against the Vitali amendment, for people to vote against the Vitali amendment.

The SPEAKER. The Chair agrees with the gentleman, but the gentleman, Mr. Vitali, should have used the arguments in his own presentation as opposed to interrogating another

member of the General Assembly about what was in his amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—75

Armstrong	Evans, D.	Lescovitz	Schroder
Bebko-Jones	Fabrizio	Levdansky	Shapiro
Belardi	Frankel	Manderino	Sipthroth
Belfanti	Freeman	McCall	Solobay
Biancucci	Gabig	McGeehan	Staback
Blaum	George	Melio	Stetler
Buxton	Gerber	Mundy	Sturla
Caltagirone	Gergely	Nickol	Surra
Casorio	Grucela	Pallone	Tangretti
Cawley	Habay	Petrarca	Thomas
Cohen	Haluska	Petrone	Tigue
Corrigan	Hanna	Preston	Veon
Creighton	Harhai	Ramaley	Vitali
Cruz	Hutchinson	Roberts	Walko
Curry	Josephs	Roebuck	Wansacz
Daley	Kauffman	Rohrer	Wojnaroski
DeLuca	Kirkland	Ruffing	Youngblood
DeWeese	Kotik	Samuelson	Yudichak
Ellis	Leach	Santoni	

NAYS—121

Adolph	Fichter	Major	Rooney
Allen	Fleagle	Mann	Ross
Argall	Flick	Markosek	Rubley
Baker	Forcier	Marsico	Sainato
Baldwin	Gannon	McGill	Sather
Barrar	Geist	McIlhattan	Saylor
Bastian	Gillespie	McIlhinney	Scavello
Benninghoff	Gingrich	McNaughton	Semmel
Beyer	Godshall	Metcalfe	Smith, B.
Birmelin	Good	Micozzie	Smith, S. H.
Bishop	Goodman	Millard	Sonney
Blackwell	Grell	Miller, R.	Stairs
Boyd	Harhart	Miller, S.	Steil
Bunt	Harper	Mustio	Stern
Butkovitz	Harris	Myers	Stevenson, R.
Cappelli	Hasay	Nailor	Stevenson, T.
Causar	Hennessey	Oliver	Taylor, E. Z.
Civera	Herman	O'Neill	Taylor, J.
Clymer	Hershey	Parker	True
Cornell	Hess	Payne	Turzai
Costa	Hickernell	Petri	Waters
Crahalla	James	Phillips	Watson
Dally	Keller, M.	Pickett	Wheatley
Denlinger	Keller, W.	Pistella	Williams
Dermody	Kenney	Pyle	Wilt
DiGirolamo	Killion	Quigley	Wright
Diven	LaGrotta	Rapp	Zug
Donatucci	Leh	Raymond	
Evans, J.	Mackereth	Readshaw	
Fairchild	Maher	Reed	Perzel,
Feese	Maitland	Reichley	Speaker

NOT VOTING—0

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

On the question,
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—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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.
Bianucci	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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causar	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickermell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kennedy	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGirolamo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

CPL. JOSEPH POKORNY REMEMBERED

The SPEAKER. The Chair at this time would like to ask for a moment of silence for an officer who was killed yesterday, Cpl. Joseph Pokorny. The members will please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Cpl. Joseph Pokorny.)

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 640, PN 1407, be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

SB 640, PN 1407.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 640 be recommitted to the Committee on Appropriations.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1485, PN 1803**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for flags on grave markers of certain deceased service persons.

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—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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.
Bianucci	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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kennedy	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGirolamo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

* * *

The House proceeded to third consideration of **HB 1486, PN 3231**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for markers on graves and for flags to decorate graves.

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—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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.
Bianucci	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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko

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

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

* * *

The House proceeded to third consideration of **HB 1487, PN 3232**, entitled:

An Act amending the act of June 11, 1935 (P.L.326, No.149), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," further providing for flags, markers and headstones.

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-196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Sipiroth
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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causar	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kenney	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGirolamo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

STATEMENT BY MR. FAIRCHILD

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Could I have personal privilege for a short statement on the three bills that were just passed?

The SPEAKER. Under unanimous consent, the gentleman is in order.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is entitled to be heard. Please keep the noise levels down.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. Speaker, we often get criticized for not doing a lot of things and sometimes doing other things, but the last three bills that we voted on, I just want to tell you on behalf of myself, the veterans in here, on behalf of all veterans in Pennsylvania, what we did was recognize them for now and to essentially eternity, and this is the required monument that is placed on veterans' graves. You have seen them in cemeteries. A lot of times they are upright, but a lot of counties now are going to these types of markers where you have the bronze marker representing the veteran. And also you will notice there is a hole here where the flags go, and it is a lot more maintenance-friendly, and it also prohibits theft of these, which has occurred in the past, but again, thanks to you, if you will recall, we enacted legislation not too long ago in this House that significantly extended the penalties for removing and stealing these articles.

So thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1552, PN 2273**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special license plate for recipients of the Silver Star and Bronze Star.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Nailor, offers the following amendment, which the clerk will read. The gentleman withdrew.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

POINT OF ORDER

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

Mr. VITALI. A point of order, Mr. Speaker. I have two amendments to this bill, one of which I will be withdrawing.

The SPEAKER. Both of them are substantially identical to the amendment that was just defeated. Therefore, they are out of order, Mr. Vitali.

Mr. VITALI. Mr. Speaker, if I may say this: One is substantially the same. The other takes a different approach to the same issue, and I think that it is an issue that I think I am entitled to be heard on a different approach.

The SPEAKER. The gentleman heard the ruling of the Chair. If you wish to appeal the ruling of the Chair, the gentleman will state so.

RULING OF CHAIR APPEALED

Mr. VITALI. Thank you, Mr. Speaker.

I would like to appeal the ruling of the Chair.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those in favor of sustaining the Chair's decision will vote "aye" but those opposed would vote "no."

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I think there is an important point here, and that is that a member has a right to offer different variations of the same amendment, and that is what is being done here.

Mr. Speaker, if you look at the text of 3225, which is before us, you will see that 3225 contains no words, just deleted brackets. It deletes language but does not add language. If you look at the amendment we discussed previously and was defeated by myself, you will see that what that contains is 10 lines of text. They are two substantially different amendments.

If you will recall, the previous debate much centered around the issue that my amendment requires a cost. If you look at this amendment, there is no language at all with regard to cost. Mr. Speaker, the current amendment before you simply says that all of the records, every single ticket, citation, picture simply is a public record under the Right-to-Know Law. The previous amendment did not mention the Right-to-Know Law.

Mr. Speaker, I understand how the game is played up here, but we are a body that should be governed by rules. We should be a body of rules, not men. And what you simply have here are two different, although different approaches to dealing with the same problem, and for that reason, because one approach was heard, that does not mean a different approach should not be heard, and that is substantially my argument. We are dealing with two different amendments, and if the members would take a chance to look at these amendments, they will see I am offering variations. This is something we do on a daily basis around here. Members have amendments in the alternative, so if one amendment runs into objections, they could go to another amendment. That simply is what we are doing here.

So I simply respectfully suggest that the Speaker is simply wrong in his ruling, and my hope is, rather than force a vote, because no one likes to vote against the Speaker, rather than force a vote, I would ask that the Speaker maybe take a minute, look at the text of the two amendments and reconsider, because there is a secondary point here and that is precedents. Decisions we make here become a precedent for the House, and I think we are about to engage in a very bad precedent. We are about to engage in a step that will further shrink the scope of debate here, take further power away from members to express ideas, and I do not think we really want to go that route.

Mr. Speaker, I would again ask you simply to take a look at the two bills. You have the power to run this and defeat it. That is the better approach here, not this charade of saying, I do not have the right to run it.

So I would ask that the ruling of the Chair not be upheld, and I would assume I am looking for a "no" vote, Mr. Speaker?

The SPEAKER. Your assumption would be correct.

Mr. VITALI. Okay.

The SPEAKER. Page 14 of the rules, Mr. Vitali: “Where a bill, resolution, or other matter has been initially defeated, and a timely made motion to reconsider the vote is lost, or if no motion to reconsider the vote was timely made, then it shall not be in order for the House thereafter to receive or consider a new bill, resolution or other matter embracing therein a subject or purpose basically identical to or of similar import to the subject matter or purpose of the bill, resolution or matter initially defeated.” Page 14.

Does the gentleman, Mr. Smith, wish to be recognized?

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

As the ruling of the Chair has been framed and read the excerpt from, I believe, rule 26, “Reconsideration,” from the “Rules of the House of Representatives,” I would urge the members to uphold the ruling of the Chair. I believe that the clear intent of the rules is to basically say that once the legislature has dealt with an issue, that if an amendment or a bill that is brought up is substantially similar, and I think those are the keys words, that it is “substantially similar,” those are essentially the words in the rule, that we are not obligated to reconsider that measure.

So I think in looking at the rules, Mr. Speaker, I would urge the members to uphold your ruling and urge a “yes” vote. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Again, just to reiterate, the amendments have distinct differences, the first difference being the subject matter. The subject matter in this amendment is broader. It includes a broader scope of records under question. The previous amendment just had statistical and compilation. This is much broader in scope.

The second key difference is the cost component. This amendment does not deal with costs. The previous amendment dealt with a reasonable cost.

Third point, this amendment takes this issue under the Right-to-Know Law. The first amendment did not deal with the Right-to-Know Law. The fact of the matter is, they are different enough under the way this House has conducted themselves to be considered different amendments and a different approach, and I believe we set a bad precedent by ruling an amendment like this out of order.

So I would ask for a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of sustaining the Chair’s decision will vote “aye”; those opposed, “no.”

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—172

Adolph	Evans, J.	Mackereth	Rubley
Allen	Fabrizio	Maher	Ruffing
Argall	Fairchild	Maitland	Sainato
Armstrong	Feese	Major	Santoni
Baker	Fichter	Mann	Sather
Baldwin	Fleagle	Markosek	Saylor
Barrar	Flick	Marsico	Scavello
Bastian	Forcier	McGeehan	Schroder
Bebko-Jones	Frankel	McGill	Semmel
Belardi	Gabig	McIlhattan	Smith, B.

Belfanti	Gannon	McIlhinney	Smith, S. H.
Benninghoff	Geist	McNaughton	Solobay
Beyer	Gergely	Melio	Sonney
Biancucci	Gillespie	Metcalfe	Stairs
Birmelin	Gingrich	Micozzie	Steil
Bishop	Godshall	Millard	Stern
Blackwell	Good	Miller, R.	Stetler
Blaum	Grell	Miller, S.	Stevenson, R.
Boyd	Grucela	Mustio	Stevenson, T.
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Harhai	Nickol	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Cappelli	Harper	O’Neill	Taylor, J.
Casorio	Harris	Payne	Thomas
Causer	Hasay	Petrarca	Tigue
Cawley	Hennessey	Petri	True
Civera	Herman	Petrone	Turzai
Clymer	Hershey	Phillips	Veon
Cornell	Hess	Pickett	Walko
Costa	Hickernell	Pistella	Wansacz
Crahalla	Hutchinson	Preston	Waters
Creighton	James	Pyle	Watson
Cruz	Josephs	Quigley	Williams
Dally	Kauffman	Rapp	Wilt
DeLuca	Keller, M.	Raymond	Wojnaroski
Denlinger	Keller, W.	Readshaw	Wright
Dermody	Kenney	Reed	Youngblood
DeWeese	Killion	Reichley	Yudichak
DiGirolamo	Kirkland	Roberts	Zug
Diven	Kotik	Rohrer	
Donatucci	LaGrotta	Rooney	
Ellis	Leh	Ross	Perzel,
Evans, D.	Lescovitz		Speaker

NAYS—24

Cohen	Gerber	McCall	Samuelson
Corrigan	Goodman	Mundy	Shapiro
Curry	Hanna	Pallone	Siptroth
Daley	Leach	Parker	Staback
Freeman	Levdansky	Ramaley	Vitali
George	Manderino	Roebuck	Wheatley

NOT VOTING—0

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O’Brien	Shaner	

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

On the question recurring,
Shall the bill pass finally?

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, HB 1552 creates a special license plate for recipients of the Silver Star and the recipients of the Bronze Star. This is for all services of the Armed Forces. I would like to thank Chairman Geist and the members of the Transportation Committee for considering this bill, and I urge an affirmative vote on this bill, HB 1552.

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—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kenney	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGirolamo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair returns to leaves of absence, and
 the minority whip requests a Capitol leave for the gentleman,
 Mr. ROBERTS. Without objection, that leave will be granted.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 869,**
PN 1406, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania
 Consolidated Statutes, providing for extension of health insurance
 benefits for certain military personnel who were full-time students at
 time of deployment.

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—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

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

RULES SUSPENDED

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

Mr. PETRONE. Mr. Speaker, I ask for an immediate suspension of the rules to bring up HR 446, PN 2746.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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.
Bianucci	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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kenney	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGirolamo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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.

RESOLUTION

Mr. PETRONE called up **HR 446, PN 2746**, entitled:

A Resolution urging the President and the Congress of the United States to direct the Base Realignment and Closure Commission to designate strategic unused military bases in each region of the United States to be given to the Federal Emergency Management Agency's (FEMA's) jurisdiction to be maintained and used in an emergency such as Hurricane Katrina which displaces large numbers of people.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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.
Bianucci	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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kenney	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGiroloamo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	Perzel,
Evans, J.	Levdansky	Ross	Speaker
Fabrizio	Mackereth		

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

**THE SPEAKER PRO TEMPORE
(ALAN L. BUTKOVITZ) PRESIDING**

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. ZUG called up **HR 535, PN 3299**, entitled:

A Resolution congratulating Major General Jessica L. Wright, Adjutant General of Pennsylvania, and the Pennsylvania National Guard for their transformation of the 56th Brigade of the 28th Infantry Division (Mechanized) into the 56th Stryker Brigade Combat Team

and for their ongoing efforts to administer more than \$1 billion in Federal funds to improve armories, training sites and ranges.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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.
Bianucci	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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kenney	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGiroloamo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	Perzel,
Evans, J.	Levdansky	Ross	Speaker
Fabrizio	Mackereth		

NAYS-0

NOT VOTING-0

EXCUSED-7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

* * *

Mr. HERMAN called up **HR 536, PN 3300**, entitled:

A Resolution congratulating The Pennsylvania State University, Head Coach Joe Paterno and the Nittany Lions football team on a great season and wishing them good luck in the FedEx Orange Bowl against the Florida State Seminoles on January 3, 2006, in Miami, Florida.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Herman.

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

And I just want to bring everybody's attention to what this resolution does. Many of you have been asking me and many other people about the prospective Orange Bowl coming forward and who is going and who is not, but still I think no matter what your preference is, what your college background is, I think we all can be very proud of another outstanding season for one of Pennsylvania's finest universities, and football coach Joe Paterno, what a turnaround he has made for the Penn State Nittany Lions this year.

I certainly would appreciate a unanimous vote on HR 536, which congratulates the Penn State Nittany Lions Football Team for their outstanding 2005 football season and wishes them the best of luck against one of Joe Paterno's best friends, Bobby Bowden, and their Florida State Seminoles in the upcoming Orange Bowl.

Thank you, Mr. Speaker.

POINT OF ORDER

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

Mr. MARKOSEK. A point of order, Mr. Speaker.

The SPEAKER pro tempore. Please state your point of order.

Mr. MARKOSEK. I was curious to see if this was amendable to include the University of Notre Dame and their Fiesta Bowl appearance.

The SPEAKER pro tempore. I doubt it. I am sure it is not.

Mr. MARKOSEK. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
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	Habay	Myers	Stevenson, R.
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	Nickol	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Parker	Taylor, J.
Clymer	Hasay	Payne	Thomas
Cohen	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Corrigan	Hershey	Petrone	Turzai
Costa	Hess	Phillips	Veon
Crahalla	Hickernell	Pickett	Vitali
Creighton	Hutchinson	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Pyle	Waters
Daley	Kauffman	Quigley	Watson
Dally	Keller, M.	Ramaley	Wheatley
DeLuca	Keller, W.	Rapp	Williams
Denlinger	Kenney	Raymond	Wilt
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Reed	Wright
DiGirolo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel, Speaker
Fabrizio	Mackereth		

NAYS—0

NOT VOTING—0

EXCUSED—7

Eachus	Lederer	Rieger	Yewcic
Gruitza	O'Brien	Shaner	

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes the residents of Washington County here who are on a Christmas tour of the Capitol and the Governor's Mansion, as guests of Representative Tim Solobay. Guests, please rise.

**FAREWELL ADDRESS
BY MR. BUTKOVITZ**

Mr. BUTKOVITZ. Okay. Can I get a little order? Come on; I should get at least as much quiet as Representative Vitali gets.

Okay. I wanted to be a State Representative ever since I was 14 years old. It took me three tries over a period of 14 years,

but I finally got here. Thanks to the grace of God; the strong support of Speaker Bob O'Donnell and my predecessor, House Appropriations Chairman Max Pievsky; the steadfast support of two Philadelphia Democratic ward leaders, Frank Conaway and Chris Drumm, who got me to a 33-to-32 win in the endorsement caucus; and to my wife, Theresa, who had the resourcefulness and toughness to move our two young children and ourselves from the house she loved into a cramped apartment she found two blocks away, inside the 174th District.

Once I got here, I found it was nothing like what I expected. There were things I noticed right away. I knew instantly that I was privileged to work, on a daily basis, in one of the most beautiful work spaces in the world. I noticed there was a section of wall right over there on the Republican side that looked just like Groucho Marx, and I noticed, more ominously, that the desks on the floor were arranged as if we were all back in junior high school. In fact, the whole place was managed on the basis of peer pressure and regimentation, just like junior high school. I was not any good at fitting in in junior high school the first time around, and this was just déjà vu all over again.

My first year in the House, 1991, was one of very difficult and controversial decisions on taxes and school vouchers. It was also a critical turning point for me. I walked into a Democratic caucus one day and Tom Tigue was explaining the effect of our recently enacted change in the poverty exemption to the State income tax. In a nutshell, we had changed a system where only senior citizens with \$200,000 or more in the bank paid State income taxes to one in which seniors who made as little as \$15,000 in pensions and Social Security paid the income tax. It was a bad law. They could not afford it. I knew because I represented the district that had more senior citizens in it than any other district in the State and a third of my seniors lived on less than \$15,000 a year. I was mortified. I went through channels talking to the staff people on Appropriations and to my leadership about getting a repeal passed. You can imagine their reaction. They looked at me as if I was nuts. Tax bills are passed after torturous negotiations involving the leaders of both houses with the signoff of the Governor under the pressure of a budget deadline, and in this case, at 6 o'clock in the morning after a 19-hour session. Tax changes are not enacted at the behest of rank-and-file members. Moreover, there was not even a special interest pressing for change. Tom Tigue and I knew we were screwed and so were our constituents.

I told my ward leader, Max Pievsky, that I would not run for reelection, then went home and crawled into bed, defeated. I spun off some tale to Theresa about some half-baked idea about a new job, and she tolerated it for a little bit, for a very little bit. You could just tell from her expression, mostly eyes on the ceiling, that I was not going to be allowed to tell the story for the next 30 or 40 years of how I got cheated out of this legislative seat I had worked so long and hard to win.

The next day when I would not get out of bed to go to work, Theresa decided she had had enough of this. She handed me a Commonwealth phone book, just like she would have handed a coloring book to Rachel or Eddie but not as patiently, and said, "Why don't you call the other Representatives and get them to repeal this darned thing?" I called every Democrat. Almost everyone sympathized but were not sure what we could do about it. But I did hook up, through these phone calls, with a trio of "take no prisoners" guys – Tom Tigue, Huck Gamble, and Tom Murphy. Tom Murphy was just getting ready to run for mayor of Pittsburgh and this issue was just the latest budget

outrage he was going to have to contend with. I cannot tell you I remember what he said either on the phone or when he spoke in caucus the next week, but I do remember he earned the nickname "rocket man" for his reaction for the rest of the time he was here.

The four of us cajoled and harangued the caucus for 8 weeks. Four votes were not enough to pass anything, but because of the party balance at the time, six votes were, and we eventually picked up those two additional votes, Gaynor Cawley and Chris McNally. We were positioned to force a reopening of the budget and Tax Code, a prospect that no one in either chamber or in the Governor's Office had any stomach for. The repeal sailed through both houses in 3 days and was signed by Governor Casey on December 13, 1991, a lucky Friday the 13th, 14 years ago today.

It was an important victory. We protected people who could not protect themselves, and we learned that if we were resourceful and tenacious, we rank-and-filers could get things done in Harrisburg for our people.

Bill Keller's election in 1992 brought me a partner who was a natural leader whose experience as a longshoreman and as a neighborhood guy brought him to Harrisburg with a full policy agenda. I have been proud to work closely with Bill over all these years to convert the Philadelphia Port from a failing backwater to a vibrant economic engine not only for our region but for the entire State; to highlight and begin to manage the serious problem of violence in the Philadelphia public schools, a task for which the leadership and contributions of John Taylor and Marie Lederer have been invaluable; to institutionalize the seniority system in committee chairmanships to prevent the arbitrary dumping of committee chairmen who deviate from their leadership on matters of conscience; and to create a bipartisan climate where it is now possible and even routine to get a hearing, a vote, and even passage of legislation offered by members of the minority party, a practice which was unheard of when I arrived here.

There are so many people to thank, starting with a couple of leaders whom I would have thought very unlikely to be on any thank-you list of mine when I started out here: Speaker John Perzel and Democratic Appropriations Chairman Dwight Evans. I had the unforgettable experience shared by many of my fellow Democrats of being on a list of potential Republican pickup seats because of my 1991 tax vote, but unlike Bill Keller, I was somehow spared the pain of enduring a Perzel-run campaign. The competition between Dwight Evans and me throughout the nineties was intense and relentless.

Both John Perzel and Dwight Evans exhibited an idealism and know-how that make them great problem solvers, and that is what I am in politics for, to solve problems. And both John Perzel and Dwight Evans have been critical in empowering me so that I could make my own contribution, and for that I am indebted to them both.

The ancient Greeks said, "Count no man happy until he has died happy," a sentiment which should be amended to "count no man an enemy unless he dies your enemy." It is one of the true joys of the political craft that we can turn enemies and rivalries to friendships and partnerships.

I thank Tom Tigue for his constant example of moral courage. To watch him in action is to know how a good man and a hero behaves in every circumstance.

I thank Gaynor Cawley for his understanding of and his teaching me about the human spirit. Gaynor is the master

practitioner of the “kill them with kindness” technique. Aside from his momentary South Side Sports Complex victory, I think his finest moment came in response to his appointment as minority chairman of the Fish and Game Committee, apparently intended as punishment duty, when he issued a statement commending Bill DeWeese for having the political courage to appoint a pro-gun-control, pro-animal-rights chairman of the hunting committee.

I thank Marie Lederer for being our mom and for keeping us out of trouble.

I thank John Yudichak for giving me hope and optimism that there is a younger generation that is smarter than and more skillful politically than we are.

I thank Ralph Kaiser for always having the courage of his convictions. Al Smith was heralded as the happy warrior of American politics. Ralph Kaiser has demonstrated he can be the happy martyr of Pennsylvania politics.

I thank Rosita Youngblood and Michael Diven for their feistiness and innovativeness and for one other thing. I always knew that no matter what mischief I was up to at any given moment, they would both be in more hot water than me with our leadership.

I thank my family – Theresa, Rachel, and Eddie – for their support, endurance, and for the many sacrifices they have made so that I could pursue my passion.

I thank my staff – Lisa Deeley, Ruth Dicicco, Trina Sweet, and Mary Miller – for their professionalism and for their taking such good care of our constituency.

Finally, many people have asked if I will miss this place. The answer is obvious. Absolutely. You cannot even get me to shut up and sit down. There is a unique opportunity in this House, not just to learn a lot about psychology and human nature; if you take the time and the trouble, you can learn how all the communities in this State look at the world, how they think. You can find the common ground that brings us together and you can use that understanding to persuade each other how to improve life for the people of our Commonwealth. I will always envy you that opportunity.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

The SPEAKER. Alan, I do not know if the Democrat side of the aisle is going to miss you, but our side will certainly miss you.

I think it took a lot of courage to run three times before you actually won a seat. He moved from Wogan’s seat— I think he ran for three different seats in order to be able to win, and that was a lot of determination for a young man to move from seat to seat to try to pick up a seat in the General Assembly, but you were successful. And his wife, Theresa, she is to be commended because, Alan, you even look like a controller now. You have picked up in dress style about 20 notches since we first met you. So congratulations.

FORMER SPEAKER WELCOMED

The SPEAKER. And former Speaker Bob O’Donnell is also here. Bob, welcome to the chamber again.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The gentleman, Mr. HARHAI, requests a leave of absence for the remainder of the day.

LEAVE OF ABSENCE CANCELED

The SPEAKER. And the Chair notes the presence on the floor of the House of the gentleman, Mr. Eachus.

ANNOUNCEMENT BY DEMOCRATIC LEADER

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

Mr. DeWEESE. Thank you, Mr. Speaker. Just a quick announcement.

The departure of Representative Butkovitz of the city of Philadelphia has a moment of happy simultaneity relative to the arrival of another person with a Philadelphia political pedigree. The gentlelady from Philadelphia, Babette Josephs, has just announced that a few moments ago she became a grandmother, and David Herbert, David Herbert was the new addition to Babette’s wonderful group of grandchildren. This is number six for our colleague. And on behalf of my caucus, we just wanted to say congratulations to Representative Babette Josephs.

Thank you, Mr. Speaker.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 671, PN 764

By Rep. HERSHEY

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements.

AGRICULTURE AND RURAL AFFAIRS.

STATEMENT BY MR. PETRONE

The SPEAKER. The Chair recognizes the gentleman, Mr. Petrone, under unanimous consent.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to talk about HR 446, which recently passed the House unanimously, and I wanted to make a few remarks on the reasons why this was drafted, and I appreciate the affirmative vote by my colleagues.

I was hoping to deliver this on December 7 last week, Pearl Harbor Day, but I did not have the opportunity. This was the day that the reason for all of these bases that are affected and 446 became necessary.

This 446, HR 446, requests the Federal government designate certain military bases which would otherwise be closed by the BRAC (Base Realignment And Closure) Commission to be used in the case of an emergency. The resolution is in response to the Hurricane Katrina disaster, in which thousands of people have been left without homes.

Hurricane Katrina has caused much destruction along the Gulf Coast, particularly in New Orleans, Louisiana. The total

number of deaths has not been finalized, but estimates suggest that hundreds, if not thousands, have been killed.

At the peak of flooding, 80 percent of the city of New Orleans was covered with water. The entire city had to be evacuated, meaning that over a half a million people had to leave their homes. With such a high number of Americans left homeless, it is clear there is not enough space for all of them to stay with family members or temporary shelters. Having emergency facilities prepared such as military bases would allow more families to remain together in a crisis situation and provide for more comfortable and safe shelter that is available today.

My resolution requests the Federal government turn over strategic bases in locations in each area of the country to FEMA (Federal Emergency Management Agency) to be maintained for the use of emergency situations. This could be done at a very low, minimal cost.

One example of a military base which could be used would be the Willow Grove Naval Air Station in Willow Grove, Pennsylvania, which would be a good location due to its proximity to New York and New Jersey. We are also seeing the closing of Walter Reed hospital as an example of a place that could be utilized in the event of a terrible emergency or disaster. This could provide for the critical need for shelters in the event of emergencies also.

Mothballed military bases have all the amenities that an evacuated family could need. These facilities have medical facilities, housing, schools, and recreational buildings. They would be able to provide quality long-term homes for the victims of disasters such as the hurricane, terrorist activity, or events like earthquakes, hoping they never need happen.

Thank you, Mr. Speaker, and thank you, Mr. Speaker, for your affirmative vote on HR 446.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentelady, Ms. Youngblood, rise?

Ms. YOUNGBLOOD. Mr. Speaker, I would like to correct the record.

The SPEAKER. The gentelady is in order.

Ms. YOUNGBLOOD. Mr. Speaker, on HB 1879, amendment A5072, I was reported in the affirmative and I would like to be recorded in the negative. My switch malfunctioned. Thank you.

The SPEAKER. The Chair thanks the gentelady.

The gentleman, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, for the record, my button also malfunctioned and I was voted in the affirmative and I would like to be recorded as a negative. Thank you.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

ANNOUNCEMENT BY MRS. TRUE

The SPEAKER. For what purpose does the gentelady, Mrs. True, rise?

Mrs. TRUE. Unanimous consent, Mr. Speaker.

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

Mrs. TRUE. Thank you, Mr. Speaker.

I thought I would rise to say that I finally found something that I have in common with Representative Josephs. My husband and I became the proud grandparents of a granddaughter on Sunday, December 11, Lily Hastings True, and I just wanted to share that with my colleagues and my friend, Babette.

Thank you.

SUBCOMMITTEE MEETING

The SPEAKER. For what purpose does the gentelady, Mrs. Rubley, rise?

Mrs. RUBLEY. Mr. Speaker, to make an announcement.

The SPEAKER. The gentelady is in order.

Mrs. RUBLEY. Okay. I would just like to announce that the Finance Subcommittee on Income Tax Initiatives, the meeting has been rescheduled for tomorrow at 9:30 a.m. – that is Wednesday, December 14 – in room 322, Main Capitol.

Thank you.

The SPEAKER. There will be a meeting of the Finance Subcommittee on Income Tax Initiatives in room 322, Main Capitol, on Wednesday, December 14, at 9:30 a.m.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, the last time a motion for a Committee of the Whole was made was March 5, 1980, when Mr. Manderino said, "I would like to move at this time...that this House go into a committee of the whole for the special purpose of considering the reconsideration motions of the eight filed with the desk.

"The SPEAKER. The Chair recognizes the majority leader.

"Mr. RYAN. Mr. Speaker, I never heard that one, but I oppose it.

"Mr. MANDERINO. I have a precedent in 1901, Mr. Speaker.

"Mr. RYAN. I oppose that one, too, Mr. Speaker."

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, just a parliamentary inquiry. Are we in the proper session mode here to consider that subject?

The SPEAKER. Yes, we are.

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

Prior to taking the official step, Mr. Speaker, I first would like to move that House rule 42 be suspended in order that the Speaker may preside during the Committee of the Whole.

The SPEAKER. Will the gentleman suspend one second.

We are going to move to special session first, Mr. Smith. I apologize.

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

RECESS

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

AFTER RECESS

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

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative John Taylor for the purpose of an announcement.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, the Urban Affairs Committee will meet at the rear of the House tomorrow at 10:45 a.m. prior to session. I understand session will be called at 11. Members did receive a notice that it would have been 9:45 prior to a 10 a.m. start, but it is 10:45 tomorrow before session.

Thanks.

The SPEAKER. An Urban Affairs Committee meeting tomorrow at 10:45 a.m. at the rear of the House.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair would like to announce that there is an Appropriations Committee meeting tomorrow morning at 10:45, Wednesday, in room 245.

COMMITTEE MEETING POSTPONED

The SPEAKER. Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

Originally the Labor Relations Committee was going to meet at 9:30 tomorrow morning. That will be postponed until the first break of session at 11 o'clock.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Labor Relations Committee will be meeting tomorrow at the first break of session.

**STATE GOVERNMENT
COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the State Government meeting scheduled for 9 o'clock tomorrow will go on. It is informational only. No votes will be taken, but we need to gather the information on HB 870, and so that meeting will go on tomorrow at 9 o'clock.

Thank you.

The SPEAKER. The State Government Committee will meet at 9 o'clock tomorrow morning.

**PROFESSIONAL LICENSURE
COMMITTEE MEETING**

The SPEAKER. Does the gentleman, Mr. Gannon, seek recognition?

Mr. GANNON. Thank you, Mr. Speaker.

I just want to reiterate that the House Professional Licensure Committee will meet tomorrow morning at 10 a.m. in 39 East Wing, and I would like every member to be there.

We will be considering the revised physician assistant regulations.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Tomorrow morning at 10 o'clock the Professional Licensure Committee will meet in 39 East Wing.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, a point of personal privilege.

Could you please detail the starting times and the estimated ending times for Wednesday's and Thursday's sessions.

The SPEAKER. Well, the starting time will be 11, but the ending time will be whenever we are finished. There will be a few bills tomorrow.

Mr. COHEN. And for Thursday, Mr. Speaker?

The SPEAKER. We will start at about 9, and we will go until about midnight. The Chair does not really know right now. We do not know. We are hoping to finish up tomorrow, but there is no guarantee that we will finish tomorrow.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER. We honestly do not know.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

I would like to submit some remarks for the record commending Congressman Murtha. I already submitted them.

The SPEAKER. The Chair thanks the gentleman.

The gentleman's remarks will be spread across the record.

Mr. JAMES. Thank you.

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

Mr. Speaker, on November 18 the world witnessed one of the most contentious and acrimonious sessions of the U.S. House of Representatives in recent memory, described by a Philadelphia Inquirer front-page headline as a "Firestorm in D.C."

We heard the most slanderous attacks made against a distinguished Pennsylvania Congressman, John Murtha, in response to his well-reasoned proposals for a change in policy on Iraq. We heard attempts to demean the patriotism and courage of Congressman Murtha, and of all critics of the Bush administration's Iraq policy, attacks inspired and encouraged by the administration's number one hatchet man, Vice President Dick Cheney.

Mr. Speaker, the Pennsylvania House of Representatives should stand united to reject the slanderous, divisive, destructive, dictatorial, and dishonest tactics employed by the Bush administration, led by the Vice President, to try and crush the debate and dialogue essential to a free society.

As a veteran of the U.S. Army, I second Congressman Murtha's rebuke to Vice President Cheney and President Bush. "I like guys who've never been there that criticize us who've been there," Murtha said. "I like that. I like guys who got five deferments and never been there and send people to war, and then don't like to hear suggestions about what needs to be done. I resent the fact, on Veterans Day, he [Bush] criticized Democrats for criticizing them."

Although Mr. Bush and Mr. Cheney have backpedaled on their attacks against Murtha, given the tremendous backlash against them around the country, we should take a stand to make sure this kind of attack never happens again.

For the record, Mr. Speaker, Congressman Murtha is one of the most qualified members of Congress to represent the best interests of the U.S. military and the national security of the nation as a whole. John Murtha left college in 1952 to join the Marines out of a growing sense of obligation to his country during the Korean War. He rose through the ranks to become a drill instructor at Parris Island and was selected for Officer Candidate School at Quantico, Virginia. He volunteered for Vietnam in 1966-67, receiving the Bronze Star with Combat "V," two Purple Hearts, and the Vietnamese Cross of Gallantry. He retired from the Marine Corps Reserves with the rank of colonel in 1990 and became the first Vietnam war veteran elected to Congress in 1974.

Congressman Murtha told the bare truth about the administration's deception and manipulation of prewar intelligence in his statement of November 17. "The war in Iraq is not going as advertised," Murtha said. "It is a flawed policy wrapped in illusion."

"The main reason for going to war has been discredited," Murtha said. "A few days before the start of the war I was in Kuwait – the military drew a red line around Baghdad and said when U.S. forces cross that line they will be attacked by the Iraqis with Weapons of Mass Destruction – but the U.S. forces said they were prepared. They had well trained forces with the appropriate protective gear.

"We spend more money on intelligence than all the countries in the world together, and more on intelligence than most countries GDP. But the intelligence concerning Iraq was wrong. It is not a world intelligence failure. It is a U.S. intelligence failure and the way that intelligence was misused."

Congressman Murtha showed that the continued presence of U.S. troops in Iraq is fueling the insurgency and putting the future of our military at risk. His resolution to the Congress, contrary to the discredited, sham resolution put forward by the House Republican leadership November 18, finds that "...continuing U.S. military action in Iraq is not in the best interests of the United States of America, the people of Iraq, or the Persian Gulf region, which were cited in Public Law 107-243 as justification for undertaking such action..." and calls for redeployment of U.S. forces in Iraq at the earliest practicable date, continued presence of U.S. Marines in the region, and the pursuit of security and stability in Iraq through diplomacy.

Mr. Speaker, I believe that Congressman Murtha's proposals are consistent with the recent bipartisan demand for the Bush administration to present an exit strategy from Iraq, which passed the U.S. Senate by a vote of 79 to 19. I believe that reasoned debate and dialogue on this issue will lead to a consensus in favor of Congressman Murtha's plan. However, it seems that such a discussion will never be allowed as long as Vice President Cheney remains a dominant influence in the Bush administration.

For the good of the nation, Vice President Cheney should resign immediately. His stand in favor of torture has offended the conscience of the nation and the world, put our troops in greater risk, and been rejected by a bipartisan majority of the U.S. Senate. He is at the center of the conspiracy to deceive the American people and Congress in the run-up to the Iraq war. He was named in the indictment of his chief of staff as the source of the information involving covert CIA (Central Intelligence Agency) agent Valerie Plame Wilson, which may have involved the illegal leak of classified information in an effort to destroy opponents of administration policy. The evidence shows that Cheney led and continues to lead the campaign of lies surrounding the Iraq war. The outrageous attacks against Congressman Murtha, inspired by the Vice President and his neocon allies, is the last straw.

Mr. Speaker, Congressman John Murtha has once again performed a great patriotic service to his country and deserves the respect and gratitude of all of us.

The SPEAKER. The gentleman, Mr. Benninghoff.

Mr. BENNINGHOFF. Mr. Speaker, two quick questions. I wanted to know if you could ask the chairman if tomorrow means Wednesday or Thursday. In your comments about tomorrow, is that Wednesday or Thursday?

The SPEAKER. Tomorrow is Wednesday.

Mr. BENNINGHOFF. Okay.

The SPEAKER. Today is Tuesday.

Mr. BENNINGHOFF. Okay. I just want to make sure we are on the same wavelength.

The SPEAKER. It will be Wednesday.

STATEMENT BY MR. BENNINGHOFF

Mr. BENNINGHOFF. Point of personal privilege.

The SPEAKER. The gentleman is in order.

Mr. BENNINGHOFF. If the Speaker would acknowledge to the chairman that was preceding you, I think that tonight's exercise, had we talked as a body, and even those outside of us, probably a lot of people thought it would not be very productive and maybe not even amicable, but I think it is worth noting that this is probably one of the most bipartisan efforts I have seen. Though we may have disagreed on particular issues and particular bills, I think the people and the public need to see that we can work together. I think it was done very well, and I commend those who decided to do this practice.

And last, I would just like to thank those who supported the Benninghoff-Scavello plan.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

SUBCOMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I would just like to make an announcement.

The House Local Government Subcommittee on Townships meeting scheduled for tomorrow morning at 10 o'clock in the Ryan Office Building library will go on as scheduled.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Local Government Subcommittee on Townships will be meeting tomorrow at 10 a.m. in the Ryan Office Building library.

Are there any further announcements?

RECESS

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

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 1902, PN 2950

By Rep. FEESE

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for sunset for recycling fee and for performance grants for municipal recycling programs.

APPROPRIATIONS.

HB 2090, PN 2880 By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for powers of director of the Pennsylvania Game Commission.

APPROPRIATIONS.

SB 394, PN 1400 By Rep. FEESE

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for payments under existing pension plans for service increments to pensions of police officers.

APPROPRIATIONS.

SB 854, PN 1231 By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in personal income tax, for medical and health savings accounts; and repealing provisions relating to taxation of medical and health savings accounts.

APPROPRIATIONS.

SB 862, PN 1319 By Rep. FEESE

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for order of initial license issuance, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals, for licensing of key employees, for recusal and disqualification of members, for alternate members, for initial applications and for code of conduct; and further providing for occupation permit application, for gross terminal revenue deductions, for transfers from the State Gaming Fund, for public official financial interests, for political influence and for enforcement.

APPROPRIATIONS.

SB 881, PN 1414 By Rep. FEESE

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

APPROPRIATIONS.

SB 895, PN 1417 By Rep. FEESE

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

APPROPRIATIONS.

SB 897, PN 1369

By Rep. FEESE

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making related repeals.

APPROPRIATIONS.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

SB 736, PN 1411

By Rep. J. TAYLOR

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions and for regulations; and providing for applicability on certain uncertified buildings.

URBAN AFFAIRS.

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Mark Keller.

Mr. M. KELLER. Mr. Speaker, I move that this House do now recess until Wednesday, December 14, 2005, at 11:15 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 11:14 a.m., e.s.t., Wednesday, December 14, 2005, the House recessed.