

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MAY 23, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 40

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (DENNIS M. O'BRIEN)  
PRESIDING**

#### PRAYER

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

Thank you, Mr. Speaker.

Let us pray:

Dear Heavenly Father, we give thanks unto You today, for You are good and Your mercy and truth endureth from everlasting to everlasting. You are an omnipresent God.

Let Your loving hands be upon us today as we begin the 191st budget process for the Commonwealth of Pennsylvania. There are some difficult times ahead of us, but by Your grace and Your divine power, our prayer is that we will be able to feed the hungry, take care of the sick, the needy, the widows, and the children as you have ordered us to do always, and by doing this, we are also doing it unto You.

Help us to be strong and of good courage, knowing that Your grace is sufficient for all who love mercy and walk humbly before You. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, May 22, 2007, will be postponed until printed. The Chair hears no objection.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the Republican leader, who requests that Representative SAYLOR from York, Representative NICKOL from York, Representative NAILOR from Cumberland, and Representative HERSHEY from Chester be placed on leave for the day. Without objection, those Representatives will be put on leave. The Chair hears no objection.

### MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Freeman	Markosek	Ross
Argall	Gabig	Marshall	Rubley
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni
Belfanti	Gergely	McIlhattan	Scavello
Benninghoff	Gibbons	Melio	Schroder
Bennington	Gillespie	Mensch	Seip
Beyer	Gingrich	Metcalfe	Shapiro
Biancucci	Godshall	Micozzie	Shimkus
Bishop	Goodman	Millard	Siptroth
Blackwell	Grell	Miller	Smith, K.
Boback	Grucela	Milne	Smith, M.
Boyd	Haluska	Moul	Smith, S.
Brennan	Hanna	Moyer	Solobay
Brooks	Harhai	Mundy	Sonney
Buxton	Harhart	Murt	Staback
Caltagirone	Harkins	Mustio	Stairs
Cappelli	Harris	Myers	Steil
Carroll	Helm	O'Brien, M.	Stern
Casorio	Hennessey	O'Neill	Stevenson
Causer	Hess	Oliver	Sturla
Civera	Hickernell	Pallone	Surra
Clymer	Hornaman	Parker	Swanger
Cohen	Hutchinson	Pashinski	Tangretti
Conklin	James	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Creighton	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Pyle	Waters
DeWeese	Kula	Quigley	Watson
DiGirolamo	Leach	Quinn	Wheatley
Donatucci	Lentz	Ramaley	White
Eachus	Levdansky	Rapp	Williams
Ellis	Longiatti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewcic
Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D., Speaker
Fleck	Mann	Roebuck	
Frankel	Mantz	Rohrer	

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—6

Cruz	Hershey	Nickol	Saylor
Harper	Nailor		

## LEAVES CANCELED—2

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

### PINE GROVE AREA HIGH SCHOOL JUNIOR ROTC CADETS PRESENTED

The SPEAKER. The Chair recognizes Representative Seip for an introduction.

Mr. SEIP. Thank you, Mr. Speaker.

I rise on the floor of the House today to recognize the accomplishments of the outstanding Junior ROTC (Reserve Officers' Training Corps) cadets of Pine Grove Area High School.

I have with me Lieutenant Colonel Wilgus, Sergeant First Class Bates, Cadet Major Abercrombie, Cadet Captain Arbegast, Cadet Captain Emerich, Cadet Sergeant First Class Engasser, Cadet First Sergeant Herring, Cadet Lieutenant Colonel McCabe, Cadet Command Sergeant Major Wiscount, and Cadet Master Sergeant Zimmerman.

Under the leadership and command of C/Lt. Col. Fallon McCabe, the cadets of Pine Grove Area High School scored a perfect score of 600 on their annual command inspection. The inspection was conducted by the cadre from Lehigh University's ROTC program. Imagine, perfect. How much energy, attention, and effort it must take to line up everything exactly as it needs to be to be perfect.

This is such a commendable achievement, as some of our young people today are engaged in much less laudable activities. However, the cadets of Pine Grove have chosen to skip many video games, skip hanging out on street corners and other less beneficial endeavors, and have instead pursued hard work and citizenship. That has helped them become not only leaders among the cadet corps but also leaders of their community and this Commonwealth.

If my wife, Major Starr Seip, was here today instead of in Baghdad, Iraq, I am sure she would commend these cadets and their cadre for this wonderful accomplishment.

I ask you all to recognize the cadets and cadre of the Pine Grove Area High School Junior ROTC program.

Thank you, Mr. Speaker.

### MARK LEVENGOOD PRESENTED

The SPEAKER. The Chair recognizes Representative Kessler for the purpose of presenting a citation.

Mr. KESSLER. May I have your attention, please. May I have the floor's attention, please.

When I was elected in November, I did not realize that I was going to have the opportunity to meet so many outstanding young men and women. I feel honored and privileged to be able to do that. One of my first citations was given to a gentleman by the name of Mark Levengood. When Mark Levengood was 13 years old, he had a brain tumor removed and he lost his sight. The first citation I gave to him was Student of the Year Award, and I also gave him a citation for Eagle Scout Award.

Mark was accepted to the Presidential Classroom Program down in Washington, DC, and attended that as well as Mark gives motivational speeches to different groups.

Mark has been accepted to several universities – St. Joe's University in Philadelphia, Lancaster Bible College, Valley Forge Christian Academy, and he is going to be attending Philadelphia Bible University in Philadelphia.

I would like to read a statement that Mark makes when he goes out and gives motivational speeches: "My advice to anyone is never to give up, do not let life's situations knock you off the path of your goals and dreams, turn around the negatives and make them a positive. For all the bad things that happen, God will pull a greater good out of them."

I just want to thank Mark for setting such a great example and making a difference in people's lives of all ages already throughout his life, and I know he will continue to do that. He has been an inspiration to me, and I hope he is an inspiration to you.

Thank you, Mark.

### BILL REREPORTED FROM COMMITTEE

**HB 483, PN 540**

By Rep. D. EVANS

An Act establishing the Mine Families First Program; providing assistance to persons whose family members are trapped, injured or waiting rescue during an underground mine emergency and for duties of the Department of Environmental Protection.

### APPROPRIATIONS.

The SPEAKER. This bill will be placed on the active supplemental calendar.

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

**HB 543, PN 613**

By Rep. GEORGE

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, establishing an energy-efficient home assistance program.

### ENVIRONMENTAL RESOURCES AND ENERGY.

**HB 1367, PN 1632**

By Rep. MUNDY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care, for definitions, for authorization, for amount, for repayment, for regulations and for time periods; and providing for the Senior Care and Services Study Commission.

### AGING AND OLDER ADULT SERVICES.

**RESOLUTIONS REPORTED  
FROM COMMITTEE**

**HR 106, PN 729** By Rep. GEORGE

A Resolution urging auto manufacturers to develop and produce plug-in hybrid vehicles for consumer use within this Commonwealth.

ENVIRONMENTAL RESOURCES AND ENERGY.

**HR 136, PN 836** By Rep. GEORGE

A Concurrent Resolution urging the President and Congress of the United States to ban exportation of elemental mercury.

ENVIRONMENTAL RESOURCES AND ENERGY.

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 286** By Representatives METCALFE, CREIGHTON, MUSTIO, ARGALL, BARRAR, BELFANTI, BOBACK, CAPPELLI, CLYMER, EVERETT, FAIRCHILD, GIBBONS, GOODMAN, HARHAI, HESS, JAMES, MILLARD, R. MILLER, MOYER, O'NEILL, PAYNE, RAPP, READSHAW, REED, ROAE, ROHRER, SAYLOR, SCAVELLO, SCHRODER, SOLOBAY, STERN, R. STEVENSON, SURRA, SWANGER, TRUE, VEREB, WALKO, WOJNAROSKI, YUDICHAK, BOYD, DENLINGER, GINGRICH, HARRIS and CUTLER

A Resolution encouraging the United States Congress to prepare, introduce and actively support an amendment to existing Federal laws to address the influx of unauthorized aliens.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, May 23, 2007.

**No. 296** By Representatives SIPTROTH, JOSEPHS, THOMAS, MARKOSEK, McCALL, CARROLL, SCAVELLO, CONKLIN, SANTONI, DeWEESE, MANDERINO, DALLY, W. KELLER, WALKO, FREEMAN, KULA, SEIP, COSTA, PETRARCA, PALLONE, CASORIO, HARKINS, CURRY, HARHAI, SAINATO, HORNAMAN, R. TAYLOR, BIANCUCCI, GRUCELA, RAMALEY, WANSACZ, GOODMAN, KING, MUNDY, GEORGE, FAIRCHILD, BEYER, HENNESSEY and BARRAR

A Concurrent Resolution opposing implementation of costly Federal standards imposed under the REAL ID Act of 2005 (REAL ID Act).

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, May 23, 2007.

**SENATE MESSAGE**

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

The clerk of the Senate, being introduced, returned **HB 112, PN 1639**, with information that the Senate has passed the same

with amendment in which the concurrence of the House of Representatives is requested.

**BILL SIGNED BY SPEAKER**

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

**SB 21, PN 29**

An Act authorizing the Department of General Services, with the approval of the Governor, to enter into an agreement or other legal instrument with Chester County to alter use restrictions and reversionary covenants on real estate conveyed to Chester County, situate in Newlin and West Bradford Townships; and making inconsistent repeals.

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

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome the following individuals to the House chamber: Lindsey Hitz, Robert Klingensmith, Claire Leidig, Maria McColleston, Kristen Otto, Tara Saunders. They are all interns in the Archives department. Please join me in welcoming these individuals to the House chamber.

Ladies and gentlemen of the House, please join me in welcoming Dr. Pat Palmer, who is a special guest of Representative Conklin and resides in Representative Saylor's legislative district. He is the producer of P&P Productions and has been a recording artist for over 30 years. He sang with the Drifters, the Temptations, and the Delfonics. He has toured the United Kingdom and the United States with the singing groups War, the Isley Brothers, the Supremes, the Stylistics, the Temptations, Four Tops, and more. Please join me in welcoming Dr. Pat Palmer to the floor of the House. He is to the left of the Speaker.

**SUPPLEMENTAL CALENDAR A**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. SHIMKUS called up **HR 282, PN 1645**, entitled:

A Resolution designating May 14, 2007, as "Eugene J. Kane, Sr., Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Freeman	Markosek	Ross
Argall	Gabig	Marshall	Rubley
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni

Belfanti	Gergely	McIlhattan	Scavello
Benninghoff	Gibbons	Melio	Schroder
Bennington	Gillespie	Mensch	Seip
Beyer	Gingrich	Metcalf	Shapiro
Biancucci	Godshall	Micozzie	Shimkus
Bishop	Goodman	Millard	Siptroth
Blackwell	Grell	Miller	Smith, K.
Boback	Grucela	Milne	Smith, M.
Boyd	Haluska	Moul	Smith, S.
Brennan	Hanna	Moyer	Solobay
Brooks	Harhai	Mundy	Sonney
Buxton	Harhart	Murt	Staback
Caltagirone	Harkins	Mustio	Stairs
Cappelli	Harris	Myers	Steil
Carroll	Helm	O'Brien, M.	Stern
Casorio	Hennessey	O'Neill	Stevenson
Causer	Hess	Oliver	Sturla
Civera	Hickernell	Pallone	Surra
Clymer	Hornaman	Parker	Swanger
Cohen	Hutchinson	Pashinski	Tangretti
Conklin	James	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Creighton	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petrarca	Verb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Pyle	Waters
DeWeese	Kula	Quigley	Watson
DiGirolamo	Leach	Quinn	Wheatley
Donatucci	Lentz	Ramaley	White
Eachus	Levdansky	Rapp	Williams
Ellis	Longietti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewcic
Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D.,
Fleck	Mann	Roebuck	Speaker
Frankel	Mantz	Rohrer	

NAYS-0

NOT VOTING-0

EXCUSED-6

Cruz	Hershey	Nickol	Saylor
Harper	Nailor		

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

\* \* \*

Mr. BENNINGHOFF called up **HR 284, PN 1646**, entitled:

A Resolution designating May 1, 2007, as "Keep Kids Alive Drive 25 Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Freeman	Markosek	Ross
Argall	Gabig	Marshall	Rubleby
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni
Belfanti	Gergely	McIlhattan	Scavello
Benninghoff	Gibbons	Melio	Schroder
Bennington	Gillespie	Mensch	Seip
Beyer	Gingrich	Metcalf	Shapiro
Biancucci	Godshall	Micozzie	Shimkus
Bishop	Goodman	Millard	Siptroth
Blackwell	Grell	Miller	Smith, K.
Boback	Grucela	Milne	Smith, M.
Boyd	Haluska	Moul	Smith, S.
Brennan	Hanna	Moyer	Solobay
Brooks	Harhai	Mundy	Sonney
Buxton	Harhart	Murt	Staback
Caltagirone	Harkins	Mustio	Stairs
Cappelli	Harris	Myers	Steil
Carroll	Helm	O'Brien, M.	Stern
Casorio	Hennessey	O'Neill	Stevenson
Causer	Hess	Oliver	Sturla
Civera	Hickernell	Pallone	Surra
Clymer	Hornaman	Parker	Swanger
Cohen	Hutchinson	Pashinski	Tangretti
Conklin	James	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Creighton	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petrarca	Verb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Pyle	Waters
DeWeese	Kula	Quigley	Watson
DiGirolamo	Leach	Quinn	Wheatley
Donatucci	Lentz	Ramaley	White
Eachus	Levdansky	Rapp	Williams
Ellis	Longietti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewcic
Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D.,
Fleck	Mann	Roebuck	Speaker
Frankel	Mantz	Rohrer	

NAYS-0

NOT VOTING-0

EXCUSED-6

Cruz	Hershey	Nickol	Saylor
Harper	Nailor		

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

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Mr. PAYNE called up **HR 293, PN 1651**, entitled:

A Resolution honoring the work and achievements of Judith M. Heh, a favorite daughter of this Commonwealth.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Freeman	Markosek	Ross
Argall	Gabig	Marshall	Rubley
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni
Belfanti	Gergely	McIlhattan	Scavello
Benninghoff	Gibbons	Melio	Schroder
Bennington	Gillespie	Mensch	Seip
Beyer	Gingrich	Metcalfe	Shapiro
Biancucci	Godshall	Micozzie	Shimkus
Bishop	Goodman	Millard	Siptroth
Blackwell	Grell	Miller	Smith, K.
Boback	Grucela	Milne	Smith, M.
Boyd	Haluska	Moul	Smith, S.
Brennan	Hanna	Moyer	Solobay
Brooks	Harhai	Mundy	Sonney
Buxton	Harhart	Murt	Staback
Caltagirone	Harkins	Mustio	Stairs
Cappelli	Harris	Myers	Steil
Carroll	Helm	O'Brien, M.	Stern
Casorio	Hennessey	O'Neill	Stevenson
Causer	Hess	Oliver	Sturla
Civera	Hickernell	Pallone	Surra
Clymer	Hornaman	Parker	Swanger
Cohen	Hutchinson	Pashinski	Tangretti
Conklin	James	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Creighton	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Pyle	Waters
DeWeese	Kula	Quigley	Watson
DiGiroloamo	Leach	Quinn	Wheatley
Donatucci	Lentz	Ramaley	White
Eachus	Levdansky	Rapp	Williams
Ellis	Longiatti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewcic
Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D.,
Fleck	Mann	Roebuck	Speaker
Frankel	Mantz	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz	Hershey	Nickol	Saylor
Harper	Nailor		

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

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Mr. BELFANTI called up **HR 295, PN 1653**, entitled:

A Resolution designating May 22, 2007, as "Braille Literacy Awareness Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Freeman	Markosek	Ross
Argall	Gabig	Marshall	Rubley
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Samuelson
Bear	Gerber	McI. Smith	Santoni
Belfanti	Gergely	McIlhattan	Scavello
Benninghoff	Gibbons	Melio	Schroder
Bennington	Gillespie	Mensch	Seip
Beyer	Gingrich	Metcalfe	Shapiro
Biancucci	Godshall	Micozzie	Shimkus
Bishop	Goodman	Millard	Siptroth
Blackwell	Grell	Miller	Smith, K.
Boback	Grucela	Milne	Smith, M.
Boyd	Haluska	Moul	Smith, S.
Brennan	Hanna	Moyer	Solobay
Brooks	Harhai	Mundy	Sonney
Buxton	Harhart	Murt	Staback
Caltagirone	Harkins	Mustio	Stairs
Cappelli	Harris	Myers	Steil
Carroll	Helm	O'Brien, M.	Stern
Casorio	Hennessey	O'Neill	Stevenson
Causer	Hess	Oliver	Sturla
Civera	Hickernell	Pallone	Surra
Clymer	Hornaman	Parker	Swanger
Cohen	Hutchinson	Pashinski	Tangretti
Conklin	James	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Creighton	Keller, M.	Perry	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petri	Vitali
Dally	Killion	Petrone	Vulakovich
DeLuca	King	Phillips	Wagner
Denlinger	Kirkland	Pickett	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Pyle	Waters
DeWeese	Kula	Quigley	Watson
DiGiroloamo	Leach	Quinn	Wheatley
Donatucci	Lentz	Ramaley	White
Eachus	Levdansky	Rapp	Williams
Ellis	Longiatti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewcic
Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D.,
Fleck	Mann	Roebuck	Speaker
Frankel	Mantz	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—6

Cruz	Hershey	Nickol	Saylor
Harper	Nailor		

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

### DEMOCRATIC CAUCUS

The SPEAKER. Does the majority leader have any announcements?

Mr. Cohen?

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a Democratic caucus immediately upon the call of the recess. The Democratic Caucus will discuss the amendments to SB 218, dealing with the Local Tax Enabling Act, and HB 999, providing for restoration of operating privileges, as well as any other business that may come before the caucus.

I expect we will be back on the floor at 2 o'clock. Am I right, Mr. Speaker?

The SPEAKER. The gentleman is correct. It is the intention of the Chair to return to the floor at 2 p.m.

Are there any other announcements?

This House will stand in recess until 2 p.m.

### URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman, Representative Petrone, rise?

Mr. PETRONE. Thank you, Mr. Speaker.

I would just like to pass the word that the Urban Affairs Committee meeting will be held after 2 p.m. when we return to the House. Thank you.

The SPEAKER. The Chair rescinds its announcement that the House is in recess so the gentleman can announce a meeting of the Urban Affairs Committee at the return of recess at 2 p.m. Is that correct, Mr. Petrone?

Mr. PETRONE. That is correct, Mr. Speaker. Thank you.

The SPEAKER. What was the location of that meeting?

Mr. PETRONE. We have not chosen a location yet.

The SPEAKER. You will announce it when you return?

Mr. PETRONE. Yes, sir. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Urban Affairs Committee will meet after 2 p.m., and the location will be announced when we return from recess.

### RECESS

The SPEAKER. This House will stand in recess until 2 p.m.

### RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

### AFTER RECESS

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

## SUPPLEMENTAL CALENDAR C

### RESOLUTION PURSUANT TO RULE 35

Ms. BOBACK called up **HR 302, PN 1657**, entitled:

A Resolution recognizing May 25, 2007, as "National Missing Children's Day" in Pennsylvania.

On the question,

Will the House adopt the resolution?

(Members proceeded to vote.)

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair will return to leaves of absence and note the presence of Representative Hershey on the floor. Without objection, his name will be added to the master roll.

### CONSIDERATION OF HR 302 CONTINUED

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—198

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Scavello
Bennington	Gillespie	Melio	Schroder
Beyer	Gingrich	Mensch	Seip
Biancucci	Godshall	Metcalfe	Shapiro
Bishop	Goodman	Micozzie	Shimkus
Blackwell	Grell	Millard	Sipthoth
Boback	Grucela	Miller	Smith, K.
Boyd	Haluska	Milne	Smith, M.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harris	Mustio	Stairs
Carroll	Helm	Myers	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causar	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson

Donatucci	Leach	Quinn	Wheatley
Eachus	Lentz	Ramaley	White
Ellis	Levdansky	Rapp	Williams
Evans, D.	Longietti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Cruz	Nailor	Nickol	Saylor
Harper			

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

## CALENDAR

## BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 161, PN 182**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for the definition of "exploitation."

On the question,

Will the House agree to the bill on second consideration?

Mr. **DeLUCA** offered the following amendment No. **A00719**:

Amend Title, page 1, lines 7 and 8, by striking out "definition of" in line 7 and all of line 8 and inserting definitions of "employee" and "exploitation", for legislative policy, for involuntary intervention by emergency court order, for grounds for denying employment and for applicability relating to criminal history for employees.

Amend Bill, page 1, lines 11 through 14, by striking out all of said lines and inserting

Section 1. Section 102 of the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, is amended to read:

Section 102. Legislative policy.

It is declared the policy of the Commonwealth of Pennsylvania that older adults who lack the capacity to protect themselves and are at imminent risk of abuse, neglect, exploitation or abandonment shall have access to and be provided with services necessary to protect their health, safety and welfare. It is not the purpose of this act to place restrictions upon the personal liberty of incapacitated older adults, but this act should be liberally construed to assure the availability of protective services to all older adults in need of them. Such services shall safeguard the rights of incapacitated older adults while protecting them from abuse, neglect, exploitation and abandonment. It is the intent of the General Assembly to provide for the detection and reduction, correction or elimination of abuse, neglect, exploitation and

abandonment, and to establish a program of protective services for older adults in need of them.

It is further declared the policy of the Commonwealth that the commission of any offense that constitutes serious physical harm, a threat of serious physical harm or conduct which evidences a reckless disregard for the vulnerability of care-dependent populations, legitimately warrants a lifetime ban on employment in facilities covered under this act. Further, for facilities covered under this act, it is the policy of the Commonwealth that the commission of any offenses related to misappropriation or misuse of property or convictions which involved inappropriate or irresponsible behavior legitimately warrants a ban on employment for a period of ten years immediately preceding the date of the report, not including any time spent in incarceration.

Section 2. The definitions of "employee" and "exploitation" in section 103 of the act, amended December 18, 1996 (P.L.1125, No.169), are amended to read:

Amend Sec. 1 (Sec. 103), page 1, by inserting after line 18 "Employee." [An individual who is employed by a facility. The term includes contract employees who have direct contact with residents or unsupervised access to their personal living quarters. The term includes any person who is employed or who enters into a contractual relationship to provide care to a care-dependent individual for monetary consideration in the individual's place of residence.] An individual who has direct contact with recipients or unsupervised access to their living quarters and is either employed by a facility or a contract employee. The term includes any person who is employed or who enters into a contractual relationship to provide care to a care-dependent individual for monetary consideration in the individual's place of residence.

Amend Sec. 2, page 2, line 11, by striking out all of said line and inserting

Section 3. Section 307(a) of the act, amended December 18, 1996 (P.L.1125, No.169), is amended to read:

Section 307. Involuntary intervention by emergency court order.

(a) Emergency petition.—[Where there was clear and convincing evidence that if protective services are not provided, the person to be protected is at imminent risk of death or serious physical harm, the agency may petition the court for an emergency order to provide the necessary services.] An agency may petition a court of common pleas for an emergency order to provide protective services to an older adult who is at imminent risk of death or serious physical harm. The court of common pleas shall grant the agency's petition if it finds, by a preponderance of the evidence, that if protective services are not provided, the older adult is at imminent risk of death or serious physical harm. The courts of common pleas of each judicial district shall ensure that a judge or district justice is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under this section whenever the agency determines that a delay until normal court hours would significantly increase the danger the older adult faces.

\* \* \*

Section 4. Section 503(a) of the act, amended June 9, 1997 (P.L.160, No.13), is amended and the section is amended by adding subsections to read:

Section 503. Grounds for denying employment.

(a) General rule.—In no case shall a facility hire an applicant or retain an employee required to submit information pursuant to section 502(a) if the applicant's or employee's criminal history record information indicates the applicant or employee has been convicted of any of the following offenses:

(1) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) An offense under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).  
 Section 3121 (relating to rape).  
 Section 3122.1 (relating to statutory sexual assault).  
 Section 3123 (relating to involuntary deviate sexual intercourse).  
 Section 3124.1 (relating to sexual assault).  
 Section 3125 (relating to aggravated indecent assault).  
 Section 3126 (relating to indecent assault).  
 Section 3127 (relating to indecent exposure).  
 Section 3301 (relating to arson and related offenses).  
 Section 3502 (relating to burglary).  
 Section 3701 (relating to robbery).  
 A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.  
 Section 4101 (relating to forgery).  
 Section 4114 (relating to securing execution of documents by deception).  
 Section 4302 (relating to incest).  
 Section 4303 (relating to concealing death of child).  
 Section 4304 (relating to endangering welfare of children).  
 Section 4305 (relating to dealing in infant children).  
 Section 4952 (relating to intimidation of witnesses or victims).  
 Section 4953 (relating to retaliation against witness or victim).  
 A felony offense under section 5902(b) (relating to prostitution and related offenses).  
 Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).  
 Section 6301 (relating to corruption of minors).  
 Section 6312 (relating to sexual abuse of children).  
 (3) A Federal or out-of-State offense similar in nature to those crimes listed in paragraphs (1) and (2).  
 (a.1) Lifetime bans.—In no case shall a facility hire an applicant required to submit information pursuant to section 502(a) or retain an employee required to submit information pursuant to section 508, if the applicant's or employee's criminal history record information indicates the applicant or employee has been convicted of any of the following offenses:  
 (1) An offense under one of the following provisions of 18 Pa.C.S. (relating to crimes and offenses) which is graded as a felony:  
Chapter 25 (relating to criminal homicide).  
Section 2702 (relating to aggravated assault).  
Section 2709 (relating to harassment).  
Section 2709.1 (relating to stalking).  
Section 2713 (relating to neglect of care-dependent person).  
Section 2901 (relating to kidnapping).  
Section 3121 (relating to rape).  
Section 3123 (relating to involuntary deviate sexual intercourse).  
Section 3124.1 (relating to sexual assault).  
Section 3125 (relating to aggravated indecent assault).  
Section 3301 (relating to arson and related offenses).  
Section 3701 (relating to robbery).

Section 4304 (relating to endangering welfare of children).  
Section 6312 (relating to sexual abuse of children).  
 (2) An offense under one of the following provisions of 18 Pa.C.S. which is graded as a misdemeanor:  
Section 2713 (relating to neglect of care-dependent person).  
Section 3126 (relating to indecent assault).  
 (3) A Federal or out-of-State offense similar in nature to any offense listed in paragraph (1) or (2).  
 (a.2) Ten-year ban.—In no case may a facility hire an applicant required to submit information pursuant to section 502(a) or retain an employee required to submit information pursuant to section 508 if the applicant's or employee's criminal history record information indicates the applicant or employee has been convicted, within ten years immediately preceding the date of the report, not including any time spent in incarceration, of any of the following offenses:  
 (1) An offense graded a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.  
 (2) An offense under one of the following provisions of 18 Pa.C.S. (relating to crimes and offenses) which is graded as a felony:  
Section 3122.1 (relating to statutory sexual assault).  
Section 3502 (relating to burglary).  
Section 3921 (relating to theft by unlawful taking or disposition).  
Section 3922 (relating to theft by deception).  
Section 3923 (relating to theft by extortion).  
Section 3924 (relating to theft of property lost, mislaid, or delivered by mistake).  
Section 3925 (relating to receiving stolen property).  
Section 3926 (relating to theft of services).  
Section 3927 (relating to theft by failure to make required disposition of funds received).  
Section 3929 (relating to retail theft), if there are two or more convictions thereunder.  
Section 3934 (relating to theft from a motor vehicle).  
Section 4101 (relating to forgery).  
Section 4952 (relating to intimidation of witnesses or victims).  
Section 4953 (relating to retaliation against witness, victim or party).  
Section 5902 (relating to prostitution and related offenses).  
Section 6301(a)(1) (relating to corruption of minors).  
 (3) An offense under one of the following provisions of 18 Pa.C.S. (relating to crimes and offenses) which is graded as a misdemeanor:  
Section 2504 (relating to involuntary manslaughter).  
Section 2902 (relating to unlawful restraint).  
Section 3127 (relating to indecent exposure).  
Section 3921 (relating to theft by unlawful taking or disposition).  
Section 3922 (relating to theft by deception).  
Section 3923 (relating to theft by extortion).  
Section 3927 (relating to theft by failure to make required disposition of funds received).  
Section 3929 (relating to retail theft), if there are two or more convictions thereunder.  
Section 4101 (relating to forgery).

Section 4114 (relating to securing execution of documents by deception).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child).

Section 4305 (relating to dealing in infant children).

(4) A Federal or out-of-State offense similar to any offense listed in paragraph (1), (2) or (3).

\* \* \*

(d) Right of review.—An applicant or employee may review, challenge and appeal the completeness or accuracy of that applicant's or employee's criminal history report under 18 Pa.C.S. Ch. 91 (relating to criminal history record information). An applicant or employee may challenge the conviction comparison interpretation of the department involving the Federal criminal history record by filing an appeal with the department in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

Section 5. Section 508 of the act, amended June 9, 1997 (P.L.160, No.13), is amended to read:

Section 508. Applicability.

This chapter shall apply as follows:

(1) An individual who, on the effective date of this chapter, has continuously for a period of one year been an employee of the same facility shall be exempt from [section 502] sections 502 and 503 as a condition of continued employment.

(2) If an employee is not exempt under paragraph (1), the employee and the facility shall comply with [section 502] sections 502 and 503 within one year of the effective date of this chapter.

(3) If an employee who is exempt under paragraph (1) seeks employment with a different facility, the employee and the facility shall comply with [section 502] sections 502 and 503.

(4) An employee who has obtained the information required under section 502 or 503 may transfer to another facility established and supervised by the same owner and is not required to obtain additional reports before making the transfer.

Section 6. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 7. This act shall take effect as follows:

(1) The amendment of section 508(2) of the act shall take effect in 120 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative DeLuca.

Mr. DeLUCA. Mr. Speaker, there was an error in the drafting of that amendment, so I am withdrawing it, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeLUCA. Thank you.

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

\* \* \*

The House proceeded to second consideration of **HB 999, PN 1534**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restoration of operating privilege.

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

Mr. **MICOZZIE** offered the following amendment No. **A00787**:

Amend Sec. 1 (Sec. 1545), page 2, line 5, by inserting after "privileges)."

The department shall expunge any record which shows points as a result of a suspension of operating privileges under section 1532(d).

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

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

Mr. MICOZZIE. Thank you, Mr. Speaker.

Amendment 00787 to HB 999 has to do with an oversight by PENNDOT in issuing suspension notices for teenagers who got a citation for underage drinking not connected with a vehicle.

Mr. Speaker, may I have some quiet, please.

The SPEAKER. The gentleman is correct. Members will please take their seats. Sergeants at Arms will please clear the aisles. Conferences and conversations will break up. Members will hold their conversations to a minimum.

The gentleman is in order. He may proceed.

Mr. MICOZZIE. Instead of just issuing the suspension, PENNDOT issued 5 points to the suspension, which is not covered in the law. Evidently, they overlooked the fact that they did not have authority to issue the 5 points. HB 999 makes that issue clear that PENNDOT is not to put 5 points on. My amendment is retroactive and mandates that PENNDOT expunge any points that were given to a person under 18 years old who was issued a citation not connected to a vehicle.

Thank you, Mr. Speaker.

The SPEAKER. Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of the Micozzie amendment. I think it is a good amendment and should be included in the bill.

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

The following roll call was recorded:

YEAS—198

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson

Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Scavello
Bennington	Gillespie	Melio	Schroder
Beyer	Gingrich	Mensch	Seip
Biancucci	Godshall	Metcalfe	Shapiro
Bishop	Goodman	Micozzie	Shimkus
Blackwell	Grell	Millard	Siptroth
Boback	Grucela	Miller	Smith, K.
Boyd	Haluska	Milne	Smith, M.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harris	Mustio	Stairs
Carroll	Helm	Myers	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causser	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Lentz	Ramaley	White
Ellis	Levdansky	Rapp	Williams
Evans, D.	Longietti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Nailor	Nickol	Saylor
Harper			

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

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

The SPEAKER. The Chair recognizes the gentleman, Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, HB 999 is a bill that needs to be adopted. It is legislation that will correct an inequity that exists as a result of a PENNDOT decision, and I urge the members' support of the bill.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **HB 1078, PN 1313**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for deterrent fences for deer, bear and elk and the payment of claims for damages by certain elk; imposing duties on the Department of Agriculture; providing for the establishment of the Elk Damage Fund; and making an appropriation.

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

\* \* \*

The House proceeded to second consideration of **HB 1093, PN 1324**, entitled:

An Act establishing the Physician Retention Loan Forgiveness Program in the Pennsylvania Higher Education Assistance Agency; and providing for powers and duties of the Pennsylvania Higher Education Assistance Agency.

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

Mr. **GEORGE** offered the following amendment No. **A00708**:

- Amend Sec. 4, page 2, by inserting between lines 23 and 24
  - (1) Recipients of loans who by contract with the agency agree to practice medicine in an area of this Commonwealth that is reported by the Department of Health as medically underserved or in a primary care health professional shortage area.
- Amend Sec. 4, page 2, line 24, by striking out "(1)" and inserting (2)
- Amend Sec. 4, page 2, line 26, by striking out "(2)" and inserting (3)
- Amend Sec. 4, page 2, line 28, by striking out "(3)" and inserting (4)
- Amend Sec. 4, page 2, line 30, by striking out "(4)" and inserting (5)

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

The SPEAKER. The Chair recognizes Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I believe that this amendment will help every district in every area in Pennsylvania if in fact we, as we insist, want to be able to provide health care, and the health care that we are talking about are those individuals that administer health care – doctors and such.

So what this amendment does is simply state that for areas that are medically underserved, that this bill will help the colleges place doctors in these areas where medical help is lacking and where we as a body have an opportunity to bring it to where we believe it should be. There are several Federal and State programs that are available, and I would wonder why we are not willing to do this in Pennsylvania.

Some might ask, what is medically deprived? It is not simply the rural area. It is any area where, first, there are not enough doctors for the population, and secondly, that there are no means, no availability, no transportation in that all of these medical practitioners are located in an area where it is very difficult, in fact sometimes impossible. And the rural area falls into this as well as the city areas where we do not have the transportation or the local entities who provide rides for our people.

I believe that the sponsor gratefully will agree to this amendment, and I believe that we would be doing an ombudsman's job to put it into this bill. Thank you.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the author of the bill?

The SPEAKER. Are you interrogating the gentleman on the amendment?

Mr. THOMAS. Should I wait until the amendment has been resolved?

The SPEAKER. The gentleman should wait until the amendment is adopted or fails.

Mr. THOMAS. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	Gabig	Mantz	Ross
Argall	Galloway	Markosek	Rubley
Baker	Geist	Marshall	Sabatina
Barrar	George	Marsico	Sainato
Bastian	Gerber	McCall	Samuelson
Bear	Gergely	McGeehan	Santoni
Belfanti	Gibbons	McI. Smith	Scavello
Benninghoff	Gillespie	McIlhattan	Schroder
Bennington	Gingrich	Melio	Seip
Beyer	Godshall	Mensch	Shapiro
Biancucci	Goodman	Metcalfe	Shimkus
Bishop	Grell	Micozzie	Siptroth
Blackwell	Grucela	Millard	Smith, K.
Boback	Haluska	Miller	Smith, M.
Boyd	Hanna	Milne	Smith, S.
Brennan	Harhai	Moyer	Solobay
Brooks	Harhart	Mundy	Sonney
Buxton	Harkins	Murt	Staback
Caltagirone	Harris	Mustio	Stairs
Cappelli	Helm	Myers	Steil
Carroll	Hennessey	O'Brien, M.	Stern
Casorio	Hershey	O'Neill	Stevenson
Causser	Hess	Oliver	Sturla
Civera	Hickernell	Pallone	Surra
Clymer	Hornaman	Parker	Swanger
Cohen	Hutchinson	Pashinski	Tangretti
Conklin	James	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perzel	True

Cutler	Keller, W.	Petrarca	Turzai
Daley	Kenney	Petri	Vereb
Dally	Kessler	Petrone	Vitali
DeLuca	Killion	Phillips	Vulakovich
Denlinger	King	Pickett	Wagner
DePasquale	Kirkland	Preston	Walko
Dermody	Kortz	Pyle	Wansacz
DeWeese	Kotik	Quigley	Waters
DiGirolamo	Kula	Quinn	Watson
Donatucci	Leach	Ramaley	Wheatley
Eachus	Lentz	Rapp	White
Ellis	Levdansky	Raymond	Williams
Evans, D.	Longiotti	Readshaw	Wojnaroski
Evans, J.	Mackereth	Reed	Yewcic
Everett	Maher	Reichley	Youngblood
Fabrizio	Mahoney	Roae	Yudichak
Fairchild	Major	Rock	
Fleck	Manderino	Roebuck	O'Brien, D., Speaker
Frankel	Mann	Rohrer	
Freeman			

NAYS—3

Creighton	Moul	Perry
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NOT VOTING—0

EXCUSED—5

Cruz	Nailor	Nickol	Saylor
Harper			

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

On the question,

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

The SPEAKER. The Chair recognizes Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the author of the bill?

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

Will the gentleman suspend for one second.

The Chair would implore the members of the House to please give the speakers the opportunity to be heard. Members will hold their conversations to a minimum.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think it is a good idea, your proposal, and I guess I am only concerned with how would it impact the existing physicians loan repayment program that we established under the Children's Health Insurance Program?

Mr. SHAPIRO. This legislation would have no impact, Mr. Speaker, on the current law which Representative Thomas references.

Mr. THOMAS. So this would not even be considered an expansion of that since it focuses on osteopathy?

Mr. SHAPIRO. Mr. Speaker, this legislation would not just focus on osteopaths, as the question was made by the gentleman from Philadelphia. In fact, it would focus on all physicians of the Commonwealth, both medical doctors and osteopaths. It would build upon the legislation; indeed, it would build upon

the law that Representative Thomas references in his question, Mr. Speaker.

Mr. THOMAS. Thank you, Mr. Speaker. Thank you.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 1093, access to physicians, but I would like to remind the members of the General Assembly, one sure way we can make certain that there is going to be access to our highly skilled physicians here in the Commonwealth is to consider the importance of tort reform, medical liability reform, and the Fair Share Act; that is joint and several liability. Those issues are very paramount to the very nature of the legislation that we are dealing with today, and I want to share those thoughts with the members of the House.

Thank you.

The SPEAKER. Representative O'Neill.

Mr. O'NEILL. Will the maker of the bill submit to interrogation?

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

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, my only question and concern with the bill is if a doctor who decides to stay in the State takes advantage of this program— I apologize.

The SPEAKER. The gentleman will cease.

The Chair will ask one more time, may I have the attention of the members of the House. The noise level in the House is much too high. Conferences will break up. The Sergeants at Arms will ask the members to take their seats. Members will please take their seats.

The gentleman is in order. He may proceed.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, one concern I have on the bill is, and maybe the answer could be given to me, if we have a doctor who takes advantage of this worthwhile program and decides after 5 years, 4 years, 6 years in the program to leave the State and go into another State to practice medicine, are there any provisions in the bill to protect the taxpayers to get back whatever they have paid for in that doctor's – you know, what is it? – up to \$10,000 a year or whatever it is to recoup that money since they did not meet their obligation?

Mr. SHAPIRO. Mr. Speaker, I apologize. I am happy to answer the gentleman's question. I cannot hear the gentleman's question.

### PARLIAMENTARY INQUIRY

Mr. SHAPIRO. I would also at this time respectfully make a parliamentary inquiry and ask if we are on second consideration or indeed third consideration? If we are on third, I would be more than happy to submit to interrogation on the underlying legislation. If on second, I would think it would relate to the amendment.

The SPEAKER. The Chair will ask the members to please hold their conversations to a minimum. The Chair cannot even hear Representative Shapiro raise his question to the Chair. Will the gentleman, Representative Shapiro, please raise his question again.

Mr. SHAPIRO. A parliamentary inquiry, Mr. Speaker.

The question is, I am happy to address the gentleman's question, but whether we are on second consideration or third consideration? My understanding was we were on second and had moved to third. If that is not the case and we are in fact discussing the bill at hand and not just the amendment, I would just like some clarification in terms of where we stand in the process.

The SPEAKER. We are, for the information of the gentleman, we are on second consideration, and the gentleman is in order to ask Representative Shapiro to stand for interrogation on second consideration.

Mr. SHAPIRO. I am happy to stand for interrogation. I would just ask the gentleman to repeat the question.

Mr. O'NEILL. Yes; I will repeat it again.

Very simply, if someone, if a doctor takes advantage of this worthwhile program and during the program, 4 or 5 years, decides to just pack up and leave the State, is there any provision in the bill to recoup any loss to the State for him or her not fulfilling their obligation?

Mr. SHAPIRO. Mr. Speaker, at year 4, in the hypothetical the gentleman raised, he will have been reimbursed or she will have been reimbursed 40 percent of his or her medical school loans. If at that time they leave the program or leave the loan forgiveness that they have been entered into, they would be forced to repay the Commonwealth the full 40 percent under the gentleman's hypothetical which he raised.

Mr. O'NEILL. Thank you, Mr. Speaker.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **HB 1169, PN 1535**, entitled:

An Act designating the bridge carrying State Route 2073 over Plum Creek between the boroughs of Oakmont and Verona in Allegheny County as the Roger F. Duffy Viaduct.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 1214, PN 1474**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

Mr. **ROHRER** offered the following amendment No. **A00761**:

Amend Sec. 1 (Sec. 301), page 1, line 11, by inserting brackets before and after "The members" and inserting immediately thereafter

A member

Amend Sec. 1 (Sec. 301), page 1, line 11, by inserting after "for" not more than two

Amend Sec. 1 (Sec. 301), page 1, line 12, by inserting after "each"

, subject to Senate confirmation pursuant to law for each term.

Amend Sec. 1 (Sec. 301), page 1, line 15, by inserting after "first."

Thereafter, the person shall be ineligible to hold that office.

Amend Sec. 1 (Sec. 301), page 2, lines 1 through 5, by striking out all of said lines and inserting term. [A member of the commission who serves a full eight-year term or fills a vacancy for a period of more than four years shall not be eligible for reappointment to the commission until a period of eight years expires.]

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Rohrer.

Mr. **ROHRER**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment takes and adds an additional flavor to this bill, of which we are in support. It came out of the Game and Fish Committee unanimously. But the bill deals with changing the term of office for the Game Commission. This amendment that is before us right now takes and adds in the flavor that the commissioner's term, which is now 8 years, will still be limited to 8 years. However, at the end of the fourth year, there will need to be another analysis, basically in a Senate reconfirmation, prior to the entering into the second 4-year term. It is just, again, to provide a bit more accountability, not to make the term shorter, but to put in an extra measure of accountability, and we are asking folks to support that.

The **SPEAKER**. Representative Surra.

Mr. **SURRA**. Thank you, Mr. Speaker.

Mr. Speaker, I have worked with the Republican chairman of the House Game and Fish Committee, and this is an agreed-to amendment, and I would urge all the members to support it. Thank you.

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

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The **SPEAKER**. For what purpose does the gentleman rise? Representative Hess.

Mr. **HESS**. I had a question of the maker of the amendment, and nobody saw me when I was waving.

VOTE STRICKEN

The **SPEAKER**. The clerk will strike the vote.

Will the maker of the amendment stand for interrogation? The gentleman indicates that he will. The gentleman is in order.

Mr. **HESS**. Thank you, Mr. Speaker.

Just two brief questions, Mr. Speaker. If the Senate has to reconsider the commissioner's appointment, does that not have to be submitted by the Governor again in order for them to consider it?

Mr. **ROHRER**. I believe that does, the way the amendment is written, yes.

Mr. **HESS**. Is the amendment drafted that way where the Governor would have to renominate? It would be the same thing as starting all over again, really.

Mr. **ROHRER**. It is except the fellow has already been in, but the process, the Senate would have to reconfirm as in the first go-around.

Mr. **HESS**. The name would have to be considered. The name would automatically go to the Governor's Office for renomination, or does somebody have to send it up to the Governor's Office?

Mr. **ROHRER**. I think it would be for automatic reconsideration, but the Governor would have to reconsider it; would have to reoffer, resubmit.

Mr. **HESS**. Okay. Thank you very much, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Adolph	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rublely
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Scavello
Bennington	Gillespie	Melio	Schroder
Bianucci	Gingrich	Mensch	Seip
Bishop	Godshall	Metcalfe	Shapiro
Blackwell	Goodman	Micozzie	Shimkus
Boback	Grucela	Millard	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harris	Mustio	Stairs
Carroll	Helm	Myers	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causar	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Creighton	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson

Donatucci	Leach	Quinn	Wheatley
Eachus	Lentz	Ramaley	White
Ellis	Levdansky	Rapp	Williams
Evans, D.	Longietti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz	Rohrer	

NAYS-5

Argall	Grell	Miller	Smith, S.
Beyer			

NOT VOTING-0

EXCUSED-5

Cruz	Nailor	Nickol	Saylor
Harper			

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

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

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **HB 1228, PN 1513**, entitled:

An Act redesignating the Clarion River Bridge on Main Street in Ridgway, Elk County, as Rear Admiral Paul H. Speer Bridge.

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

\* \* \*

The House proceeded to second consideration of **SB 218, PN 981**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; and making editorial changes.

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

Mr. **LEVDANSKY** offered the following amendment No. **A00691**:

Amend Sec. 9 (Sec. 22.6), page 30, line 19, by striking out "sixty" and inserting one hundred twenty

Amend Sec. 9 (Sec. 22.6), page 30, line 21, by removing the underscored comma after "program" and inserting an underscored semicolon

Amend Sec. 9 (Sec. 22.6), page 30, line 23, by inserting an underscored semicolon after "program"

Amend Sec. 9 (Sec. 22.6), page 30, lines 23 and 24, by striking out "in accordance with" and inserting notwithstanding

Amend Sec. 9 (Sec. 22.6), page 30, line 24, by striking out "March 1" and inserting December 15

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

The **SPEAKER**. The Chair recognizes Representative **Levdansky**.

Mr. **LEVDANSKY**. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment. The amendment addresses the provisions of the bill which authorize that the local services tax revenues can be used for property tax reduction. The current provisions in the bill, which reference the homestead exclusion, use deadlines that are in law for school districts. Since municipalities have a different fiscal year, my amendment would adjust these deadlines. Instead of an application period of January to March, the amendment would start at November 1 with a December 15 deadline versus the bill's March 11 deadline, which is of course too late for municipal tax collection purposes.

Again, I consider this simply as a technical amendment to ensure the taxpayers have a chance to file an application for homestead status in a timely fashion and have it approved.

I would urge members to approve this amendment.

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

The following roll call was recorded:

YEAS-159

Argall	Galloway	Mantz	Scavello
Baker	Geist	Markosek	Schroder
Barrar	George	Marsico	Seip
Belfanti	Gerber	McCall	Shapiro
Benninghoff	Gergely	McGeehan	Shimkus
Bennington	Gibbons	McI. Smith	Siproth
Biancucci	Gingrich	McIlhattan	Smith, K.
Bishop	Godshall	Melio	Smith, M.
Blackwell	Goodman	Metcalfe	Smith, S.
Boback	Grucela	Micozzie	Solobay
Brennan	Haluska	Millard	Staback
Brooks	Hanna	Moyer	Stairs
Buxton	Harhai	Mundy	Steil
Caltagirone	Harkins	Myers	Stevenson
Cappelli	Harris	O'Brien, M.	Sturla
Carroll	Helm	O'Neill	Surra
Casorio	Hennessey	Oliver	Swanger
Causer	Hess	Pallone	Tangretti
Civera	Hornaman	Parker	Taylor, J.
Clymer	Hutchinson	Pashinski	Taylor, R.
Cohen	James	Payne	Thomas
Conklin	Josephs	Payton	Turzai
Costa	Keller, M.	Peifer	Vereb
Curry	Keller, W.	Perzel	Vitali
Daley	Kenney	Petrarca	Vulakovich
Dally	Kessler	Petrone	Wagner
DeLuca	Killion	Phillips	Walko

DePasquale	King	Preston	Wansacz
Dermody	Kirkland	Pyle	Waters
DeWeese	Kortz	Quinn	Watson
DiGirolamo	Kotik	Ramaley	Wheatley
Donatucci	Kula	Raymond	White
Eachus	Leach	Readshaw	Williams
Ellis	Lentz	Roebuck	Wojnaroski
Evans, D.	Levdansky	Rohrer	Yewcic
Evans, J.	Longietti	Rubley	Youngblood
Everett	Mahoney	Sabatina	Yudichak
Fabrizio	Major	Sainato	
Fairchild	Manderino	Samuelson	O'Brien, D.,
Frankel	Mann	Santoni	Speaker
Freeman			

## NAYS—39

Adolph	Gabig	Mensch	Rapp
Bastian	Gillespie	Miller	Reed
Bear	Grell	Milne	Reichley
Beyer	Harhart	Moul	Roae
Boyd	Hershey	Murt	Rock
Cox	Hickernell	Mustio	Ross
Creighton	Kauffman	Perry	Sonney
Cutler	Mackereth	Petri	Stern
Denlinger	Maher	Pickett	True
Fleck	Marshall	Quigley	

## NOT VOTING—0

## EXCUSED—5

Cruz	Nailor	Nickol	Saylor
Harper			

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

On the question,

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

Mr. **LEVDANSKY** offered the following amendment No. **A00692**:

Amend Sec. 1 (Sec. 2), page 5, line 2, by striking out "INCOME" and inserting

earned income and net profits from all sources within that political subdivision

Amend Sec. 1 (Sec. 2), page 5, line 6, by striking out "INCOME" and inserting

earned income within that political subdivision

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment also is technical in nature. There are a few things that it does that I will run through quickly.

It clarifies that a taxpayer does not lose their right to an exemption if they fail to apply for it up front at the beginning of the year. If they fail to apply for the exemption and they make less than \$12,000, if they do not get the exemption up front, they will be able to apply for a refund at the end of the year.

It also references to taxes levied by a political subdivision under this subsection are replaced with the language "local services tax."

The amendment also makes uniform references to income to be earned income and net profits from all sources within that political subdivision.

The amendment also gives municipalities that use the EMS (emergency and municipal services) revenue for property tax reductions a 1-year reprieve from the mandatory \$12,000 exemption.

## AMENDMENT WITHDRAWN

Mr. LEVDANSKY. Mr. Speaker? Mr. Speaker, I am speaking on amendment A771 and have withdrawn amendment A692. We are going to withdraw amendment A692.

The SPEAKER. The gentleman will suspend for a moment.

The gentleman is withdrawing amendment A00692.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny and Washington Counties, Mr. Levdansky, who now offers amendment A00771. Is that correct?

Mr. LEVDANSKY. Yes, Mr. Speaker.

On the question recurring,

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

Mr. **LEVDANSKY** offered the following amendment No. **A00771**:

Amend Sec. 1 (Sec. 2), page 4, line 2, by striking out "SHALL" and inserting

may

Amend Sec. 1 (Sec. 2), page 4, lines 29 and 30, by striking out "TAX LEVIED BY A POLITICAL SUBDIVISION UNDER THIS SUBSECTION" and inserting

local services tax

Amend Sec. 1 (Sec. 2), page 5, line 2, by striking out "INCOME" and inserting

earned income and net profits from all sources within that political subdivision

Amend Sec. 1 (Sec. 2), page 5, line 6, by striking out "INCOME" and inserting

earned income within that political subdivision

Amend Sec. 1 (Sec. 2), page 5, lines 8 and 9, by striking out "TAX LEVIED BY A POLITICAL SUBDIVISION UNDER THIS SECTION" and inserting

local services tax

Amend Sec. 1 (Sec. 2), page 5, lines 11 and 12, by striking out "TAX LEVIED BY A POLITICAL SUBDIVISION UNDER THIS SUBSECTION" and inserting

local services tax

Amend Sec. 1 (Sec. 2), page 5, line 18, by removing the period after "SUBSECTION" and inserting

, plus the per payroll amount due for that first payroll period.

Amend Sec. 1 (Sec. 2), page 5, line 30; page 6, lines 1 through 4, by striking out "TAX IMPOSED UNDER" in line 30, page 5 and all of lines 1 through 4, page 6 and inserting

local services tax.

Amend Sec. 1 (Sec. 2), page 16, by inserting between lines 5 and 6

(d) For the purposes of this section, the terms "earned income" and "net profits" shall have the same meanings as those terms are given in Division I of section 13.

Amend Sec. 4 (Sec. 9), page 23, lines 6 and 7, by striking out "2(9) of this act" and inserting

2(b) and (c)(9)

Amend Sec. 10, page 31, line 7, by striking out "2(9)" and inserting

2(c)(9)

Amend Sec. 12, page 32, lines 2 and 3, by striking out all of said lines and inserting

(2) As much of the redesignation as subsection (a) of the introductory paragraph of section 2 of the act, including the amendment of that provision, shall not apply until January 1, 2009,

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

The SPEAKER. The Chair recognizes Mr. Levdansky. Mr. LEVDANSKY. Mr. Speaker, essentially, the remarks I just made, inadvertently I was referencing— We had up a different amendment, but the remarks that I made are for this particular amendment.

Again, it just clarifies the language relative to taxpayers not losing their right to receive a refund if they do not apply for it up front. It makes clarifications relative to municipalities, giving them a 1-year reprieve for those very few municipalities that have used this money for property tax reduction. It clarifies the definition of "earned income and net profits."

Again, essentially technical changes, you know, relative to the drafting of the legislation. I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS—196

Table listing names of members who voted 'YEAS' (196 total): Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Mustio, Myers, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Surla, Surra, Swanger, Tangretti, Taylor, J.

Table listing names of members who did not vote: Cox, Creighton, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Freeman, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longiotti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, Mantz, Peifer, Perry, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Rohrer, Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker

NAYS—2

Beyer Murt

NOT VOTING—0

EXCUSED—5

Cruz, Harper, Nailor, Nickol, Saylor

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

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

Mr. BARRAR offered the following amendment No. A00724:

Amend Sec. 1 (Sec. 2), page 13, line 16, by inserting after "employed."

A political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

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

The SPEAKER. The Chair recognizes Representative Barrar. Mr. BARRAR. Thank you, Mr. Speaker.

All this does is require that the municipality collecting the \$52 tax give a receipt upon payment. Actually, I have had people who have called me and said their municipalities are not giving them a receipt. They are telling them that they have to show proof of payment. This would put the burden on the people that collect the tax in order to give them a receipt.

Thank you, Mr. Speaker. The SPEAKER. Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker. Mr. Speaker, I agree with the gentleman's amendment and would urge an affirmative vote.

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

The following roll call was recorded:

YEAS—196

Adolph	Freeman	Mantz	Ross
Argall	Gabig	Markosek	Rubley
Baker	Galloway	Marshall	Sabatina
Barrar	Geist	Marsico	Sainato
Bastian	George	McCall	Samuelson
Bear	Gerber	McGeehan	Santoni
Belfanti	Gergely	McI. Smith	Scavello
Benninghoff	Gibbons	McIlhattan	Schroder
Bennington	Gillespie	Melio	Seip
Beyer	Gingrich	Mensch	Shapiro
Biancucci	Godshall	Metcalfe	Shimkus
Bishop	Goodman	Micozzie	Siptroth
Blackwell	Grell	Millard	Smith, K.
Boback	Grucela	Miller	Smith, M.
Boyd	Haluska	Milne	Smith, S.
Brennan	Hanna	Moul	Solobay
Brooks	Harhai	Moyer	Sonney
Buxton	Harhart	Mundy	Staback
Caltagirone	Harkins	Murt	Stairs
Cappelli	Harris	Mustio	Steil
Carroll	Helm	Myers	Stern
Casorio	Hennessey	O'Brien, M.	Stevenson
Causer	Hershey	O'Neill	Sturla
Civera	Hess	Oliver	Surra
Clymer	Hickernell	Pallone	Swanger
Cohen	Hornaman	Parker	Tangretti
Conklin	Hutchinson	Pashinski	Taylor, J.
Costa	James	Payne	Taylor, R.
Cox	Josephs	Peifer	Thomas
Creighton	Kauffman	Perry	True
Curry	Keller, M.	Perzel	Turzai
Cutler	Keller, W.	Petrarca	Vereb
Daley	Kenney	Petri	Vitali
Dally	Kessler	Petrone	Vulakovich
DeLuca	Killion	Phillips	Wagner
Denlinger	King	Pickett	Walko
DePasquale	Kirkland	Preston	Wansacz
Dermody	Kortz	Pyle	Waters
DeWeese	Kotik	Quigley	Watson
DiGiroloamo	Kula	Quinn	Wheatley
Donatucci	Leach	Ramaley	White
Eachus	Lentz	Rapp	Williams
Ellis	Levdansky	Raymond	Wojnaroski
Evans, D.	Longietti	Readshaw	Yewcic
Evans, J.	Mackereth	Reed	Youngblood
Everett	Maher	Reichley	Yudichak
Fabrizio	Mahoney	Rock	
Fairchild	Major	Roebuck	O'Brien, D.,
Fleck	Manderino	Rohrer	Speaker
Frankel	Mann		

NAYS—2

Payton                      Roae

NOT VOTING—0

EXCUSED—5

Cruz                      Nailor                      Nickol                      Saylor  
Harper

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. Returning to leaves of absence, the Chair recognizes on the floor of the House the gentleman, Representative Nickol. Without objection, his name will be added to the master roll.

CONSIDERATION OF SB 218 CONTINUED

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

Mr. **BARRAR** offered the following amendment No. **A00725**:

Amend Title, page 1, line 22, by inserting after "taxes"  
and for payment of tax to other political  
subdivisions or States as credit or deduction

Amend Bill, page 23, by inserting between lines 17 and 18

Section 4.1. Section 14 of the act, amended October 26, 1972 (P.L.1043, No.261), is amended to read:

Section 14. Payment of Tax [to Other Political Subdivisions or States] as Credit or Deduction; Withholding Tax.—(a) Payment of any tax to any political subdivision pursuant to an ordinance or resolution passed or adopted prior to the effective date of this act shall be credited to and allowed as a deduction from the liability of taxpayers for any like tax respectively on salaries, wages, commissions, other compensation or on net profits of businesses, professions or other activities and for any income tax imposed by any other political subdivision of this Commonwealth under the authority of this act.

Payment of any tax on salaries, wages, commissions, other compensation or on net profits of business, professions or other activities to a political subdivision by residents thereof pursuant to an ordinance or resolution passed or adopted under the authority of this act shall be credited to and allowed as a deduction from the liability of such persons for any other like tax respectively on salaries, wages, commissions, other compensation or on net profits of businesses, professions or other activities imposed by any other political subdivision of this Commonwealth under the authority of this act.

Payment of any tax on income to any political subdivision by residents thereof pursuant to an ordinance or resolution passed or adopted under the authority of this act shall, to the extent that such income includes salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities, but in such proportion as hereinafter set forth, be credited to and allowed as a deduction from the liability of such persons for any other tax on salaries, wages, commissions, other compensation or on net profits of businesses, professions, or other activities imposed by any other political subdivision of this Commonwealth under the authority of this act.

Payment of any tax on income to any state or to any political subdivision thereof by residents thereof, pursuant to any State or local law, may, at the discretion of the Pennsylvania political subdivision imposing such tax, to the extent that such income includes salaries, wages, commissions, or other compensation or net profits of businesses, professions or other activities but in such proportions as hereinafter set forth, be credited to and allowed as a deduction from the liability of such person for any other tax on salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities imposed by any political subdivision of this Commonwealth under the authority of this act, if residents of the political subdivision in Pennsylvania receive credits and deductions of a similar kind to a like degree from the tax on income imposed by the other state or political subdivision thereof.

Payment of any tax on income to any State other than Pennsylvania or to any political subdivision located outside the boundaries of this Commonwealth, by residents of a political subdivision located in Pennsylvania shall, to the extent that such income includes salaries, wages, commissions, or other compensation or net profits of businesses, professions or other activities but in such proportions as hereinafter set forth, be credited to and allowed as a deduction from the liability of such person for any other tax on salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities imposed by any political subdivision of this Commonwealth under the authority of this act.

Where a credit or a deduction is allowable in any of the several cases hereinabove provided, it shall be allowed in proportion to the concurrent periods for which taxes are imposed by the other state or respective political subdivisions, but not in excess of the amount previously paid for a concurrent period.

No credit or deduction shall be allowed against any tax on earned income imposed under authority of this act to the extent of the amount of credit or deduction taken for the same period by the taxpayer against any income tax imposed by the Commonwealth of Pennsylvania under section 314 of the act of March 4, 1971 (P.L.6) known as the "Tax Reform Code of 1971," on account of taxes imposed on income by other states or by their political subdivisions.

(b) Payment of any local services tax or any other tax levied on the privilege of engaging in an occupation to a political subdivision under an ordinance or resolution passed or adopted under the authority of this act shall be credited to and allowed as a deduction from the liability of the person for any tax on salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities imposed by the same political subdivision.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Barrar. Mr. BARRAR. Mr. Speaker, I would like to withdraw that amendment.

RULES SUSPENDED

Mr. BARRAR. I would like to ask for a suspension of the rules to offer amendment No. A00816.

This amendment would allow for an exemption for disabled veterans from the \$52 municipal service tax and active-duty military personnel.

The SPEAKER. The Chair requests a motion to suspend the rules for the immediate consideration of amendment A00816.

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

The following roll call was recorded:

YEAS—184

Adolph	Freeman	Marsico	Rubley
Argall	Gabig	McCall	Sabatina
Baker	Geist	McGeehan	Sainato
Barrar	George	McI. Smith	Samuelson
Bastian	Gerber	Melio	Santoni
Bear	Gergely	Mensch	Scavello
Belfanti	Gibbons	Metcalfe	Schroder
Bennington	Gillespie	Micozzie	Seip
Beyer	Gingrich	Millard	Shimkus

Biancucci	Godshall	Miller	Siproth
Bishop	Goodman	Milne	Smith, K.
Blackwell	Grucela	Moul	Smith, M.
Boback	Haluska	Moyer	Smith, S.
Boyd	Hanna	Mundy	Solobay
Brennan	Harhart	Murt	Sonney
Brooks	Harkins	Mustio	Staback
Buxton	Harris	Myers	Stairs
Caltagirone	Helm	Nickol	Steil
Cappelli	Hennessey	O'Brien, M.	Stern
Carroll	Hershey	O'Neill	Stevenson
Casorio	Hess	Oliver	Sturla
Causer	Hickernell	Pallone	Surra
Civera	Hornaman	Parker	Tangretti
Clymer	James	Pashinski	Taylor, J.
Cohen	Josephs	Payne	Taylor, R.
Conklin	Kauffman	Peifer	Thomas
Costa	Keller, W.	Perzel	True
Creighton	Kenney	Petrarca	Turzai
Curry	Kessler	Petri	Vereb
Cutler	Killion	Petrone	Vitali
Daley	Kirkland	Phillips	Vulakovich
Dally	Kortz	Pickett	Wagner
DeLuca	Kotik	Preston	Walko
Denlinger	Kula	Pyle	Wansacz
DePasquale	Leach	Quigley	Waters
Dermody	Lentz	Quinn	Watson
DeWeese	Levdansky	Ramaley	Wheatley
DiGirolamo	Longietti	Rapp	White
Donatucci	Mackereth	Raymond	Williams
Eachus	Maher	Readshaw	Wojnaroski
Evans, D.	Mahoney	Reed	Yewcic
Evans, J.	Major	Reichley	Youngblood
Everett	Manderino	Rock	Yudichak
Fabrizio	Mann	Roebuck	
Fairchild	Mantz	Rohrer	O'Brien, D., Speaker
Fleck	Markosek	Ross	
Frankel	Marshall		

NAYS—15

Benninghoff	Grell	King	Roae
Cox	Harhai	McIlhattan	Shapiro
Ellis	Hutchinson	Payton	Swanger
Galloway	Keller, M.	Perry	

NOT VOTING—0

EXCUSED—4

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

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

Mr. BARRAR offered the following amendment No. A00816:

Amend Bill, page 1, by inserting before line 1 (A00771)  
Amend Sec. 1 (Sec. 2), page 2, line 24, by striking out "Each local taxing authority may, by" and inserting  
(b) Each local taxing authority may, by  
Amend Sec. 1 (Sec. 2), page 2, line 30, by striking out "Each political subdivision" and inserting  
(c) (1) Each political subdivision levying the local services tax shall exempt the following persons from the local services tax:

(i) Any person who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent permanent disability.

(ii) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.

(2) For purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

(d) Each political subdivision  
Amend Sec. 1 (Sec. 2), page 4, line 1, by striking out "(B)" and inserting

(e)  
Amend Bill, page 2, by inserting between lines 7 and 8 (A00771)  
Amend Sec. 1 (Sec. 2), page 6, line 2, by striking out "THIS SUBSECTION" and inserting

subsections (d) and (e)  
Amend Sec. 1 (Sec. 2), page 6, line 5, by striking out "(C)" and inserting

(f)  
Amend Sec. 1 (Sec. 2), page 2, line 10 (A00771), by striking out "(d)" and inserting

(g)  
Amend Sec. 4 (Sec. 9), page 2, line 15 (A00771), by striking out all of said line and inserting

2(e) and (f)(9)  
Amend Sec. 10, page 2, line 18 (A00771), by striking out all of said line and inserting

2(f)(9)  
Amend Sec. 12, page 2, line 21 (A00771), by striking out "(a)" and inserting

(d)

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

The SPEAKER. Representative Barrar.  
Mr. BARRAR. Thank you, Mr. Speaker.

I would like to thank the members for suspending the rules to allow me to offer this amendment.

This amendment will exempt veterans that are 100 percent disabled from having to pay the municipal service tax and also reservists and military personnel who are called to active duty from having to pay this. I think, you know, this vote, a "yes" vote on this, is a very promilitary vote, proveteran-type vote that you can put up, and I would ask the members to unanimously support it.

Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali.

Mr. VITALI. I had a question before I realized you have to be disabled to get the exemption or be on active duty. Right?

Mr. BARRAR. Right. You would have to have the designation from the Department of Veterans' Services as 100 percent disabled.

Thank you.

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

The following roll call was recorded:

YEAS—198

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Beyer	Godshall	Metcalfe	Seip
Biancucci	Goodman	Micozzie	Shapiro
Bishop	Grell	Millard	Shimkus
Blackwell	Grucela	Miller	Siproth
Boback	Haluska	Milne	Smith, K.
Boyd	Hanna	Moul	Smith, M.
Brennan	Harhai	Moyer	Smith, S.
Brooks	Harhart	Mundy	Solobay
Buxton	Harkins	Murt	Sonney
Caltagirone	Harris	Mustio	Staback
Cappelli	Helm	Myers	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causer	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiotti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—1

Galloway

EXCUSED—4

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

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

Mr. **BARRAR** offered the following amendment No. **A00726**:

Amend Sec. 1 (Sec. 2), page 2, line 24, by striking out "Each local taxing authority may, by" and inserting

(b) Each local taxing authority may, by

Amend Sec. 1 (Sec. 2), page 2, line 30, by striking out "Each political subdivision" and inserting

(c) (1) Each political subdivision levying the local services tax shall exempt the following persons from the local services tax:

(i) Any person who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent permanent disability.

(ii) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.

(2) For purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

(d) Each political subdivision

Amend Sec. 1 (Sec. 2), page 4, line 1, by striking out "(B)" and inserting

(e)

Amend Sec. 1 (Sec. 2), page 4, line 2, by striking out "SHALL" and inserting

under subsection (d) may

Amend Sec. 1 (Sec. 2), page 6, line 2, by striking out "THIS SUBSECTION" and inserting

subsections (d) and (e)

Amend Sec. 1 (Sec. 2), page 6, line 5, by striking out "(C)" and inserting

(f)

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Barrar. Mr. BARRAR. Oh, I am sorry, Mr. Speaker. I am going to withdraw this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **MAHER** offered the following amendment No. **A00768**:

Amend Sec. 1 (Sec. 2), page 3, lines 1 through 3, by striking out all of lines 1 and 2 and "services tax at a rate of ten dollars (\$10) or less" in line 3

Amend Sec. 1 (Sec. 2), page 4, lines 6 and 7, by striking out "TWELVE THOUSAND DOLLARS (\$12,000)" and inserting

the established exemption threshold

Amend Sec. 1 (Sec. 2), page 5, lines 2 and 3, by striking out "TWELVE THOUSAND DOLLARS (\$12,000)" and inserting

the established exemption threshold

Amend Sec. 1 (Sec. 2), page 5, lines 6 and 7, by striking out "TWELVE THOUSAND DOLLARS (\$12,000)" and inserting the established exemption threshold

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Maher. The gentleman indicates he is withdrawing the amendment. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman, Representative Scavello, who requests a suspension of the rules for the immediate consideration of amendment A00—

The gentleman indicates he is withdrawing the amendment. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **SB 760, PN 837**, entitled:

An Act designating the section of State Route 219 that is situated in Somerset County as the Flight 93 Memorial Highway.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

#### VOTE CORRECTION

The SPEAKER. The Chair recognizes Representative Galloway.

Mr. GALLOWAY. Mr. Speaker, on SB 218, amendment 816, my switch malfunctioned. I would like to be recorded in the affirmative, please.

The SPEAKER. Without objection, the gentleman's remarks will be spread upon the record.

Mr. GALLOWAY. Thank you, Mr. Speaker.

The SPEAKER. The Chair hears no objection.

#### BILL REPORTED FROM COMMITTEE

**HB 549, PN 619**

By Rep. THOMAS

An Act authorizing the Commonwealth of Pennsylvania to join the Nurse Licensure Compact; and providing for the form of the compact.

INTERGOVERNMENTAL AFFAIRS.

**BILL REREFERRED**

The SPEAKER. The Chair moves, at the request of the majority leader, that HB 549 be rereferred to the Committee on Professional Licensure.

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

**RESOLUTIONS REPORTED FROM COMMITTEE**

**HR 99, PN 577** By Rep. THOMAS

A Resolution applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer.

**INTERGOVERNMENTAL AFFAIRS.**

**HR 122, PN 824** By Rep. THOMAS

A Resolution petitioning the President and Congress of the United States to increase funding for the Low-Income Home Energy Assistance Program (LIHEAP).

**INTERGOVERNMENTAL AFFAIRS.**

**HR 135, PN 835** By Rep. THOMAS

A Resolution calling on the United Nations to take action to help free three Israeli soldiers held captive by Hezbollah in violation of international law.

**INTERGOVERNMENTAL AFFAIRS.**

**RESOLUTION**

Mr. BELFANTI called up **HR 276, PN 1555**, entitled:

A Resolution urging the Congress of the United States to reject extension of "fast track" trade legislation to maintain the regulatory authority of states and to allow consultation with representatives of state and local governments and industry regarding trade issues.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—133**

Adolph	Galloway	Markosek	Seip
Argall	Geist	Marshall	Shapiro
Barrar	George	McCall	Shimkus
Belfanti	Gerber	McGeehan	Siptroth
Bennington	Gergely	McL. Smith	Smith, K.
Beyer	Gibbons	Melio	Smith, M.
Bianucci	Godshall	Micozzie	Solobay
Bishop	Goodman	Moyer	Staback
Blackwell	Grucela	Mundy	Stairs
Brennan	Haluska	Murt	Steil
Buxton	Hanna	Mustio	Sturla
Caltagirone	Harhai	Myers	Surra
Cappelli	Harkins	O'Brien, M.	Tangretti
Carroll	Hornaman	Oliver	Taylor, J.

Casorio	James	Pallone	Taylor, R.
Cohen	Josephs	Parker	Thomas
Conklin	Keller, W.	Pashinski	Vereb
Costa	Kenney	Payton	Vitali
Curry	Kessler	Petrarca	Vulakovich
Daley	Killion	Petri	Wagner
DeLuca	King	Petrone	Walko
DePasquale	Kirkland	Preston	Wansacz
Dermody	Kortz	Pyle	Waters
DeWeese	Kotik	Quigley	Wheatley
DiGirolamo	Kula	Quinn	White
Donatucci	Leach	Ramaley	Williams
Eachus	Lentz	Raymond	Wojnaroski
Evans, D.	Levdansky	Readshaw	Yewcic
Evans, J.	Longiatti	Roebuck	Youngblood
Fabrizio	Maher	Sabatina	Yudichak
Fairchild	Mahoney	Sainato	
Frankel	Manderino	Samuelson	O'Brien, D., Speaker
Freeman	Mann	Santoni	
Gabig	Mantz	Scavello	

**NAYS—66**

Baker	Fleck	McIlhattan	Reed
Bastian	Gillespie	Mensch	Reichley
Bear	Gingrich	Metcalfe	Roae
Benninghoff	Grell	Millard	Rock
Boback	Harhart	Miller	Rohrer
Boyd	Harris	Milne	Ross
Brooks	Helm	Moul	Rubley
Causser	Hennessey	Nickol	Schroder
Civera	Hershey	O'Neill	Smith, S.
Clymer	Hess	Payne	Sonney
Cox	Hickernell	Peifer	Stern
Creighton	Hutchinson	Perry	Stevenson
Cutler	Kauffman	Perzel	Swanger
Dally	Keller, M.	Phillips	True
Denlinger	Mackereth	Pickett	Turzai
Ellis	Major	Rapp	Watson
Everett	Marsico		

**NOT VOTING—0**

**EXCUSED—4**

Cruz	Harper	Nailor	Saylor
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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 1286, PN 1543**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2007, to June 30, 2008, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2007, to

June 30, 2008; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2007, to June 30, 2008, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Pharmaceutical Assistance Contract for the Elderly Fund for the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006.

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

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

The question is, shall the bill pass finally?

(Bill analysis was read.)

The SPEAKER. The Chair recognizes Representative Evans.

Mr. D. EVANS. Mr. Speaker, I would like to— May I get a little order, Mr. Speaker?

The SPEAKER. Will the Sergeants at Arms please clear the aisles. Members will please take their seats. If members want to continue their conversations, please take them off the floor.

The Chair recognizes Representative Evans.

Mr. D. EVANS. Mr. Speaker, I stood here yesterday being very honest and direct, but I have heard some disturbing things, and the disturbing things I have heard are that some of my friends are receiving those robo-calls. Let me repeat that: Some of my friends are receiving some of those robo-calls. And I know, Mr. Speaker, that it is political season and it never stops, but, Mr. Speaker, I did not say, and I want to speak directly to the people of the Commonwealth of Pennsylvania, because when we passed that budget out of committee and we voted to put it in position yesterday, I said then, like I am going to say now, there are no taxes connected with this budget. And I said, Mr. Speaker, I challenge anyone, I challenge anyone on this floor, I challenge anyone on this floor, Mr. Speaker, to show me where in this document, 1286, that there are any taxes. I know that sometimes people just go out and think voters do not pay attention and they can say anything, but I especially want our members to know that we did not pass a tax bill; we passed a spending plan which sets the priorities in education, in health care, service to children, the elderly, helping working families, and good stewards of the environment. That is exactly what we passed. We passed out of that committee setting the priorities that we think need to take place in the Commonwealth of Pennsylvania. We did not, Mr. Speaker, pass any taxes. So I understand that individuals want to distort, exaggerate, not tell the truth in any way they can to create, to create the sense among the members that I represent a view that the Democrats are raising taxes.

Now, I said, Mr. Speaker, I did not want to point fingers. I said I did not want to point fingers when Schweiker was Governor and we raised taxes. I did not want to point fingers when Ridge raised the gas tax. I did not want to point those

fingers. I do not want to point those fingers. I did not want to point the fingers that when you all were in charge, that you had to raise taxes. I do not want to get into that. I think that is counterproductive. I think that is very counterproductive. But I want the members to know that the only thing in this bill is the priorities that I just described to you that we are attempting to set, that there are no tax increases in this proposal.

Now, where are we, Mr. Speaker? Mr. Speaker, this morning, this side, along with your side, met with the Senate Republicans and the Senate Democrats. We met with them at 8 a.m., 8:30 this morning, to begin the process. What I said to you yesterday is that this is only a starting point. This is not the end point. This is only moving the vehicle over to the Senate to allow us to have some more dialogue and discussion to see if we can come up with a budget by June 30, which is our responsibility. That is what this is about. So this is not about raising taxes; this is about setting the spending priorities for the Commonwealth of Pennsylvania.

What I said yesterday, Mr. Speaker, is that when the Governor proposed his budget in February, he had a certain revenue number and he had proposed a tax increase. What we chose to do, Mr. Speaker, was to wait until April and May, look at the revenue picture, and use the additional revenue to meet the same priorities. That is what we chose to do, Mr. Speaker. So the Governor made a recommendation; we listened to his recommendation. If we did not have the ability to go along with his recommendation, we chose to go another direction.

So I want to make it clear: There are no taxes in this initiative – no taxes. So I want my members to understand clearly, there are no taxes in this initiative. So no matter how many robo-calls they have call your homes and call your neighborhoods, turn it around on those same people and tell them, there are no taxes in this. They cannot point to any taxes in this initiative; they cannot point to any taxes. They want to try to scare people; they want to try to get people upset; they want to try to direct people against this. That is what they are trying to do, and that is what is unfortunate about this process, because when this is all said and done, we are going to need them and they are going to need us. We cannot pass this without the House Republicans. We need them; they need us. We need the Governor; we need the Senate Democrats; we need the Senate Republicans. We need to cut this political gamesmanship out. I understand this is politics. I understand people. You know, the election is next year, but there is no reason to try to scare people. There is no reason to try to scare people and try to convince them of something that does not exist. It does not exist.

Now, I am going to spend some time talking about this because I think it is important. I think it is important because I do not want members running around thinking that when I stood up here yesterday and said, this is the recommendation we are suggesting, that all of a sudden people are saying, well, if you vote for this, this means a tax increase. Well, how can that be if there is no Fiscal Code, if there is no Tax Code available? How can that be? How can it be that you are going to be talking about voting for taxes and there is no bill to vote for taxes? So this is only the spending portion.

So we need to unite people to work together and not try to divide them. We need to try to get everybody to work together, as I have tried in this budget process. The chairman of the Republican side, he had full access in terms of public hearings. We did 10 subcommittee hearings all across the Commonwealth

of Pennsylvania. We had both chairmen, executive directors; we had them all involved. We had Democrats and Republicans all doing the same thing. And Governor Rendell yesterday, Governor Rendell yesterday met with the Democratic leaders and the Republican leaders. So we met at 4 o'clock yesterday in the Governor's Office. We met this morning in Senator Pileggi's office, Democrat and Republican. So we met yesterday, we met today, Democrat and Republican. So in spite of those robo-calls that they are out there trying to scare your constituents about the idea of watch those Democrats, they are going to raise taxes, because that is what they are trying to do, they are trying to scare your constituents.

They got to remember, when we deal with things like drug and alcohol, when we deal with things like human services, there is no such thing as a Republican drug counselor, there is no such thing as a Democratic drug counselor; there is a counselor. So we need to get past this kind of pettiness and move to the element of helping people in the Commonwealth of Pennsylvania, because my members come to me, I got a lot, I got some new members, and, you know, they have never been through this before, and I understand you may be targeting them and you are looking at their particular seats and you figure—Well, you know, when is enough, enough? The election is next year. There is no election in November, at least not for the House; it is next year.

So come on, Mr. Speaker. We are ahead of schedule; we are ahead of schedule. May is coming up; Memorial Day is next week. We have the budget document in the right position. We passed it today; it is in the Senate. We are going to be meeting next week; the leaders are going to be meeting next week. The staff is meeting now. So we got the staff meeting; the leaders are meeting. We are trying to bring some things together; we are trying to bring some things together. So we are really trying to work with you; we are really trying to work with you.

I said to my good friend, Mario Civera, I gave him an olive branch. Hey, Mario, did I not give you an olive branch? Mario got that olive branch in his office. Do you remember when I gave him an olive branch? You remember I did. I have reached out to him. I am reaching out to now my good friend from Punxsutawney. You know, I always like to tell him, I have been up to Punxsutawney. I asked him how many Democrats have been up to visit his district. I spent some time up there. As a matter of fact, I was delivering a check to Punxsutawney. Yeah, Nick, I did that; I delivered a check to Punxsutawney. I do not represent Punxsutawney, but it is in the Commonwealth of Pennsylvania. It is in the Commonwealth, and Punxsutawney deserves help and I want to help Punxsutawney. I am serious; I want to help. I think well of Punxsutawney. I think that is one of my favorite places to visit. You did not know that, did you, Nick? I love Punxsutawney. I think the world of Punxsutawney. I know most people do not think that I have ever been to Punxsutawney. Hey, how many people have been to Punxsutawney? Raise your hand. Hey, hey, a lot of people have been to Punxsutawney. It is a good place. Do not go there in February, but it is a good place to visit. I enjoy it. My good friend, Sam, represents it. I have not had the chance to spend any time with Sam up there, but I enjoy it, too.

So I like to have a little fun, too. I enjoy this job. I do enjoy this job. In spite of the fact that there were a few times I was trying to leave this job, I want to let you know I am back. I want to let you know I am happy to be back. My constituents said I have been doing such a good job, stay here. That is what they

told me. They told me to stay here. That is what they said. So I am back.

So I will be spending a little time. I have no other place to go, and I will be here. And I want to do this in unity; I really do. I want to be bipartisan. I want to work everybody together. My good friend, Steve Samuelson, who is excellent, really wants to believe in the democratic process. I do, too; I believe in the democratic process. I think it is the right thing when people work together. I really do. I think it is the greatest thing in the world when people work together. So what I am asking, why do not you all shock me on that side? Why do not you all shock me on that side and not just let Democrats be the only ones voting for this? I will close my eyes when the vote comes up. Just shock me. Just some of you over there shock me and just help us get this bill over to the Senate, because if you shock me, just one of you, just one of you say to me, I am going to prove you wrong, Dwight; I am going to stand up and I am going to vote for this document to get over there.

On a serious note, Mr. Speaker, I do want to thank everybody, because this is a responsible first step. This is not the last step. I know we got a lot of work. All my members on this side are not particularly overly excited about everything that is in this document. All my members are not particularly excited about the Governor on my side. All my members, all my members are not excited about the Governor either. But hey, look, it is a family spat. You know, it is a family spat. We have those kinds of things. You all know what it is like. You know, you all had the Governor for 8 years. I know you did not always get along. But it is a family spat. He is our Governor. He is not like a Democrat-Republican Governor; he is the Governor. He won with 60 percent of the vote; he won with 60 percent of the vote. The voters have decided. He is the Governor. We all need to work together; we all need to get along.

So I would ask in the spirit of cooperation, Mr. Speaker, in the spirit of cooperation – you can look me in the eye; I am looking you in the eye, Mr. Speaker – in the spirit of cooperation, I ask that you help me, help me help the people of Pennsylvania, because let me say this, Mr. Speaker: If you want true reform, you must perform. If you want true reform, you must perform.

Thank you, Mr. Speaker. Vote for this.

## PARLIAMENTARY INQUIRY

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

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

Before I proceed to respond to a few of the comments by the gentleman from Philadelphia, I need to raise a parliamentary inquiry, and that would be the purpose for my initial recognition, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

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

I realize that the question was raised off the microphone with the staff, and I understand the answer that was given. However, I do think it is important that this be spread upon the record.

The parliamentary inquiry that I have, Mr. Speaker, is that I believe that this bill, HB 1286, was initially noticed on the voting schedule for tomorrow, for Thursday. Once under rule 19(b), which is the rule that governs how we deal with general

appropriation bills and nonpreferred bills, once that Thursday notification is set, that triggers a timeline in these rules as to when the amendments must be filed and then sets up the voting timelines for amendments. Specifically, Mr. Speaker, the rule says that "Members shall be notified," and I am looking about four or five paragraphs into rule 19(b), "Members shall be notified of the scheduled vote on the General Appropriation Bill no later than 4:30 P.M. of the Wednesday preceding the above noted Monday on which the amendments must be filed to the Bill." Because of that notification, Mr. Speaker, and the fact that it specifically was notified for tomorrow, or Thursday, does not this bill require a suspension of the rules in order to be voted today?

The SPEAKER. In response to the gentleman's point of parliamentary inquiry, HB 1286 was originally posted for third consideration on Thursday. The gentleman is correct. Yesterday it was posted on third consideration for today. Ordinarily, the rules would have to be suspended under rule 21. However, under rule 19(b), the general appropriation bill is specifically exempt from the posting requirement of rule 21 and the amendment filing deadline.

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

So, Mr. Speaker, the ruling of the Chair is that a general appropriations bill does not require the same posting notification that all of the other bills we run? That does not require that initial posting that I described, that I read into this rule? It is not subject to a posting requirement?

The SPEAKER. The gentleman is correct. That is the ruling of the Chair.

Mr. S. SMITH. So it is not required to be posted on the voting schedule?

The SPEAKER. The gentleman is correct. It has to follow the posting requirements of rule 21. Oh, it does not.

Mr. S. SMITH. Mr. Speaker, I am sorry. I need that clarified. If it is exempt from rule 21, which speaks to the consideration of bills, it is the ruling of the Chair that it is not, that the legislature, that the members of this legislature, are not required to be notified of it being posted on the voting schedule? That requirement does not exist at all. In other words, it could be voted at any time without notification.

The SPEAKER. The gentleman is correct. It is exempt under the requirements of rule 21, but there are requirements under rule 19(b).

Mr. S. SMITH. Mr. Speaker, that is the concern I have, is that rule 19(b) requires a date that it is scheduled, which was originally posted for Thursday. The same rule says that once that date is required to be, once that posting is made, then you are backing up to 2 o'clock the Monday the week prior from which the bill was scheduled to be voted. That triggers when the amendments have to be filed. So the members file their amendments based on that Thursday posting. The amendments are filed, have to be received in the Chief Clerk's Office by 2 p.m. of the Monday of the week prior to the scheduled vote of the general appropriations bill. The presumption is that sometime between the day the bill was posted and the 2 p.m. Monday, that we would do second consideration so we could consider those amendments sometime between that timeline, 2 o'clock Monday and this Thursday, tomorrow. You are now saying that that Thursday vote posting is irrelevant and that the bill could be voted anytime prior to that. That is where my concern is, Mr. Speaker. It was originally posted for Thursday, and I apologize to the Chair for making this point, but I need to

clarify this, because I think, you know, all of these rulings have future implications on how the process works. I think the intent is that when a bill is posted, that is what it means; it is posted for that day. We certainly have the ability to suspend the rules to move up a vote on a case like that, and that is, you know, very possible. But how do you, I am just not sure I understand how you can have it scheduled, originally posted on the voting schedule, noticed for Thursday, that triggers when the amendments are filed, 2 o'clock Monday the week prior, and then today we say, well, we do not really have to have it posted on the voting schedule.

The SPEAKER. The Chair will reiterate its ruling. Under rule 19(b), the general appropriation bill is specifically exempt from the posting requirement of rule 21.

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

Mr. Speaker, I do appreciate your clarification of the ruling. I am not going to challenge the ruling of the Chair. I think in the formal sense, Mr. Speaker, I do not think it is what the intent of the rules is, and I am not disputing that you are ruling it the way you see it to be. I think that the members and that when these rules were adopted, that my description is what was anticipated, that a vote would come on that Thursday.

So as I said, I am not going to appeal it, more because I do want to see us enact a budget on time, Mr. Speaker, and even if I were to prevail with objecting to the ruling of this Chair, that would only require us to suspend the rules or be here tomorrow at 3 o'clock. So I respectfully disagree, but I appreciate the ruling, Mr. Speaker.

On the legislation.

The SPEAKER. The Chair recognizes the minority leader. He is in order and may proceed.

Mr. S. SMITH. We will jump back to the gentleman from Philadelphia's remarks and respond to a couple of things before I make a few other statements that were made.

The gentleman initially questioned the nature of the political environment in which we all function in this place and questioned the fact that some members were getting calls or e-mails or contacts and somehow that that was not appropriate behavior, that the information in that that was being disseminated was somehow inaccurate, and I would just like to bring to the attention of the gentleman from Philadelphia the context of a couple of e-mails that a few of my members have received in the last day or two.

One of them said that the Representative had "...voted for a plan that would increase local taxes by placing more unfunded mandates onto county and school board budgets." Now, just like the previous speaker said, questioned whether there was an actual tax increase hidden somewhere in HB 1286, I am wondering where those local tax increases were hidden in HB 1286. Mr. Speaker, clearly that is a distinct stretch.

Another member, Mr. Speaker, received an e-mail on a parallel subject suggesting that "Pennsylvania can no longer afford to go along with the Bush White House mentality" – really, you know, we are going to get evil here – "that rewards big oil as they increase our gas prices," and proceeded to question a member who is concerned about raising a tax that goes with the energy.

So, Mr. Speaker, the political environment we live in is the political environment we live in, and our members are subject to just as much as your members are. And maybe it is unfortunate, maybe it is just reality, but I would like to have the record

reflect that those same items have been directed, those same items have been directed toward our members as well.

Mr. Speaker, the first point I would like to make relative to the content of HB 1286 as I have heard a few members around here saying that this really is not quite the Governor's budget, that this is something slightly different. But in fact, Mr. Speaker, the gentleman from Philadelphia was quoted in a local news article here on May 23 saying, "We stuck with the governor's budget as our negotiating position." Mr. Speaker, this bill, HB 1286, is the very same and virtually identical budget that Governor Rendell introduced and that was referenced in the local newspaper back on February 7, 2007. Actually, he did it on the 6th; this is the next day's newspaper. That is the exact same budget. So as some of the members who responded to that budget were concerned, did not like many of the elements of that budget, if they think they are not voting for the Governor's budget, they are being misled.

Mr. Speaker, I was looking through some other news clips of the last couple of months relative to responses to the Governor's spending plan, which I just was referencing, and I noticed another comment from the same day from the gentleman from Philadelphia, the Appropriations chair, in which he said, "Legislators know that funding for pet projects will be restored later.... That's why they plan to support Mr. Rendell's version of the budget when it comes to" the floor for "a vote today...." Mr. Speaker, this is the Governor's budget proposal.

A member, a member from the 181st District, wrote to the Governor about that budget back on March 14, and while praising certain elements of the budget, said in part that "...Pennsylvanians will be adversely affected by the proposed reduction of dollars in certain programs and proposed tax increases." "...Pennsylvanians will be adversely affected by the proposed reduction of dollars in certain programs and proposed tax increases."

"The proposed budget makes serious cuts in significant programs for our young people, elderly, hurts low-income families and people of color in various program areas and diminishes investment in community development. The Education budget removes or reduces funding for key initiatives that support our state's young people at a time when unemployment for 16-24 year olds is in double digits." That was a letter to the Governor, Mr. Speaker.

A Democratic member from Allegheny County, chairman of the Allegheny County Democratic delegation, in his news release from February 6, the day of the Governor's budget announcement: "The challenge for legislators from both parties will be to find alternate solutions in those areas where we disagree with him...." Apparently you are still in agreement with him, but implying that we are not in agreement with him.

A member from Washington County noted that his budget amendments were going to give money to lupus, Civil Air Patrol, and Red Cross, that they would get a bigger piece of the State pie. Offering "...the following amendments to the state budget...would increase funding to help the sick, the poor and those hit by natural disasters,..." obviously indicating that the Governor's budget does not accomplish what most members would like to see.

Another Democratic member, news release recently, from May 16: "Appalled by recent incidents of contaminated pet food that affected his family,..." this legislator has an amendment "that would add \$100,000 to the Department of Agriculture's appropriation to improve food testing procedures." Again,

Mr. Speaker, other examples of where this budget bill that the Governor proposed, that you are being asked to support, falls mightily short.

Temple University Health System estimates that between the State uncompensated-care reductions – these are things that the Governor's budget and that the administration did not feel were worthy of them funding in their budget priority document, the appropriations bill, the book you get on February 3 – State uncompensated-care reductions to nearly the tune of \$2 million; tobacco settlement uncompensated care to the tune of \$600,000; medical assistance reductions to the tune of \$1.7 million; hospital-based burn centers, reductions of \$1 million; their total reduction there in MA reductions of \$2.7 million. The overall impact of the Governor's proposed budget on Temple University Health System would be in the neighborhood of \$9.2 million.

Mr. Speaker, yesterday I noted a series of items, line items, that the Mario Civera amendment would in fact fund, and today – I will not repeat all of those – I will ask that they be reflected, that this list be reflected in the minutes. But I would note that all of those things that were in the Civera amendment, that would have been funded in the Civera amendment, are cut from this budget, and many of them are the types of things that many Democrat members indicated in their letters and their news releases that they thought needed supported, that thought needed funded.

Now, Mr. Speaker, my first point: that this spending plan is in fact the exact same plan that the Patriot-News titled "The taxman?" – they titled "The taxman?" – this same budget you are voting on is the budget that was here. The second point: that it does not fund many things. The third point, Mr. Speaker: the question about whether or not this budget requires a tax increase, and I think this is probably as critical as anything.

Mr. Speaker, the gentleman from Philadelphia is correct: HB 1286 does not have language in it that directly increases taxes. We all know tax bills are separate vehicles. There is the Tax Code and other ways to do it, but the General Fund appropriations bill does not contain a tax increase in terms of the actual words. We also know that when a general appropriations bill passes, there are also several other pieces of legislation. There is an entire agenda which the Governor had outlined that goes hand in hand with it.

So does this bill require a tax increase? I will address that a little more specifically in a second, but just recognize that when the Governor made his budget proposal, he proposed—

## POINT OF ORDER

Mr. D. EVANS. Mr. Speaker, a point of order. Mr. Speaker, point of order.

The SPEAKER. For what purpose does the gentleman rise?

Mr. D. EVANS. Could we have some order for the leader so he can fairly—

The SPEAKER. Indeed we can.

Mr. D. EVANS —explain to people that his spending plan does not include taxes? I want to take a retrack back to that point. Can you get— A point of order, please.

The SPEAKER. The Sergeants at Arms— The gentleman is correct. The Sergeants at Arms will please clear the aisles. Members will take their seats. Out of respect for the minority leader, will you please hold your conversations to a minimum.

The Chair returns to the minority leader.

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

Mr. Speaker, I would not be anything but fair if I did not say that that bill in and of itself does not have a tax increase, but you know, Mr. Speaker, you know, Mr. Speaker, that that is a little disingenuous. You know it is a little disingenuous, Mr. Speaker, because the tax bills come later. First you get your appetite whetted for all that spending, and after you go home and say we are going to spend money on this and we are going to spend money on that, and you go, "Geez, how are we going to pay for all this?" and say, "I don't know," and the Governor is going to come in and he is going to say, "You know, Mr. Appropriations Chair, I want to increase the sales tax from 6 percent to 7 percent. Oh, we will put a little bit of it to the property tax fund, but we are going to put \$700, \$800 million of that into the General Fund." He is going to say, "I think we better increase the cigarette tax." You know, Mr. Speaker, we also need to increase taxes on employers, a 3-percent payroll tax to pay for my health-care plan. Ah, it is just another little tax out there that goes hand in hand with this budget, Mr. Speaker. Oh, and while we are at it, let us jump on the oil companies. Of course, they will not be able to pass that on to consumers, we all know that is the case, but we will still tax those evil oil companies and every little mom-and-pop producer of energy across Pennsylvania and everybody that touches the distribution of gasoline in Pennsylvania. No, that will not be passed on to consumers.

Mr. Speaker, we are not done yet. We can also increase trash disposal fees. We will put just a little more tax on when you get your garbage picked up in front of your house every week or however often. And just to top things off, Mr. Speaker, let us put a little bit of tax on your electric bill, just a little bit. And, of course, if you are fortunate enough to go out and buy a new refrigerator or a new washer and dryer with some energy-efficient standard, Mr. Speaker, then you will get a rebate on that, but only if you go spend a couple thousand dollars on new appliances might you get the hundred dollars back that you will pay in taxes, Mr. Speaker.

So, Mr. Speaker, I will be honest with you. That bill does not have the language "tax increase" in it, but anybody who, anybody who wants to believe— Hey, Mr. Speaker, you can be deceptive about this. I will not.

Now, I am going to give you a couple of numbers, Mr. Speaker; I am going to give you a couple of numbers. Back in February when the Governor proposed this budget and all his inclusive and peripheral tax-increase proposals, he presumed that the budget surplus would be somewhere around \$67 million. That means that come June 30, he was guessing – I do not mean that in a negative way – they were estimating that they would have \$67 million left over. We have been told that because of the new revenue estimates, that we can pass this same spending plan without a tax increase. However, the administration has not issued its own official or semi-official revenue estimate. The caucus leaders, the Appropriations chairs in this building, have generally agreed on it being around \$500 million. So even by my math, even by my math, Mr. Speaker – I just needed to check a figure – if we went from \$67 million of projected surplus in February and things got a whole lot better on the revenue estimate, the revenues came in handsomely through the last few months and we are now at \$500 million, which the Governor has not agreed to that number, we are at \$500 million, that is a difference of what? \$433 million. The Governor thought he needed \$800 million in

sales tax in the General Fund to balance this same budget, and you are now being told that you can pass the same spending plan because you picked up an extra \$433 million in surplus? Somehow, Mr. Speaker, that math does not add up. That does not add up to me, Mr. Speaker.

The bottom line is, Mr. Speaker, I appreciate the task, I appreciate the task that the chairman of the Appropriations Committee has before it in terms of passing the budget, but, Mr. Speaker, this budget, if this spending plan at the level of increase that it embodies and accounting for the moneys that have been taken off budget, the moneys that are no longer funded directly through the General Fund but have been shifted to the Lottery Fund or to other sources of revenue, Mr. Speaker, if you think that you can pass that spending plan and constitutionally balance the budget without a tax increase, then you better think again, because those numbers, Mr. Speaker, just do not add up.

In conclusion, Mr. Speaker, the Republicans in the House, the Republicans in this House of Representatives, Mr. Speaker, do not believe you can pass that budget and put it on the Governor's desk without a tax increase, and that does not even account for all those things that are not funded in there that you know you want funded and that the gentleman from Philadelphia said to some and to the media that, well, we will come back and we will put those into the spending plan. Guess what? That is more money being spent, not less. That is a greater tax increase that you are going to be faced with.

So if you think you are going to vote for this budget bill today and you are being told you can move the process forward, so be it, but do not think that you can support this spending plan without supporting a tax increase, Mr. Speaker. The Republicans will be voting "no."

Thank you, Mr. Speaker.

## DOCUMENT SUBMITTED FOR THE RECORD

Mr. S. SMITH submitted a document for the Legislative Journal.

(For document, see Appendix.)

The SPEAKER. Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to delay the point and tie everybody up here, because I kind of get the feeling exactly how the vote is going to go, as it went yesterday, but I just need to make some comments as the chairman of the Appropriations Committee.

This bill that is in front of us is a spending bill, and when you spend too much money, which is the Governor's bill, government always has a tendency, they know how, when they run out of money, where they have to go get it, from the taxpayer, and this is the caution that we need to be taking.

Now, the chairman said to me, the majority chairman said to me yesterday that we need to compromise, we need to work together. You had that opportunity yesterday; you had that opportunity yesterday. And we are talking about a plan that is before us right now with things that are shifted from the General Fund budget, money taken out, put back into the lottery accounts, that drains seniors' accounts. We are talking about a budget that spends \$947 million – that is what is in front of you;

that is exactly what is in front of you – where we only spent yesterday, over and above this year's budget, \$515 million. If this budget were to pass, if the Senate were to pass this spending plan, I would like to know what we would be starting, how much revenues that we would be starting '08? It has come to my attention that we would only be starting in the '08 year about \$25 million, where the plan that we passed yesterday was over \$425 million.

Mr. Speaker, I have been here for a long time. There is one thing I learned: You play politics on a daily basis and you have fun with it and then you go and do your business, but our obligation here is, like I said to you yesterday, it is the people's business. Let us not kid somebody. Let us not kid somebody; let us be fair. We as a body have to stand for something. Is this what you want to stand for? Is this what you want to put before the people of Pennsylvania? When in fact we had a spending plan that was under 2 percent, you start with that plan. Like the majority chairman said, we are in negotiations. What is better to start with something like that than to have this faced with you? That is what this argument is about. And you had the opportunity; we had the opportunity. The Democrats do not lead this chamber by that much. The Republicans are in the minority. We can work together here. So why did we walk away? Why did we not just turn around and say, this is what we are going to adopt because this is what is right for the people of Pennsylvania?

Let us talk about the lottery a minute. The lottery is precious to each and every one of the members in this General Assembly, each and every one of us. Our seniors, who protects our seniors better than we do? If you look throughout the United States and how we are compared to other States in what our benefits are for the seniors, Pennsylvania is right up there. Be no shame about it, we are right there. So what do we do under this plan? We take operational money – operations should be under the General Fund – and we shift it into the lottery accounts. Remember, remember, we are responsible, we are responsible for what those benefits happen.

Now, I am not going to say to you that it has not happened in previous administrations. I would not stand here and say that, but it has been brought to the attention under the deliberations when we had the Appropriations hearings that that money should be returned. The amendment that we passed yesterday, we corrected that, but unfortunately, it was a different situation. And that is a shame that on party lines we had to knock that down, because what would have been a better start than to work with that amendment, to face the other three caucuses. What would have been a better start?

So naturally I stand here today and I ask you to vote "no" for it, and it is a shame that we did not have the opportunity to work together and pass that amendment yesterday out of this House. That would have sent a message to the Governor, that would have sent a message to the other three caucuses, that this is what the House of Representatives, this is what we stand for, and this is what we are going to do for the people of Pennsylvania.

Mr. Speaker, I would urge a "no" vote on HB 1286.

The SPEAKER. The Chair recognizes Representative Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I just wanted to respond to the Democratic Appropriations chairman. He had talked so nicely about working together between both sides, and I think, I wanted to just make it clear that last year there had been work on both sides of the aisle to do some incremental business tax cuts to encourage job creation

in Pennsylvania, and I think there would be lots of people on this side of the aisle if there was a responsible, controlled spending budget below the rate of inflation where we could roll back Governor Rendell's personal income tax hike and give some hard-earned money back to the people who are paying for all this stuff.

So anytime you are looking to be responsible with the people's hard-earned dollars, I think you will find lots of people who would like to cooperate on doing that. This budget, however, does not do that. Not only is it going to ensure a tax increase, but it certainly does not allow any opportunity for returning hard-earned dollars back to taxpayers across the State of Pennsylvania. It increases spending by 7.4 percent or three times the rate of inflation over last year's enacted budget. The rate of inflation is 2.57 percent. Middle-class families do not work that way. And this administration has increased spending by 33 percent. Using credit card gimmicks over just 4 years will now take it up to over 40 percent in 5 years' time. Middle-class families do not work that way. They have got too much on their minds in terms of meeting their bills while we are taking more money out of their pocket. And let us be honest: This Governor's budget, one more time, uses credit card gimmicks to balance the books so that your kids and grandkids are going to have to pay the piper. He wants to shift, one more time – and let us face it, he is the artist at this, and you are a part of it in supporting this bill – he wants to put \$1 billion in separated funds that we have for other programs – just like our Appropriations chair talked about, programs for seniors – he wants to continue to shift operating budget items off-budget and still increase the rate of spending in the State of Pennsylvania.

People get it. They are tired of the gimmicks, they are tired of the out-of-control spending, and they want money back in their pockets. Vote against the Governor's budget bill, period.

Thank you.

The SPEAKER. Representative Vitali. The gentleman waives off.

Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, this is certainly a different atmosphere that we are operating within, this being my ninth budget year here in the legislature. Every other year that I have been here, we went through a couple of hundred amendments, as we went through the process of molding some likeness of a budget bill that would be sent to the Senate and then ultimately amended by the Senate, sent back to the House, where we would reject it, send it into the conference committee. I think this is the first time since I have been here that we have actually had a budget that has sped through the amendment process as fast as it did from yesterday till today, even with the change in the rules.

Mr. Speaker, this is also a new day for reform. We have a lot of new freshmen here, on both the Democratic and Republican sides, a lot of freshmen that said that they were running for reform in Harrisburg. Well, I do not think the reform that people were talking about was continuing the escalating spending of this administration. I know there are some sympathetic feelings on the Democratic side regarding the Governor's continued escalation of spending, and it is time for us to join together, as the gentleman from the Appropriations on the other side of the aisle reached out that olive branch again, it is time for us to join together and send a strong message to this administration that we will not continue to go along with the same program that he has been putting in place over the last several years of his

administration; we will not continue to let welfare run rampant with little checks and balances there to assure that fraud is not taking place; we will not allow welfare to continue to be the top expenditure in the General Fund budget. Those are messages that the people for reform on the outside want, Mr. Speaker. They do not want to see spending increase at almost three times the rate of inflation this year, Mr. Speaker, when they cannot do the same in their own households.

Mr. Speaker, it was said earlier that this budget contains no tax increases. Well, if that is not one of the most disingenuous remarks that I have heard in this General Assembly over the years of how we are not passing a tax increase, but you know full well, Mr. Speaker, that this legislation, this spending bill, will create the situation for tax increases, will create the situation for those tax increases that the Governor called upon in his budget address earlier this year, Mr. Speaker.

Mr. Speaker, the people of Pennsylvania, the reform they are talking about is not tax increases, is not more spending. It is government living within its means. It is government respecting its employer, Mr. Speaker; government respecting the taxpayers, who fund the General Assembly, who fund the executive branch, who spends about 94 percent of the budget that will be appropriated. Mr. Speaker, the reform that the taxpayers of Pennsylvania want and need is reduced spending, caps on spending, reduced taxes. This budget does not do it, Mr. Speaker. And for all those freshmen that think this is just part of the process, you are going to have a rude awakening, as the people of Pennsylvania see your vote cast here today, if you are casting it in favor of spending that is almost three times the rate of inflation.

Mr. Speaker, the right vote for this bill is a "no" vote.

The SPEAKER. The Chair recognizes Representative Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I would like to interrogate the majority chair, please.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. DALLY. Mr. Speaker, the minority chair raised an issue which I had questions in caucus about as far as the ending balance in this budget. At the end of this fiscal year, what is the ending balance in the budget, current budget?

Mr. D. EVANS. It is in the ballpark of about close to \$500 million, but it has to be certified by the Governor.

Mr. DALLY. Okay. And would the spending plan that you are endorsing today, HB 1286, what is the ending balance at the end of the fiscal year 2008?

Mr. D. EVANS. A balanced budget requires that you have no ending balance.

Mr. DALLY. Okay. In yesterday's amendment I believe that there was a \$400 million ending balance at the end of the year, and you are saying in your proposal, it zeros out? There is no ending balance at all?

Mr. D. EVANS. Yes, Mr. Speaker.

Mr. DALLY. And that is required by our budgeting process?

Mr. D. EVANS. Yes, Mr. Speaker.

Mr. DALLY. Okay. Is that how this year's budget was portrayed?

Mr. D. EVANS. Are you talking about the current year that we are in?

Mr. DALLY. That is correct.

Mr. D. EVANS. Yes, Mr. Speaker.

Mr. DALLY. When the Governor proposed the current year's budget, there was no ending balance in that proposal?

Mr. D. EVANS. Correct, Mr. Speaker.

Mr. DALLY. And I believe the statement was made yesterday that the ending balance in this fiscal year is much larger than had been anticipated. Is not that correct?

Mr. D. EVANS. That is because revenues are over estimate, Mr. Speaker.

Mr. DALLY. Okay. So there was an ending balance proposed in this year's budget?

Mr. D. EVANS. Not when it was initially proposed, Mr. Speaker.

Mr. DALLY. I am sorry?

Mr. D. EVANS. When the budget was initially proposed last year, the anticipated growth of revenue was not at the time when we passed the budget.

Mr. DALLY. Okay. Let us talk about some things that are not in this budget, and the majority chairman, Mr. Speaker, spoke about this being able to move the process along, but really, what you are doing today by voting for HB 1286 is you are making a policy statement, and you are saying, I am in favor of this budget as opposed to the proposal of yesterday or any other proposal that may be out there. And what is not in this budget are things that really affect people back home.

Weed and Seed Program is cut; law enforcement activity, zeroed out; Safe Neighborhoods, zeroed out; violence reduction, cut 100 percent; future farmers, I guess we are going to talk about past farmers now because they are cut; local soil and water districts, cut; crop insurance for our farmers, cut by two-thirds; business retention and expansion, we talk about the new Pennsylvania, that we want to create jobs, that is cut 82 percent; emergency responder training, that is cut 100 percent; local government resources and development, 100 percent; small business development centers, we had one at Lehigh University in Lehigh Valley, cut; community revitalization, those grants that you like to present to your districts back home, 100 percent cut; urban development, 100 percent cut; PIDA (Pennsylvania Industrial Development Authority), another important economic development tool, 91 percent cut; manufacturing and business assistance, 100 percent cut; agile manufacturing, another program at Lehigh University, 100 percent cut; Heritage Parks, 76 percent cut; science and math education, 100 percent cut; New Choices/New Options that helps working women transition from welfare to work, cut 100 percent; job training programs, cut 100 percent, and the list goes on and on and on – scrap tires, 100 percent.

So by voting for this budget, you are saying that you are not supporting these programs, because to bring these back into the budget in the negotiation process is another half a billion dollars, and that does not include the \$250 million that is being sent offline to the Lottery Fund for the Department of Aging. And what does that mean? That is cuts from your senior centers and your area agencies on aging.

So you are making a vote today. Sure, you can say you are moving the process along and that the Governor was elected by an overwhelming majority of people, but we have a coequal branch of government here, and each one of you was elected, too. So the Governor was elected, not coronated, and we are here to make a vote and to move this process along, but this is a policy statement that is being made today, and it is whether you want to vote for what the Governor wants or whether we are going to put a budget together that is fiscally responsible.

Thank you.

The SPEAKER. The Chair recognizes Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Like the gentleman from Northampton, Mr. Dally, I think it is important that all the members recognize what is not contained within HB 1286 in its current form, and the gentleman from Philadelphia, whom many of us are glad to see back in the chamber despite last week's results, asked, when is enough, enough? Well, Mr. Speaker, today is the time when we say enough is enough. Enough of the profligate spending; enough of the tricks; enough of the games where we are hiding how we are really spending the State's resources. And as the gentleman from Northampton was just detailing, we had a big press conference yesterday with people saying you have got to end the violence in Philadelphia, you have got to end the violence in Reading and Allentown, and what does this budget do? It cuts the funding for violence reduction and partnership by \$250,000, for law enforcement activities by \$7.5 million, for Safe Neighborhoods by \$11.5 million, for violence reduction by over \$1 million. But you even cut the \$900,000 for the State Police to do gun checks. This is the caucus on the other side of the aisle who wants to tout one gun a month, cracking down on straw purchases, but you cut \$900,000 to do gun checks by the State Police. Make sure you put that in your press releases when you go home to tell them how proud you are that you voted for this bill.

You are upset about e-mails and phone calls. Tell people, especially in the rural areas of Schuylkill County and Berks County and the rest of the areas, how you cut money for crop insurance by \$2 million, for agricultural research by millions of dollars. That will make your constituents proud that you decided to put more money into making welfare the highest expenditure in this budget once again, exceeding education, and when you put more money into child-care assistance and other programs, taking it away from cash assistance, to try to disguise where the money was coming from.

This budget is all about spending priorities. You may want to say, oh, there is not some kind of obligation about what to spend, but members in this House know that when you pass a budget bill out of here, you are identifying to your constituents what you think is a valuable spending priority and what is not.

The gentleman from Northampton just related to New Choices/New Options, a program which is very successful in the Lehigh Valley to help single women get back in the work force, gain some training and educational assistance to get better jobs, cut \$2 1/2 million, removed from this budget. The amendment offered by Mr. Civera yesterday restored that money, along with many of the other programs we were talking about.

Safe water, this administration decided to cut \$10 million. It completely eliminated the line item for safe water projects. Many of your constituents concerned about aging water systems, there is no money within this bill to help them. Many of you want to be able to assist them to have safe drinking water. There was a further referral to the program for food and agricultural assistance under the Department of Agriculture. In this time when we have had so much of a scare about the safety of our food, food and safety inspection, \$400,000 eliminated. Are you going to be able to turn to your constituents and say that Pennsylvania has done the best that it could to make sure that you were protecting their food sources? Job training programs, \$5.3 million eliminated.

Local soil and water district assistance. Many of us rely upon those conservation districts back in our counties to make sure that the proper exercise of authority is being implemented over construction projects, over making sure that the conservation districts are operating correctly. The funding is cut within this budget for those entities in our districts.

And lastly, some of us had a trip last week out to Pittsburgh where members on both sides of the aisle were touting the importance of biotechnology research. I saw many of us at the Pittsburgh Life Sciences Greenhouse. Within HB 1286 you eliminate \$5.7 million for biotechnology research. You either walk the walk; you have got to talk the talk as well, and when you talk to these constituents about saying you value the life sciences, you value how much should be put into biotechnology research, and then vote to eliminate all the funding that is possible within the State budget for that, you are entering into a contradiction. This situation, this is exacerbated by, under the Labor & Industry budget, we have heard so much from the Governor about the importance of health care, the importance of using nurse practitioners to provide lower cost health-care services. The nursing shortage initiative, \$7.5 million eliminated by HB 1286. It was restored yesterday by the Civera amendment.

There are many, many examples within this budget, Mr. Speaker, that we can go through, but the bottom line is that, Mr. Speaker, you had a choice yesterday to be able to demonstrate you could provide all the services to our constituents at less than the rate of inflation in terms of spending growth and without a tax increase. If you pass 1286, you are guaranteeing a tax increase, because there is not sufficient revenue to pay for all these programs. I hope you do all vote for this, so then you can tell your constituents about how you cut the programs that are so valuable to them and then figure out how you are going to have to pay for it in the long run.

Thank you, Mr. Speaker. Vote "no" on this bill.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Just one quick riposte to the honorable policy chairman, my good friend from the 28th Legislative District of Allegheny County. He made a passing and pejorative reference to the very, very modest tax increase under Gov. Edward G. Rendell's initial term. Let the record state that the Pennsylvania House of Representatives was in Republican control in that setting. The Republicans helped Governor Rendell pass that tax increase, and I just want the record to state that, for my honorable friend from the 28th District.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I had not planned to respond to this proposed budget, primarily because my leadership tells me that it is only a vehicle for negotiating, that at some point folks are going to come together and come up with a proposal that invests in people and it speaks to improving the lives of all Pennsylvanians, but, Mr. Speaker, since it was mentioned that following the Governor's proposal to the General Assembly, I responded to that proposal with a letter, I held a series of town meetings, and, Mr. Speaker, we talked to people, not just in my district but all across Pennsylvania. I talked to ministers in Allegheny County. I talked to people in Erie, Pennsylvania. I talked to people all over the Commonwealth of Pennsylvania, and, Mr. Speaker, the thing that resonated more than anything else, whether it was in the northeast, whether it was in the west,

whether it was in the southeast, and that is, none of the priorities, the priorities for this side nor the priorities for the other side of the aisle, nowhere in those priorities do we talk about young people between the ages of 18 to 24 that are dying and suffering throughout the Commonwealth of Pennsylvania. Nowhere in either proposal do we talk about the deteriorating state of education in Pennsylvania. We are still using a formula for funding public education that is archaic, and some have even said it is discriminatory. Mr. Speaker, nowhere in either set of priorities are we talking about families and the struggles that families are having in the Commonwealth of Pennsylvania.

And so, Mr. Speaker, I hope at some point, because at some point we are required to be honest with folk. The general feeling is that there is dishonesty. The general feeling is that we do not care about what is happening to pockets of people across Pennsylvania, and I cite one statistic, Mr. Speaker. In the Commonwealth of Pennsylvania, unemployment amongst 18- to 24-year-olds is around 15 percent, but, Mr. Speaker, if you look at what is happening in parts of southeastern Pennsylvania, if you look at what is happening in Allegheny County, if you look at what is happening in other parts of Pennsylvania, unemployment amongst their age group is double and in some cases triple. Mr. Speaker, we cannot move Pennsylvania forward if we continue to have a permanent underclass of folk who see no hope, who see no end, and who continue to believe that they send people to this process to represent them, not deal for them, but to represent them.

Mr. Speaker, it is not what man does during hours of comfort and convenience, but where he stands during the time of controversy. And, Mr. Speaker, we have a problem in Pennsylvania that we cannot continue to overlook, neglect, or think that we can negotiate it out. So I hope and trust that this vehicle, this proposal, ends up speaking to an investment in people, especially young people, and ends up speaking to improving the lives of people. There is a section in the proposal that talks about witness relocation. The district attorney of Philadelphia and other district attorneys have said that we need a strong Witness Protection Program in Pennsylvania, and yet in this budget, it has been cut, if not eliminated.

Mr. Speaker, if this is about moving forward, let us move forward, but at the end of the day, know that this Representative will not put up a vote at the end of the day on a package that does not invest in people and that does not deal with many of those problems that people are facing across Pennsylvania. Thank you.

The SPEAKER. The Chair recognizes Representative Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I, too, want to comment on this proposal and actually the whole process, which we have gone through the last 2 days. Normally during this budget season we have 200, 250 amendments, and that was what was going to happen until both sides withdrew their amendments. I looked at the proposal yesterday. There were some good parts in it, and there were parts I did not like. There were cuts made. There was some money restored. I look at this proposal, the same thing; the same thing.

I think the message, Mr. Speaker, has to be fiscal responsibility. Fiscal responsibility is very important, especially this year. The goal should be not to raise taxes. Taxes should be a last resort and not a first resort. A lot has changed since this budget was introduced in February, with the economy picking

up, and a message, a message that is sounding throughout the State, and many on the Democratic side have sent a message that we do not want to raise taxes, and I think that is very important, Mr. Speaker, because this budget does not do it in its present form.

As a previous speaker said, this is a vehicle to get moving. Whether we adopted the amendment yesterday or whether you adopt this proposal today, the amendment, the process has to begin. And as the process begins, Mr. Speaker, and I have talked to my leadership and I have expressed my concern about this proposal, as well as many on the Democratic side, and many on our side, the philosophy is, Mr. Speaker, we do not need new programs, we need to fund the existing programs which we have, and I think that is very important because there are some new programs in this budget, but I think everything has to get worked out. When we have both the minority leader and the majority leader and the Senate get together, they have to find a way to get this budget without a tax increase, because that is what most members want, but we also must restore funding cuts to the vital programs that we have today.

There are many programs out there, Mr. Speaker, that this budget does not address. That has to be addressed as this process goes on, and I think that is so vital. When I talk to my people back home, they are not telling me we want new programs; they are telling me, please fund us like we were funded last year. These are vital social services. These are programs to help the poor. These are programs to help our senior citizens. That is what we need to focus on here, money to help our school districts because they need the subsidy that is in here so they do not raise property taxes. Those are important issues, Mr. Speaker.

This is just the beginning today; this is just the beginning. If this budget would come back from the Senate the way it is today, I would vote against it, but we have to start the process. If we do not do this, the process gets delayed. We would like to have a budget by June the 30th. As our Appropriations chairman said, very eloquently, we need to have our work done, and I agree with him; I agree with him, and the only way that work is going to begin is for us to support this process moving, piece of legislation today. I will vote for it. Do I like it? No. Did I like the amendment yesterday? No. But the process has to move forward, and I am hoping when the Senate gets it, they adjust it, it goes to a conference committee, and we get everybody in the same room, including the Governor, to say what can we do to not raise taxes to the people of Pennsylvania and provide vital services, which they need, and to try to put some increases, if it is available.

It is not an easy budget year, Mr. Speaker, and a lot of this responsibility goes to the Federal government for what they have done with Medicaid, \$800 million. The Federal government should be paying their share so we can take care of senior citizens in nursing homes. That is a vital element. If we had that \$800 million, we could do a lot more for the people of Pennsylvania. Unfortunately, we do not, and we are fortunate the economy has picked up and revenues have come in so we can do this hopefully without raising any additional revenues. That is what is important, Mr. Speaker; that is what is important.

We need to be fiscally responsible, and I am happy to say that many of the Democrats on this side are fiscally responsible, and our vote will be there at the end of the day, and if there is a budget that is not fiscally responsible, we will vote "no,"

Mr. Speaker, but today we are moving the process forward. And we have told all those that are involved in this process that we will not tolerate excessive spending and lots of new programs, where our programs we have right now are not being funded to their level, which they should be.

In closing, Mr. Speaker, that is where I stand, and I think I speak for many on this side on what needs to be done. I will vote to move the process forward by voting "yes." Thank you.

The SPEAKER. Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

Since I am a freshman, I will just address this to the freshmen. I just want to throw one thing in, one other program in there that was not mentioned today that affects all of us and all of the children in our schools. I have in my district a Tourette's syndrome foundation, the only one in Pennsylvania. They work on a shoestring budget. This Governor has seen fit to cut all but 50 percent of their budget. There are 3,000 children in schools in Pennsylvania, I am sure that affects each and every one of our districts, that will do without some kind of education and help for their illness. When you vote this through, you will be voting to cut that help.

The other thing that I wanted to mention is, when we came here as freshmen, we got together and we created a freshman caucus. We all agreed that we were here on a reform basis. A 7.4 spending increase is not reform. Three times the rate of inflation is not reform. Vote down HB 1286.

Mr. Speaker, this is where the rubber meets the road. Are you going to make your own decisions or not? I am voting it down. Thank you, Mr. Speaker.

The SPEAKER. Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I have been listening to the speeches today about the proposed budget and many speakers on the other side pointing out items that they disagree with. I am reminded of the words that were said a few minutes ago by our Republican Appropriations chair when Chairman Civera said, "Let us not kid somebody." I think a lot of the discussion today is not looking at the full picture of what we were voting on yesterday, and the gentleman from the Lehigh Valley has pointed out, he said, if you are going to talk the talk, you have to walk the walk. I think that would be a very interesting exercise if you compared what legislators said about the budget with how they voted yesterday on the Civera amendment.

All of us have gone to meetings in our communities where bipartisan support is stated for items like domestic violence prevention; community colleges; a 3-percent cost-of-living increase for community mental retardation services; veterans programs. When we are back home in our communities, there is bipartisan support. Yesterday when we were considering the Civera amendment, I took the time to look through the Civera amendment and what it would do to many of the line items that I just mentioned. Job training, one of the speakers mentioned job training. Well, the proposal we are voting on today has \$30 million for customized job training. The Civera amendment would have cut that in half to \$15 million. That is not more; that is less.

I have been working very hard for 4 years on public library funding, and I am trying to get a cost-of-living adjustment in the final budget for our public libraries. What would yesterday's amendment have done? Yesterday's amendment would have taken out the modest \$250,000 increase that was in the proposed budget.

What about domestic violence funding? We meet with folks in our communities who say we have to do more to address domestic violence. Well, the budget that is before us today has \$13.5 million for domestic violence programs. What would the Civera amendment have done yesterday? That would have reduced it back down to \$11.7 million. No increase for domestic violence prevention.

What about that 3-percent COLA (cost-of-living adjustment) for the community mental retardation programs? I mean, there was a rally yesterday here in the Capitol. Many speakers stood up to say that we need a 3-percent COLA for our direct-care workers, we need a 3-percent cost-of-living adjustment for our community mental retardation programs, many eloquent speakers on both sides of the aisle – I think there was even a speaker whom the gentleman from the 134th District is very familiar with – but then 4 hours later, we come here and 96 members of this House vote to take away the 3-percent cost-of-living adjustment for community mental retardation programs. If you are going to talk the talk, you have to walk the walk.

I do agree with one statement the gentleman from the 134th District made, that a budget is a question of priorities, and when you look at the budget and what we should be talking about these next few weeks about our priorities, we do have to look at community college funding. There was a clear difference on this House floor yesterday. Should we have a modest increase in community college funding? One hundred and two members said, yes, let us budget a 9.1-percent increase for community colleges; 96 members said, no; let us have zero percent, zero dollars for community colleges. Whether your enrollment is increasing, whether you are serving more people in your community, there were 96 votes to say, community colleges, stick with last year's funding level.

There has been an important discussion in each of our communities about whether or not we should do more for the early elementary years, for pre-K funding. There have been meetings in each of our communities. We have attended those meetings. We have talked about whether or not we should be investing in the early childhood years. Once again, that was a clear difference in the Civera amendment. One group of legislators wanted to fund that pre-K initiative and one group did not.

So a budget is about priorities, but as we focus on the budget the next few weeks – and the olive branch has been extended; there is going to be some dialogue over the next few weeks – let us work together to fund our priorities for our families and our communities.

Thank you, Mr. Speaker.

The SPEAKER. Representative Hennessey.

Mr. PERRY. Mr. Speaker, thank you.

I would like to address my comments first to the honorable gentleman from Greene County, whom I had the pleasure of having dinner with the other evening, and regarding the statement that—

The SPEAKER. I am sorry. Will the gentleman cease. The Chair recognized Representative Hennessey.

Mr. PERRY. Sorry, Mr. Speaker.

The SPEAKER. The Chair apologizes for the confusion.

Mr. HENNESSEY. Thank you, Mr. Speaker.

There are lots of reasons to vote against this budget proposal in HB 1286. I ask the members to vote upon it for one very specific reason. This proposal would totally remove the

operational funding for the Department of Aging from the General Fund. It would instead pay for that out of the revenues from the Lottery Fund. If you need the reference, it is on page 159, lines 17 to 19. It seems to me that this is wrong. The moneys in the Lottery Fund have been promised to our seniors. They are not to be used, in my view and in the statute's view, for the payment of ordinary governmental operational expenses.

In 1971 when the legislation authorizing the lottery was first introduced and being debated, there was a proposal to forget about property tax relief and simply pay the lottery revenues into the General Fund. It was rejected. The Lottery Law basically gave four specific items that the Lottery Fund revenues could be spent on: One was property tax relief for our seniors, and we see that reflected in the property tax and rent rebate program. A second was pharmaceutical subsidies for seniors. We see that reflected in PACE (Pharmaceutical Assistance Contract for the Elderly) and PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier). The third was transportation subsidies, and we see that reflected in the shared ride. And the fourth very specific authorization was to pay for prizes and commissions to retailers and for only those expenses incurred by the Department of Revenue in its operation of the Lottery Fund.

Specifically, the law says that no other expenses of the department can be paid for from the Lottery Fund, just the expenses of administering the fund. Here in 1286 we are shifting away from the General Fund expense and turning that into a Lottery Fund expense for all of the operational costs of operating the Department of Aging. It seems to me that it is wrong because we promised our seniors that money. It seems to me it is wrong statutorily because it is not authorized.

Now, keep in mind, I am not talking about programs, the cost of programs that we are operating for seniors. I am talking about the bureaucracy of the Department of Aging. We are talking about a relatively small ticket here, about \$8 million, and maybe somebody could say, well, it is all right if we are only raiding the Lottery Fund to the tune of \$8 million, but contrast that with the fact that in the '06-'07 budget, we went to the Lottery Fund and gave \$4 million to senior centers across our Commonwealth in the form of grants so they could fund improvements to their centers, for the benefit of our seniors. We have stripped that out in this proposed budget. That \$4 million does not recur in this proposal, 1286.

If we are going to spend \$8 million, it would seem to me that it is a better use of the lottery revenue money to pay for the benefits to our seniors and not to pay for operational expenses of the government. That is our obligation. It is not an obligation we can foist upon the seniors and burden them with it. We should understand that we have a responsibility as the legislature to fund the operational expenses of the Department of Aging through the General Fund and not to take it from our seniors' money.

So vote against 1286. Thank you.

The SPEAKER. Before we proceed, I would like to remind the members again of the announcement I made yesterday that on the general appropriations bill, the debate limitations contained in 19(b) provide 5 minutes each time a member is recognized and that the sponsor of the amendment is entitled to be recognized twice and all other members once, and I would remind the members to keep in mind that their interrogation counts as part of the 5-minute period. So if the member asking the question, even though the responder, the responder can

utilize some or all of the remainder of that 5 minutes. So I just wanted to remind the members.

Also for housekeeping purposes, the Chair has eight names of members who seek recognition on final passage, and for the convenience of the members, I will just announce who they are, in case we want to relax: Mundy, True, Gerber, Benninghoff, McIlvaine Smith, Perry, Scavello, and DePasquale.

At this time the Chair recognizes Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker. I do not think I will need a full 5 minutes.

I really had not intended to say anything today on HB 1286, because I know, as well as most of the members in this chamber know, that this is a procedural vote today to move a version of a budget over to the Senate. So let us not pretend that we are voting on the final product today.

And I guess what really caused me to stand up was that I kept hearing members decry all the additional spending in this budget. That was the first half of their speech and the words out of one side of the mouth, and then 2 seconds later, we were hearing a list of new spending that they would put in the budget, but this is too much spending. You cannot have it both ways. If you are going to spend the money, you have got to pay the bills.

There are no new taxes in this budget. It is a list of priorities. It is not the Phyllis Mundy budget, I will tell you that. It is not the budget with the needs, wishes, desires of the residents of the 120th District, but I have given that list of needs, wishes, and desires to my committee chairman, and I know that he will take those wishes and desires into the negotiations on my behalf, as he will for every other member on the Democratic side. And nobody is going to get everything they want in this budget. We are all going to get hopefully what we need for those who need the most in our districts, but let us not pretend that that is going to happen today, because this is just a part of the process that needs to happen in order for this to move forward.

So I understand that this is a partisan chamber. I think that is unfortunate. It has been that way for the 16 years that I have been here, and I am sure it will be that way for a long time going forward, but, please, let us tone down the rhetoric about too much spending and, oh, but we have got to spend more for this, that, and the other thing. All these things will come out in the end, and you will be a "yes" or you will be a "no," but let us not pretend that that is going to happen today.

Thank you, Mr. Speaker.

The SPEAKER. Representative True.

Mrs. TRUE. Thank you, Mr. Speaker.

I was not going to rise today either, but I guess I just would like to come back just briefly to the reform issue, because I have been here, this is my 13th year I have been here, and I was one of the reformers that came in, in 1993, believe it or not, and so very pleased to have seen this entire House suddenly embrace, including leadership, embrace reform. We have a Reform Commission. I take note that many of the members on the Reform Commission have supported a budget, and I will get to in a minute, that does expand spending.

And mostly I just really wanted to say that there are three other vehicles that we are going to vote on. I do not know if everybody was paying attention to what the minority leader was saying, but we will have to vote a Fiscal Code, an Administrative Code, and a School Code, and if everything that we want in 1286 is to happen, you are going to have to expand spending.

I do not try to lie, and I do not ever, ever play games up here. I take this job very seriously, and I know the rhetoric, and I have heard it on my side, too, about moving the process forward. The bottom line: If those of you on this House floor really support reform, then you should have voted for the Civera amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

Like one of the Representatives that just spoke a couple of minutes ago, I frankly was not planning to talk today about this budget, because I was hoping that there would be a more cooperative spirit in this chamber than what we have experienced over the last 10 or so years, and while I was not here for all those years, I got a good taste of it in the last couple of years. And I think, particularly for the new members, what you should be aware of, and I mean this for the members on both sides of the aisle, that there is a new day in the House of Representatives. There is a new majority and there is new leadership, and the approach that the majority is taking is a genuine, forthright, transparent approach to handling this budget in a manner that will get it done on time, in a manner in which all of the members will be able to express their interests, and in a manner that will result in fiscal responsibility.

You heard the minority leader say it at least three times. There are no new taxes in the budget that we are voting on today; none. And for all those people that want to be quote, unquote, "fiscally responsible," it is terribly ironic for you to stand up and complain about this budget for spending more money but then turn around and say you would like to spend even more than what is in it. You cannot have it both ways.

Let us put the partisanship behind us, Mr. Speaker. It is not campaign time right now. It is time for us to do the people's business, and to do the people's business and to do it on time, let us get this budget over to the Senate. Let us let leadership from both sides of the aisle negotiate. As rank-and-file members, let us get our interests expressed to our leaders so we can be well represented at the table, and let us do the people's business for the betterment of the Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

If the majority chairman would be nice enough to answer a question, I would appreciate it.

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker, and thank you to the chairman.

I was just curious, if you could give me a number of what the overall spending is. I understand there has been lots of dialogue, whether there are taxes or not taxes in here, but what is the overall spending in this proposal over last year's spending and including any other possible supplementals, so we just have an idea comprehensively of how much money we may be spending additional over last year's budget.

Mr. D. EVANS. Let me check for that, Mr. Speaker.

Mr. BENNINGHOFF. Thank you very much.

Mr. D. EVANS. Do you have other questions you want to ask me, while we check for that?

Mr. BENNINGHOFF. No. I actually have a comment, but it is subsequent of what your answer is to that. Thank you.

Mr. D. EVANS. It is about \$900 million.

Mr. BENNINGHOFF. Thank you. Is that about \$900 1/2, \$900 3/4? My calculations are somewhat similar to that. I am looking at about \$950 million, probably, give or take.

Mr. D. EVANS. Ballpark, about \$900 million.

Mr. BENNINGHOFF. And does that include any possible supplemental expenditures that we could have throughout the process?

Mr. D. EVANS. Increase over the current year, that is all included within that \$900 million.

Mr. BENNINGHOFF. Okay. I appreciate that.

Mr. Speaker, if I could make a comment subsequent to that?

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

Mr. BENNINGHOFF. Thank you, and I appreciate the chairman's candidness on that.

I am not here to rise to debate the merits of any particular item within the budget. I think we all have our own personal interests and we have people who would like us to sponsor one bill or another. I want to talk about, for a moment, just the overall spending.

I got elected in 1996. The State budget was \$16 billion. We are looking, at a minimum, to add another \$950 million, which, in my calculation, is just shy of \$1 billion. Our State budget will then be at \$27.5 billion or better. My point being, obviously, that in 10 years we are growing this budget by \$1 billion every year, give or take. I think \$1 billion is a lot of money. When I first came here, it was even hard to even fathom how much \$1 billion was. We hear numbers, that this could be an increase anywhere between 4 1/2 to 7 1/2 percent overall increase in spending. That in itself should be alarming.

It is easy to talk about maybe not increasing taxes, but whether you increase a particular tax or two or three or four or you increase spending by \$1 billion, in my book and in my wallet, the end product is still the same. You are asking the taxpayers to spend more money, and sadly, it is money out of their pockets that they do not have to spend on their families. I think we need to think about that.

In addition, we now set a new base line for next year's budget process that will be, at minimum, another 950, give or take, million dollars additional over last year's spending, and so on and so on and so on the State budget continues to grow at \$1 billion, or better, each year. That is over \$10 billion in my short tenure of 10 years here. I think that is alarming, and I think the majority of our constituents think that is alarming, too.

I would ask you, because most of your taxpayers I know have talked about property tax relief. They are concerned about gas prices, which now seem to all be over \$3-plus a gallon, some pushing \$3 1/2, that they are just financially taxed to death. They are financially exhausted, and they cannot afford anymore, and ultimately, most of them will tell you they feel like they have no voice. As you proceed to make final passage on this and make a decision whether to vote "yes" or "no," I would ask you to be that voice for your constituents, who have sent us here to try to make good decisions, and I cannot imagine the majority of any of our districts, Republican, Democrat, or whatever else, want us to be voting on a budget that is going to grow by \$1 billion.

Let us be smart about this. Vote "no" to this additional almost \$1 billion expenditure that is more than what most of our taxpayers can handle. Thank you very much.

The SPEAKER. Representative McIlvaine Smith.

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

I believe that government was created to achieve the greatest good for the greatest number of people. To provide those services that they need, we must levy taxes. Every time someone talks to me in my district and asks me not to raise their taxes, to cut spending, I ask them, which services would you like us to cut?

A budget is a list of priorities, and House Democrats are supporting a budget that represents a responsible starting point. This is just a starting point.

I served on borough council in West Chester for 4 years as vice president, and I know that when in committee we needed to move an issue to the floor, Robert's Rules stated that we must move and second before that issue could be discussed. Today we are moving this issue forward so that we can discuss it. We are using the increased revenue instead of increasing taxes. That is a fact. And that increased revenue amounts to about 4.4 percent, not the 7.4 percent, not the 7.4 percent that our colleagues across the aisle are stating.

I am tired of the misperceptions, the misconceptions. We need to work together. We have every intention of working closely with the Senate and Governor Rendell to develop a budget that works for all Pennsylvanians and tackle the issues they care about – health-care reform, property tax cuts, transportation, energy independence, and education. And as a member of this freshman class, I join with my other freshman colleagues in trying to do the best that we can for the people of this Commonwealth.

This is all new to us, and it has not gone the way that we hoped. Many of us were not pleased with the way this rolled out, on our very first budget, but we are willing to do the work, the heavy lifting, and we will do this together. We have to move the budget to start the process. Let us do it now. Roll the vote.

The SPEAKER. Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

And just to pick up where I left off regarding the gentleman from Greene County, whom I had dinner with the other evening, who just said that it was a Republican legislature that passed a Rendell tax increase, and to that I want to say, you know, you are a guy of wisdom steeped in a long time of being here in the legislature, and I do not want to pretend that you would take any advice from an upstart like me, but I have got to tell you, from my perspective as a new guy and a longtime, I guess, participant in the electoral politics and the game, so to speak, that the reason that I am here, one of the reasons that I am here is because the Republican legislature supported that Rendell tax increase, and I certainly would not want you to fall into the same demise as fellow colleagues on this side of the aisle.

That having been said, that having been said, there is never going to be enough money, we are never going to be able to collect enough taxes to give to all those who ask and all those who say they need, and so with that having been said, Stevie Wonder can see what is going on here, and as a new guy, I have got to tell you that I am pretty disappointed, I am not surprised, but I am disappointed. And to all my fellow freshmen that think that they are moving the process forward, you can say that and you can believe that. You can look at yourself in the mirror in the morning when you are getting ready and you can say that you did the right thing, but I am going to look at it this way. I am going to say that the House is sending a message, and that message is that we are happy, we are not only happy, but

we are willing to tax people at three times the rate of inflation here when we increase this budget, when they are trying to make ends meet, people on fixed incomes, and they do not have any other options. They cannot force someone to pay, but we can and we are not willing to, we are happy to, and that we are really willing to spend every single dime they send here, every single one, and there is a surplus right now, and that is not yet enough. We are going to ask for every bit more that we can.

You folks, you can be happy to vote for this and put that anchor around your neck, but I can tell you, it is not going to be around mine. You can do it without my blessing, and I will let everybody know that I talk to where it came from and that it did not come from me and the folks on my side of the aisle. Thanks so much.

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

Mr. Speaker, my good friend, the majority chairman of the Appropriations, Representative Evans, may I ask him a couple of questions in regard to the budget?

The SPEAKER. Will the gentleman, Representative Evans, stand for interrogation?

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

Mr. SCAVELLO. Mr. Speaker, the budget that is being proposed, should we desire to restore the cuts from last year's budget, what would we have to raise in taxes? All of the cuts that we have heard some of the Representatives mention earlier.

Mr. D. EVANS. No taxes whatsoever. We just have to cut spending.

Mr. SCAVELLO. My question again. All of the cuts that were discussed that are not in this budget, that were in the budget of the 2006-2007 budget, all of those cuts that were removed, to get those cuts restored – because we talked about almost \$1 billion in new spending but we have not talked about all of those programs, and those important programs, the safety programs, and all those programs – to get those restored, what would we have to raise in taxes or find – let me change it; maybe you do not want to hear raise taxes – find the revenue to restore those cuts? How much revenue would we have to find?

Mr. D. EVANS. We just would have to rearrange priorities.

Mr. SCAVELLO. Okay. I guess I am not going to get that answer.

Before I make comments, I want this body to know that I am in a growing county, a county that since 1991 has been really short-funded in almost every possible, possible program because of the growth. However, I supported the Governor's last three budgets. I stand here as a Republican and supported the Governor's last three budgets. Why? If we do not put new money into the process, I cannot get the dollars for my county.

There were a couple of comments made, and I need to really go back to it, because I did budgets, and I heard the gentlelady from Chester's comment that she made that she was a councilwoman and did budgets and this is the starting process. As a mayor, as a county commissioner, but as a mayor, I was involved in the borough budgets big time, and as the chairman of the county commissioners, I was as well, and if I am going to entertain a budget, Mr. Speaker, I am first going to start where I was last year. All of the programs that were there in front of me, that is your budget, and then I look and see what we can afford and we look at those numbers and see what revenue we would have to obtain in order to add those items to the budget.

Here we are cutting a tremendous amount, and the number was not given, but I am sure that that number, if it was given, would be in the 600 million area, and it was not, but here is where we stand. In Representative Civera's budget, the budget that was refused yesterday, that the Republicans voted for, the Democrats did not, there was \$400 million excess. Now, I heard the gentleman from Lehigh County mention the programs that were not in this budget, not in his budget, not in yesterday's budget, but they are in the budget today, and what I am trying to bring out, Mr. Speaker, is that some of those budget items – and I do support the 3-percent COLA for MH/MR (mental health/mental retardation) workers and a few other items – we would not have to raise taxes to put those items into the budget. We have a \$400 million surplus. It is there if we needed to. When you do a responsible budget, that is how you address it.

When we talk about cuts, the gentleman from Lehigh says, in Representative Civera's budget, we had cuts. There were no cuts in that budget. He restored everything that was in that budget the year before and still had 400 million. So when we come back to this body after we send a budget over there, when it comes back here, there was 400 million added to those new programs, some of those new programs. We are sending a budget, we are trying to send a budget over to the Senate eliminating \$600, \$700 worth of programs, \$700 million worth of programs, and put all these new programs in. That is not the way to do a budget.

Mr. Speaker, again, I have supported the Governor's budgets in the past, but I do not recall ever starting with a starting point that we have here today where we made all these tremendous cuts and yet we are going to try to pass this and send it over and say that this is the beginning. This is not really the beginning. This is really the end.

Thank you, Mr. Speaker.

The SPEAKER. Representative DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I want to thank my friends on the other side of the aisle for being concerned about spending increases. I want to give a number out – 18 percent, 18 percent. That is the nondefense spending increases by President George Walker Bush. The minute they start condemning his spending increases will be the minute I begin to take their arguments seriously today.

Thank you, Mr. Speaker.

### POINT OF ORDER

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

Mr. DALLY. Point of order, Mr. Speaker.

I do not know what relevance that has. We are discussing the budget for the State of Pennsylvania. I do not know what relevance that has to the discussion today. This is HB 1286, Mr. Speaker.

The SPEAKER. The gentleman will be reminded, Representative DePasquale, that your remarks have to be confined to the issue at hand, which is the general appropriations bill, HB 1286. The Chair thanks the gentleman.

Representative DePasquale, have you finished your remarks?

Mr. DePASQUALE. One of the reasons why we do have a tough budget is also because of the cuts of the Bush administration to the State of Pennsylvania.

The SPEAKER. Representative Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

I would like to rise in support of— Mr. Speaker, I would like to have my 5 minutes. I listened to everyone else, but some people hate to hear the truth, but how sweet it is. This is just a starting point.

Now, I am not going to try to divide this House other than what is divided in terms of Republican and Democrat. Now we hear the freshman caucus. Well, I am not too far removed from being a freshman, but I know a lot about life.

Now, somebody quoted Stevie Wonder. My name is not Stevie, and I look nothing like Ray. My eyes are wide open.

Am I happy with this budget? No, I am not. Am I happy with what is going on in terms of reform in this budget? As far as I am concerned, this reform stuff is nothing but a word, because I have yet – and we are in the month of May – I have yet to see what this reform means to people back home. We are talking about just people here in this room. People back home are not worried about whether I can get a Diet Coke back here or not. People are not worried about whether I get lunch here or not. They want to know how long am I going to stay on this floor to get a budget, but you call this reform.

Well, let me ask a question. What does reform mean? Someone mentioned something about people with disabilities. No funding to serve 2500 individuals with mental retardation who are on the county waiting list, no funding to provide community MR services to 800 students who will be graduating from high school special education programs; I hear none of this. So you cannot have it both ways on either side. You see, if we are going to talk about true reform, let the reform be where little babies are not dying because they do not have health care. The Governor is trying to give health care to everybody. We have it. Why cannot they? You see, let us not come here, now all of a sudden we are going to have all the answers for everything. We are going to be Mr. Republican; we are going to be Mr. Democrat. Let us be about people.

When are we going to start doing the people's business rather than trying to make each other look bad? This has to stop. That is true reform, when you start doing the people's business. Now, I am getting to a point every day I come into this room, it is about reform, even on my side. I happened to walk by a gentleman who was complaining about the other side nitpicking. Well, I said to the gentleman, this is reform; this is what you asked for. Because guess what? In the end you are going to cost the taxpayers more money.

Now, I have a labor background. I am used to negotiating all night long. There was no stopwatch on my negotiating. We want to make everything comfortable for us while the people back home are uncomfortable because they cannot pay their bills.

Now, are we going to be serious about this or are we going to play games? True reform is about giving people a better quality of life, not making life better for ourselves. The people elected us. We did not get here on our own. So when we talk about my people, the people who elected you, we are all the same. Stop playing this game, because this is what is dividing all of us. We all have priorities of our own. I have priorities. Some of them are not in this budget, but as has been stated time and time again, this is a starting point. It is a starting point. The process does not end today.

Maybe if we start talking about our business and stop trying to be the business, maybe we will get some business done.

Thank you.

The SPEAKER. The Chair will ask for the attention of the members for a moment.

I know it is not intentional, but the Chair will remind members to please refrain from referring to any individual with a disability in the form of this debate. I know it is unintentional, but we have to be reminded that the debate is going well beyond this chamber, and we have to be sensitive to individuals across this Commonwealth.

The Chair thanks the members.

Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Today is an interesting time. We are all charged with the same responsibility – to come here and represent a particular niche group of people that live in our respective legislative districts as well as all of Pennsylvanians throughout this great Commonwealth. One of the charges that we have is generating revenue, appropriating those funds to support programs that support people in Pennsylvania.

And while this proposal that we have before us today may not satisfy all of us and it may not even satisfy most of us, we are charged with the responsibility to introduce and in fact begin the process. We know that this bill, HB 1286, whether it contains the amendment from the good chairman of the Republican Party or any of the 242 amendments that may have been or could have been offered yesterday, we all know that this bill will not be the bill that will be presented on final passage. I do not care if you are a freshman; I do not care if you have been here 27 years. You know that this is the beginning of the process and that we have to open the door before we can walk into the room, and that is what we are doing today.

While there are dozens and dozens and dozens of issues contained within this proposal that I personally do not agree with and in fact have a negative impact in my legislative district, when we look at programs like drug and alcohol funding, children and youth, adults, education, special and basic education needs, and most importantly, the mental health and mental retardation public, and all of the other adults and children with special needs, we need to ensure that money and programming is in place to support those who cannot otherwise support or advocate for themselves.

This bill today does one thing and one thing only: It opens the door so that we can walk into the room and begin the negotiation process so that we can bring a final budget and appropriation back to this body so that we can support those programs and those people that are so important to all of us. It is not Republican; it is not Democrat. It is not male; it is not female. It is for the people of Pennsylvania, and I implore all of you to consider that with all due diligence as we begin the process to enable us to have a final budget for the Commonwealth of Pennsylvania.

I ask you all to support "yes." Thank you.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make some comments. One of the Representatives from the city of Philadelphia had risen and talked about honesty and making sure that we provide fair share dollars for everybody, and I got the impression, my impression was that the city of Philadelphia was not getting its fair share.

Indeed, since I have been here these many years, I can remember votes for the Pennsylvania Convention Center, for the four stadiums—

The SPEAKER. Will the gentleman cease.

The Chair will remind the members to please hold their conversations to a minimum. If members have conversations, will they please take them off the floor. The gentleman is entitled to be heard, and he may continue.

Mr. CLYMER. Thank you, Mr. Speaker.

—for the four stadiums, the Kvaerner shipbuilding center, Pier 24, a wide range of educational services for the city of Philadelphia. Fifty-seven percent of the Philadelphia educational budget is paid by the Commonwealth, extra funds for law enforcement, special projects for universities such as Temple University, and I could go on and on and on of the things that we have supported in a bipartisan manner because the issue was jobs, economy, the future of the city, and now suddenly I get a feeling that we have not done enough.

I tell you that the city of Philadelphia has received not special treatment, but extra special treatment from this General Assembly and from the money that has been provided for them. Even with the Department of Aging with its antique formula that does not drive fair dollars into Bucks County but keeps most of it in the city of the first class, that is a concern, but again, you are being treated very fairly.

And I just felt I had to make those remarks to make sure that we understand that there is concern for the city of Philadelphia and for the people who live there and providing jobs and opportunities as they present themselves.

Having shared those thoughts, Mr. Speaker, let me just say that as we rise today and vote on this legislation, there indeed is a stark contrast between the Civera amendment that is a balanced budget and no new taxes and HB 1286 that is before us this afternoon – a budget that is bloated; that is overweighted, oversized, and will cost this Commonwealth more money if it is enacted, especially with the new taxes. It does not promote or generate economic growth.

I thought that when the people voted on Act 1 several days ago, they were very clear about increasing taxes. They did not want to see that program move forward because of the increase in taxes.

And so I join many of my colleagues, and I would also extend a hand to our good friends, the Democrats, to have them consider with us that this bill should be voted "no." Let us work together on a bill that will bring about equity, balance, and no new taxes.

Thank you, Mr. Speaker.

The SPEAKER. The custom of the House is generally to recognize leaders at the end of the debate. Are there any before the Chair moves to recognize the leaders? Is there any other member that seeks recognition on the general appropriations bill?

Representative Civera? The gentleman waives off.

Representative Smith?

Representative Evans.

Mr. D. EVANS. Mr. Speaker, I would like to thank all of the members on both sides of the aisle for this very fruitful and good debate.

This is just the beginning. I have made a commitment to make sure all members are included, and I would ask that you vote "yes" on HB 1286.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.  
Mr. DeWEESE. Thank you very much, Mr. Speaker. Just maybe 2 minutes.

To reiterate, this proposal, HB 1286, allows for our process to perpetuate. It allows for the State Senate to receive this measure and to scan it, to review it, to share it with their rank and file, their committee chairmen. The greater population of the State will get involved now in the Senate. The process goes forward. I would echo the remarks of Representative Evans. These discussions and debates are always fruitful.

I would relinquish the microphone by adding one very important point which resonates among 12 million Pennsylvanians, Mr. Speaker, and 300 million Americans. We are spending \$2 billion a week in Iraq. We have spent \$500 billion in Iraq in the last 4 years. If you extrapolate those numbers and return them to the States, as has been done by many national journals and gazettes, Pennsylvania would have received approximately \$30 billion. The national administration in Washington, DC, can be directly blamed for hundreds and hundreds and hundreds of millions of dollars fewer in Medicaid payments coming in to Pennsylvania.

As the national administration tries to restrain every nickel emanating from the Potomac out to the 50 State Capitols, we, like other State Capitol deliberative bodies, are challenged, are challenged seriously, but we would have prorated among our population approximately \$30 billion if it had not been for the colossal mistakes of the Federal administration in Washington, DC, and our deliberations over the next 6 weeks would certainly be a lot more manageable.

Thank you very much, sir.

The SPEAKER. The Chair thanks the gentleman.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair will inform the members that there was a dollar bill found in and around this chamber. The Chair will not disclose for identification purposes the amount or denomination of that dollar bill, and since the Chair does not have DNA or fingerprinting capabilities, we will rely on the honor system, and if you lost some amount of money – everybody is waving; I appreciate that – if you can identify that sum and where you lost it, you can claim it at the Speaker's rostrum. This is not a lottery.

**CONSIDERATION OF HB 1286 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS-102**

Belfanti	George	Mann	Shimkus
Bennington	Gerber	Markosek	Siptroth
Bianucci	Gergely	McCall	Smith, K.
Bishop	Gibbons	McGeehan	Smith, M.
Blackwell	Goodman	McI. Smith	Solobay
Brennan	Grucela	Melio	Staback
Buxton	Haluska	Mundy	Sturla
Caltagirone	Hanna	Myers	Surra

Carroll	Harhai	O'Brien, M.	Tangretti
Casorio	Harkins	Oliver	Taylor, R.
Cohen	Hornaman	Pallone	Thomas
Conklin	James	Parker	Vitali
Costa	Josephs	Pashinski	Wagner
Curry	Keller, W.	Payton	Walko
Daley	Kessler	Petrarca	Wansacz
DeLuca	King	Petrone	Waters
DePasquale	Kirkland	Preston	Wheatley
Dermody	Kortz	Ramaley	White
DeWeese	Kotik	Readshaw	Williams
Donatucci	Kula	Roebuck	Wojnaroski
Eachus	Leach	Sabatina	Yewcic
Evans, D.	Lentz	Sainato	Youngblood
Fabrizio	Levdansky	Samuelson	Yudichak
Frankel	Longiotti	Santoni	
Freeman	Mahoney	Seip	O'Brien, D., Speaker
Galloway	Manderino	Shapiro	

**NAYS-97**

Adolph	Fleck	Marsico	Rapp
Argall	Gabig	Mcllhattan	Raymond
Baker	Geist	Mensch	Reed
Barrar	Gillespie	Metcalfe	Reichley
Bastian	Gingrich	Micozzie	Roae
Bear	Godshall	Millard	Rock
Benninghoff	Grell	Miller	Rohrer
Beyer	Harhart	Milne	Ross
Boback	Harris	Moul	Rubley
Boyd	Helm	Moyer	Scavello
Brooks	Hennessey	Murt	Schroder
Cappelli	Hershey	Mustio	Smith, S.
Causer	Hess	Nickol	Sonney
Civera	Hickernell	O'Neill	Stairs
Clymer	Hutchinson	Payne	Steil
Cox	Kauffman	Peifer	Stern
Creighton	Keller, M.	Perry	Stevenson
Cutler	Kenney	Perzel	Swanger
Dally	Killion	Petri	Taylor, J.
Denlinger	Mackereth	Phillips	True
DiGirolamo	Maher	Pickett	Turzai
Ellis	Major	Pyle	Vereb
Evans, J.	Mantz	Quigley	Vulakovich
Everett	Marshall	Quinn	Watson
Fairchild			

**NOT VOTING-0**

**EXCUSED-4**

Cruz	Harper	Nailor	Saylor
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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 13, PN 1536**, entitled:

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

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

(Bill analysis was read.)

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 Representative Readshaw.  
Mr. READSHAW. Thank you, Mr. Speaker.

Very briefly, HB 13, this legislation, amends the Recreational Use of Land and Water Act to clarify the liability protection for landowners who allow individuals to use their private land for hunting. It is necessary to ensure that private land remain open for hunting, and by passing this bill, it reiterates the limited liability of private landowners when accidents occur.

I would like to thank the majority chair of Game and Fish, Representative Staback, and the minority chair of Game and Fish, Representative Rohrer, as it worked its way through the committee and made it specifically for hunting on private lands.

Thank you very much. I ask for an affirmative vote.

On the question recurring,  
Shall the bill pass finally?

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

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair recognizes Representative Staback.  
Mr. STABACK. Thank you, Mr. Speaker.  
Mr. Speaker, I, too, rise in support of HB 13.

As the sponsor of the bill explained, the bill is vital to Pennsylvania's sporting community, both to hunters and landowners alike.

After the recent court ruling that found a landowner partially responsible for an injury caused by a hunter, landowners around the State face the decision whether or not to continue to open their land for hunting or to simply close their land and deny access to all hunters. This is not what the General Assembly in 1965 wanted when it passed the Recreational Use of Land and Water Act, and it is not, I am sure, what this legislature wants today.

By adding hunting and only hunting, this bill closes what was shown to be a potential loophole in the 1965 act. That act immunized landowners for injuries caused on their land but did not address situations like that which occurred in Lehigh County when the injured party happened to be on a different property. Simply stated, HB 13 supports landowners who support hunting.

Mr. Speaker, this is an important piece of legislation for the sporting community and rural landowners from around the State. It is important that HB 13 clear the Senate unamended and that it be signed into law before the beginning of the 2007-2008 hunting season, which starts in September. If not,

Mr. Speaker, Pennsylvania hunters run the risk of losing thousands and thousands of private acres that are now available for hunting if this is not properly handled in the Senate and signed into law.

On that note, Mr. Speaker, I, too, would ask for an affirmative vote on the measure.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—199

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Beyer	Godshall	Metcalf	Seip
Biancucci	Goodman	Micozzie	Shapiro
Bishop	Grell	Millard	Shimkus
Blackwell	Gruclera	Miller	Siptroth
Boback	Haluska	Milne	Smith, K.
Boyd	Hanna	Moul	Smith, M.
Brennan	Harhai	Moyer	Smith, S.
Brooks	Harhart	Mundy	Solobay
Buxton	Harkins	Murt	Sonney
Caltagirone	Harris	Mustio	Staback
Cappelli	Helm	Myers	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causser	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiotti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz Harper Nailor Saylor

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

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

\* \* \*

The House proceeded to third consideration of **SB 650, PN 680**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for special occasion permits.

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

(Bill analysis was read.)

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—168

Adolph	Gergely	McGeehan	Rubley
Argall	Gibbons	McI. Smith	Sabatina
Baker	Gillespie	McIlhattan	Sainato
Barrar	Gingrich	Melio	Samuelson
Bastian	Godshall	Mensch	Santoni
Belfanti	Goodman	Micozzie	Scavello
Bennington	Grell	Millard	Schroder
Beyer	Grucela	Miller	Seip
Biancucci	Haluska	Milne	Shapiro
Bishop	Hanna	Moul	Shimkus
Blackwell	Harhai	Moyer	Siproth
Boback	Harhart	Mundy	Smith, K.
Brennan	Harkins	Murt	Smith, M.
Buxton	Harris	Mustio	Solobay
Caltagirone	Helm	Myers	Sonney
Carroll	Hennessey	Nickol	Staback
Casorio	Hornaman	O'Brien, M.	Stairs
Causar	James	O'Neill	Sturla
Civera	Josephs	Oliver	Surra
Cohen	Keller, W.	Pallone	Tangretti
Conklin	Kenney	Parker	Taylor, J.
Costa	Kessler	Pashinski	Taylor, R.
Curry	Killion	Payne	Thomas
Daley	King	Payton	Turzai
Dally	Kirkland	Peifer	Vereb
DeLuca	Kortz	Perry	Vitali
DePasquale	Kotik	Perzel	Vulakovich
Dermody	Kula	Petrarca	Wagner
DeWeese	Leach	Petri	Walko
DiGirolamo	Lentz	Petrone	Wansacz
Donatucci	Levdansky	Pickett	Waters
Eachus	Longietti	Preston	Watson
Ellis	Mackereth	Pyle	Wheatley

Evans, D.	Maher	Quigley	White
Evans, J.	Mahoney	Quinn	Williams
Everett	Major	Ramaley	Wojnaroski
Fabrizio	Manderino	Raymond	Yewcic
Fairchild	Mann	Readshaw	Youngblood
Frankel	Mantz	Reed	Yudichak
Freeman	Markosek	Reichley	
Galloway	Marshall	Roebuck	O'Brien, D.,
George	Marsico	Ross	Speaker
Gerber	McCall		

NAYS—31

Bear	Cutler	Hutchinson	Rohrer
Benninghoff	Denlinger	Kauffman	Smith, S.
Boyd	Fleck	Keller, M.	Steil
Brooks	Gabig	Metcalfe	Stern
Cappelli	Geist	Phillips	Stevenson
Clymer	Hershey	Rapp	Swanger
Cox	Hess	Roae	True
Creighton	Hickernell	Rock	

NOT VOTING—0

EXCUSED—4

Cruz Harper Nailor Saylor

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

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

The SPEAKER. The Chair recognizes Representative Reichley, under the provision of unanimous consent. The gentleman waives off.

**COMMITTEE MEETING POSTPONED**

The SPEAKER. Representative Petrone.  
Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, the Urban Affairs meeting that was scheduled for today will be rescheduled for the week of June 4 when we return. It will be rescheduled for the week of June 4.

And, Mr. Speaker, I would like to say, on this Memorial holiday, I encourage you to pay tribute and honor to those who gave away all of their tomorrows for our today.

Thank you, Mr. Speaker.

**ANNOUNCEMENT BY MS. JOSEPHS**

The SPEAKER. The Chair recognizes Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

First I want to echo the eloquent statement of the gentleman chair of the Urban Affairs Committee.

And for State Government Committee members, I just want to make abundantly clear we had scheduled previously a hearing for tomorrow. That hearing was canceled when we thought that we would be in session. We are not able to reconstitute it in time, even though we will not be in session

tomorrow. So there is no State Government Committee hearing tomorrow. It will be sometime in June.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

### VOTE CORRECTION

The SPEAKER. Representative Clymer.

Mr. CLYMER. Mr. Speaker, thank you.

On HR 276 my button malfunctioned, and I would like to be reported in the affirmative on HR 276. Thank you.

The SPEAKER. Without objection, the gentleman's remarks will be spread upon the record. The Chair hears no objection.

### STATEMENT BY MR. SIPTROTH

The SPEAKER. Representative Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker.

Mr. Speaker, would you be so kind as to share the picture of the dollar that was found in the hall?

The SPEAKER. I am sorry. That would be a violation of the Chair's rules.

Mr. SIPTROTH. In all seriousness, Mr. Speaker, with unanimous consent, might I suggest that that be donated to a worthy cause if unclaimed.

Thank you very much.

The SPEAKER. If no one claims it, we will do that. The Chair thanks the gentleman for his suggestion.

Mr. SIPTROTH. Thank you, Mr. Speaker.

### 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,  
May 21, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 4, 2007, 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 House of Representatives recesses this week, it reconvene on Monday, June 4, 2007, 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.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Before the members leave, the Chair would like to recognize and announce that Clancy Myer's birthday is being celebrated tomorrow. Would you please join me in wishing Clancy Myer a happy birthday. Stand up, Clancy.

### BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves the following bills be recommitted to Appropriations:

HB 161;  
HB 999;  
HB 1078;  
HB 1093;  
HB 1169;  
HB 1214;  
HB 1228;  
SB 218; and  
SB 760.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### HOUSE BILL INTRODUCED AND REFERRED

**No. 1200** By Representatives DePASQUALE, DALEY, GEORGE, GERBER, HORNAMAN, BELFANTI, BENNINGTON, BIANCUCCI, BLACKWELL, CALTAGIRONE, CARROLL, COHEN, CONKLIN, COSTA, CURRY, DERMODY, DeWEESE, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GERGELY, GIBBONS, GOODMAN, GRUCELA, HALUSKA, HANNA, HARHAI, HARKINS, JAMES, JOSEPHS, W. KELLER, KESSLER, KING, KIRKLAND, KORTZ, KULA, LEACH, LENTZ, LEVDANSKY, MAHONEY, MANDERINO, MARKOSEK, McCALL, McGEEHAN, MELIO, MOUL, MUNDY, M. O'BRIEN, PASHINSKI, PAYTON, PRESTON, RAMALEY, ROEBUCK, SABATINA, SANTONI, SEIP, SHAPIRO, SHIMKUS, K. SMITH, M. SMITH, STABACK, STURLA, SURRA, TANGRETTI, THOMAS, VITALI, WAGNER, WALKO, WANSACZ, WILLIAMS, YEWIC and YUDICHAK

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the powers of the Pennsylvania Energy Development Authority.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 23, 2007.

### SENATE BILL FOR CONCURRENCE

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

**SB 34, PN 1045**

Referred to Committee on CHILDREN AND YOUTH,  
May 23, 2007.

The SPEAKER. Is there any further business?

Any announcements?

Seeing none, the Chair will inform the members tomorrow is  
a nonvoting session day.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. The Chair recognizes Representative Kortz  
from Allegheny County, who moves this House do now adjourn  
until Thursday, May 24, 2007, at 11 a.m., e.d.t., unless sooner  
recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:51 p.m., e.d.t., the House  
adjourned.