

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 6, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 11

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. FRANK SHIMKUS, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us bow our heads in prayer.

Heavenly Father, we come before You as humble people. We know that for many this begins a season of reflection and self-examination, and we pray that we may ever be mindful of the need to examine our hearts and our conscience to make sure that we are following Your Word; following Your rules.

We pray that You would bless this Assembly, all those in leadership. We pray that You would give us the inspiration of the Holy Spirit that we might be proud to be called Your people.

And we ask these things in Your name. 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, February 5, 2008, will be postponed until printed. The Chair sees no objection.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence. The Chair recognizes the majority whip, who requests that Representative PRESTON from Allegheny County and Representative LEACH from Montgomery County be placed on leave for the day. The Chair sees no objection. These leaves will be granted.

The Chair recognizes the minority whip, who indicates there are no requests for leaves.

Members will report to the floor.

### 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—200

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Leach            Preston            Siptroth

LEAVES ADDED—2

Frankel            Pallone

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

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 581** By Representatives RAMALEY, READSHAW, GIBBONS, CREIGHTON, JAMES, BIANCUCCI, BOYD, CALTAGIRONE, DALEY, FRANKEL, GERGELY, GOODMAN, GRUCELA, HORNAMAN, KULA, MANN, McILHATTAN, M. O'BRIEN, PETRONE, RUBLEY, SANTONI, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, SWANGER, THOMAS, WALKO, WANSACZ and YOUNGBLOOD

A Resolution urging the Democratic National Committee and the Republican National Committee to assist every state, with the exception of Iowa and New Hampshire, in coordinating and implementing a rotating regional presidential primary system.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 5, 2008.

**No. 582** By Representatives RAMALEY, READSHAW, GIBBONS, CREIGHTON, JAMES, BIANCUCCI, BOYD, CALTAGIRONE, DALEY, FRANKEL, GERGELY, GOODMAN, GRUCELA, HORNAMAN, KULA, MANN, McILHATTAN, M. O'BRIEN, PETRONE, RUBLEY, SANTONI, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, SWANGER, THOMAS, WALKO, WANSACZ and YOUNGBLOOD

A Resolution urging the Congress of the United States to take action on S. 1905 and H.R. 3487, along with companion legislation S. 2024 and H.R. 1523, to coordinate and implement a rotating regional presidential primary system.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 5, 2008.

**No. 583** By Representatives RAMALEY, READSHAW, GIBBONS, CREIGHTON, JAMES, BIANCUCCI, BOYD, CALTAGIRONE, DALEY, FRANKEL, GERGELY, GOODMAN, GRUCELA, HORNAMAN, KULA, MANN, McILHATTAN, M. O'BRIEN, PETRONE, RUBLEY, SANTONI, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, SWANGER, THOMAS, WALKO, WANSACZ and YOUNGBLOOD

A Resolution urging the Secretary of State to discuss, coordinate and implement a mutually agreeable, common date for presidential primaries to be held in Connecticut, Delaware, Maine, Maryland,

Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia and the District of Columbia.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 5, 2008.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2224** By Representatives J. TAYLOR, PETRONE, KENNEY, CALTAGIRONE, CIVERA, GINGRICH, HELM, JOSEPHS, W. KELLER, KILLION, McGEEHAN, MELIO, MICOZZIE, R. MILLER, MURT, MYERS, M. O'BRIEN, REICHLEY, RUBLEY, SABATINA and SONNEY

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

Referred to Committee on JUDICIARY, February 5, 2008.

**No. 2225** By Representatives SWANGER, HELM, BEAR, CLYMER, CUTLER, DENLINGER, EVERETT, FAIRCHILD, GOODMAN, HALUSKA, HORNAMAN, MANTZ, MENSCH, MOUL, NAILOR and ROAE

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for Pennsylvania Gaming Economic Development and Tourism Fund.

Referred to Committee on GAMING OVERSIGHT, February 5, 2008.

**No. 2227** By Representatives HANNA, BELFANTI, CONKLIN, DENLINGER, DONATUCCI, GEORGE, GODSHALL, GRUCELA, HERSHEY, JAMES, KORTZ, MAHONEY, READSHAW, K. SMITH, SOLOBAY, THOMAS, J. WHITE and WOJNAROSKI

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for the definition of "department"; and providing for securing compensation for surface damage.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 5, 2008.

**No. 2228** By Representatives MYERS, M. O'BRIEN, McGEEHAN, THOMAS, PARKER, JOSEPHS, FRANKEL, KENNEY, YOUNGBLOOD, W. KELLER, MELIO, WATERS, WILLIAMS, WHEATLEY, KIRKLAND, JAMES, BLACKWELL, CRUZ, ROEBUCK and OLIVER

An Act providing for encoded ammunition; imposing duties on manufacturers, sellers and owners of ammunition; providing for the powers and duties of the Commissioner of the Pennsylvania State Police and the Secretary of Revenue; establishing the encoded ammunition database and the Encoded Ammunition Database Fund; imposing a tax; and imposing penalties.

Referred to Committee on JUDICIARY, February 5, 2008.

**No. 2229** By Representatives GODSHALL, STABACK, BRENNAN, CALTAGIRONE, CAPPELLI, CAUSER, CREIGHTON, EVERETT, GEORGE, HARHAI, HARRIS, HESS, HUTCHINSON, M. KELLER, KORTZ, MICOZZIE,

PEIFER, PICKETT, PYLE, SCAVELLO, SIPTROTH, SONNEY, STERN, R. STEVENSON, SWANGER and VEREB

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for sale or transfer of firearms.

Referred to Committee on JUDICIARY, February 5, 2008.

**No. 2230** By Representatives D. EVANS, DeWEESE, McCALL, EACHUS, J. TAYLOR, CURRY, MELIO, GRUCELA, BIANCUCCI, SURRA, CONKLIN, HANNA, LEVDANSKY, MUNDY, WHEATLEY, BENNINGTON, CALTAGIRONE, GALLOWAY, SANTONI, R. TAYLOR, HARKINS, KORTZ, ROEBUCK, KIRKLAND, D. O'BRIEN, WILLIAMS, BLACKWELL, PARKER, MANDERINO, THOMAS, BISHOP, SOLOBAY, M. O'BRIEN, SHIMKUS, PASHINSKI, DERMODY, KULA, COHEN, DePASQUALE, SEIP, MAHONEY, LEACH and GEORGE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing the Protecting Pennsylvania's Progress Program.

Referred to Committee on APPROPRIATIONS, February 5, 2008.

**No. 2231** By Representatives D. EVANS, DeWEESE, McCALL, COHEN, SURRA, EACHUS and DERMODY

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

Referred to Committee on APPROPRIATIONS, February 5, 2008.

### SENATE BILL FOR CONCURRENCE

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

#### **SB 1122, PN 1503**

Referred to Committee on STATE GOVERNMENT, February 6, 2008.

### SENATE MESSAGE

#### HOUSE AMENDMENTS TO SENATE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1621, PN 3154**, and **HB 1627, PN 3155**.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### **HB 1621, PN 3154**

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to VTE Philadelphia, LP, or its nominee, land within the bed of the Delaware River in the City of Philadelphia; and affirming the authority of the General Assembly to enact certain conveyances.

#### **HB 1627, PN 3155**

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to NCCB Associates, LP, or its nominee, land within the bed of the Delaware River in the City of Philadelphia; and affirming the authority of the General Assembly to enact certain conveyances.

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

### ARCHIVAL INTERNS AND HARRISBURG INTERNSHIP SEMESTER INTERNS INTRODUCED

The SPEAKER. Here with us this morning is an elite group of ambitious students who have come to Harrisburg to learn about the inner-workings of State government and to take significant steps toward becoming informed, practiced, and active citizens of the Commonwealth.

As they near the end of their college years and prepare for life in the professional world, we have been given the opportunity to become their teachers, mentors, and show them how to be leaders in government and in life. These 17 extraordinary young men and women have left familiar surroundings to be a part of this great institution.

It is my pleasure to welcome to the House floor this morning the House archival interns and the Harrisburg Internship Semester interns. We commend you on your service to the Commonwealth and your dedication to excellence, both at your universities and here at the Capitol.

As I introduce our interns, I ask that each stand when their name is called and that we hold applause until the end.

First, I am happy to introduce four students selected this semester to participate in the Archival Internship Program, sponsored by the House of Representatives through the Bipartisan Management Committee: Melanie Bair is a senior at Messiah College majoring in Biblical studies. She is a constituent of Representative Will Gabig. Lisa Burkholder is a senior at Lebanon Valley College majoring in political science and history. She lives in the district represented by Representative Tom Creighton. David Drumm is a senior at Messiah College majoring in history. He is the constituent of Representative Jerry Nailor. And Lidiya Prochuk is a senior at Lock Haven University majoring in political science and international studies. She is represented by Representative Mike Hanna.

These bright, dedicated interns are processing and inventorying committee records. Their work is helping the

House archives better document the historical significance of this institution. They are advised by Holly Mengel, an assistant archivist for the House.

The Harrisburg Internship Semester is a program sponsored by the Pennsylvania State System of Higher Education. One or two students are selected from each of the 14 State universities to spend a semester in Harrisburg learning about policy and government processes, all while helping advance the goals of the agencies in which they have been placed.

These interns come from all different academic disciplines and bring a diverse, statewide student viewpoint to our offices. They serve as an outlet for new ideas, and they work hard not only throughout the day, but also during weekly seminar in which an intense policy research project is assigned and completed throughout the semester.

This semester's dedicated group will work throughout the Capitol doing everything from assisting with important events, such as the Women's History Month and Arts in Education Day programs, to traveling across the State promoting health issues, doing research, and presenting at conferences and exchanging ideas.

The spring 2008 Harrisburg Internship Semester interns include: Carmen Bloom, a junior political science major at Kutztown University of Pennsylvania, is interning at the Office of Lieutenant Governor Catherine Baker Knoll and is represented in the House by David Argall.

Sanchelle Charles is a senior from East Stroudsburg University majoring in political science. She is working in the Department of State Legal Office and lives in the legislative district of Representative John Siptroth of Monroe County. And, John, if you are watching, we wish you continued good health, and we look forward to your coming back soon.

Kristen Eaton is a senior political science major from Shippensburg University. She is interning at the Center for Rural Pennsylvania and is represented in the House by Representative Dave Steil from Bucks County.

Mallory Hodson is a senior from Slippery Rock University majoring in political science. Mallory is interning at the Independent Regulatory Review Commission and resides in the district represented by Tom Petrone.

Benjamin Hoffman is a junior from Clarion University and an economics major working at the Legislative Office in the Pennsylvania Department of Agriculture. Ben lives in the district represented by Bud George.

Julie Moore, a senior at Mansfield University, is interning in the Family Health Council of Central Pennsylvania, Inc. She is majoring in social work and is represented in the House by Carl Mantz.

Jerry Morris is a junior education major from California University and is working in the office of the House majority leader, Bill DeWeese, who also serves as Jerry's Representative.

Jessica Peirson is a senior from Shippensburg University. As a political science major, Jess is interning in the Legislative Office for Research Liaison and is represented in the House by Ron Marsico.

Stephen Tucker is a political science major from West Chester University. Steve is working in the Governor's Policy Office and is the constituent of Representative Duane Milne.

Jennie Velez is interning with the Governor's Advisory Commission on Latino Affairs. She is a political science major

from Edinboro University and lives in the legislative district represented by John Evans.

Matthew Wagner, I believe, is sick today. Is that correct? He is interning this semester in the Governor's Office of the Budget. Matt is a senior at Lock Haven University, with a major in political science and resides in the district represented by Bud George.

And finally, Heather Hanson and Tina Scatton are interning in my office. And I thank you for that. Heather is a senior speech communications major from East Stroudsburg University of Pennsylvania and lives in Monroe County where she is represented, again, by Representative John Siptroth. Tina is a junior majoring in history and secondary education in citizenship at Bloomsburg University. Tina resides in the district represented by Todd Eachus.

We are happy to have Heather and Tina in our office this semester and to have all the interns here today.

The Harrisburg Internship Semester interns are advised by Dr. Wade Seibert, the resident faculty director of the program and a professor of social work at Lock Haven University.

On behalf of my colleagues in the House, I thank you all for coming. I hope you are enjoying, growing, and learning from your internships. I wish you success and prosperity in all your future endeavors. Thank you and good luck.

I now ask the House to join me in welcoming these interns to the House.

Now go back to work.

## CALENDAR

### RESOLUTION PURSUANT TO RULE 35

Mr. CRUZ called up **HR 547, PN 3046**, entitled:

A Resolution recognizing the service, courage and patriotism of Hispanic Americans who have served and continue to serve as members of the United States Armed Forces.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—200

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil

Casorio	Helm	Nickol	Stern
Causer	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Pyle	Waters
DeWeese	Kotik	Quigley	Watson
DiGirolamo	Kula	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., Speaker
Fleck	Mann	Roebuck	
Frankel	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair is very much aware of the competition among members for sponsorship of these wonderful interns, so the Chair would like to also recognize that Sanchelle Charles is also represented by Mario Scavello.

So we would like to recognize that, and those remarks will be spread upon the record, and we thank Representative Scavello.

**RESOLUTION PURSUANT TO RULE 35**

Mr. WHEATLEY called up **HR 580, PN 3177**, entitled:

A Resolution recognizing February 7, 2008, as "National Black HIV/AIDS Awareness Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1752, PN 3000**, entitled:

An Act providing for education for parents relating to sudden infant death syndrome and sudden unexpected death of infants; establishing the Sudden Infant Death Syndrome Education and Prevention Program; and providing for duties of the Department of Health.

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

Mr. CURRY offered the following amendment No. **A05581**:

Amend Sec. 5, page 5, line 9, by striking out "department" and inserting

health care practitioner or midwife performing the birth

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

The SPEAKER. The Chair recognizes Representative Curry on the amendment.

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is agreed to with the administration, and we have worked closely with the Department of Health on this amendment.

As currently outlined in the bill, the voluntary commitment statement made by the parents on release of the newborn from the hospital will be the responsibility of the Department of Health to keep on file.

But making the department the collector of voluntary commitment statements would add an unnecessary administrative burden to the department. Because of this, we filed this amendment which would keep the voluntary commitment statement the parents may sign prior to discharge with the health-care practitioner or midwife performing the birth.

And I would ask for your support in the adoption of that amendment.

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

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Bianucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil

Casorio	Helm	Nickol	Stern
Causer	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Pyle	Waters
DeWeese	Kotik	Quigley	Watson
DiGirolamo	Kula	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		

NAYS—0

NOT VOTING—0

EXCUSED—3

Leach                      Preston                      Siptroth

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.)

HOUSE SCHEDULE

APPROPRIATIONS COMMITTEE MEETING

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Representative Cohen for an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make the following announcements on our schedule for today: First, at 11:30 there will be a meeting of the House Appropriations Committee. At 12 p.m. there will be a meeting of the House Democratic Caucus, and at 1:30 p.m. we will return to the House floor.

The SPEAKER. The gentleman requests that Representative Cohen clarify the meeting room of the Appropriations Committee.

Mr. COHEN. Mr. Speaker, in response to the inquiry from the Chair, the House Appropriations Committee will meet at 11:30 a.m. in the majority caucus room, and that will be followed, at the conclusion of that meeting or 12 o'clock, whichever is later, the House Democratic Caucus will meet, and then we will be back on the floor at 1:30.

The SPEAKER. The Chair thanks the gentleman.

At 11:30 a.m., the House Appropriations Committee will meet in the majority caucus room.

The House will be at ease.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Major for an announcement.

Miss MAJOR. Thank you, Mr. Speaker.

The Republicans are tentatively planning to caucus at noontime, and that caucus would be based on information in an amendment that the Democrats have indicated they might be considering on SB 1.

So when we receive the information from our colleagues on the other side, we will plan a caucus at noon. So I am waiting to hear, but I would ask members, Republican members, to please pay attention to e-mails that they might receive from me regarding caucus.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Are there any other announcements?

### RECESS

The SPEAKER. This House will stand in recess until 1:30 p.m.

### AFTER RECESS

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

### RULES COMMITTEE MEETING

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

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

I would like to call an immediate meeting of the House Rules Committee in the House majority caucus room, commencing at 5 minutes till 2.

Thank you.

The SPEAKER. Does the gentleman have an idea when we will come back to the floor?

Mr. DeWEESE. I would hope that we would return almost immediately to the floor. We have some pro forma things that we have to do, but I do not anticipate a long Rules Committee meeting.

The SPEAKER. The Rules Committee will meet immediately in the majority caucus room.

### RECESS

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

### AFTER RECESS

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

The SPEAKER. The Chair intends to recess regular session at 2:22 and go into special session.

### LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative PALLONE be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

### RECESS

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

### AFTER RECESS

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

### HOUSE BILL INTRODUCED AND REFERRED

**No. 2233** By Representatives FREEMAN, ARGALL, McILVAINE SMITH, ROSS, BAKER, BEAR, BELFANTI, BENNINGTON, BOYD, BRENNAN, CARROLL, CONKLIN, FABRIZIO, GEORGE, GRUCELA, HARKINS, HICKERNELL, KING, KORTZ, MAHONEY, MANN, McGEEHAN, MENSCH, M. O'BRIEN, PALLONE, PARKER, PEIFER, REICHLEY, SOLOBAY, STEIL, THOMAS, WALKO, J. WHITE, YUDICHAK, HARHAI, WOJNAROSKI, KOTIK, O'NEILL, MANDERINO, HARPER, JOSEPHS, HENNESSEY, READSHAW, SAYLOR, GOODMAN and YOUNGBLOOD

An Act amending the act of February 9, 2004 (P.L.61, No.7), known as the Elm Street Program Act, further providing for program requirements and for rules and regulations; and repealing the expiration date of the act.

Referred to Committee on LOCAL GOVERNMENT, February 6, 2008.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1131, PN 3178; HB 1133, PN 3179; and HB 1134, PN 3180**, with

information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### BILLS REREPORTED FROM COMMITTEE

**HB 494, PN 549** By Rep. D. EVANS

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for State Board of Dentistry.

APPROPRIATIONS.

**HB 1804, PN 3013** By Rep. D. EVANS

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions and for the State Board of Medicine; providing for jointly promulgated regulations; and further providing for respiratory care practitioners and for respiratory care practitioner certificates and permits.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on the supplemental calendar.

### BILLS REREPORTED FROM COMMITTEE

**HB 1265, PN 3059** By Rep. D. EVANS

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

APPROPRIATIONS.

**HB 2088, PN 3007** By Rep. D. EVANS

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for the State Board of Osteopathic Medicine, for respiratory care practitioners, for respiratory care practitioner certificates and permits and for reasons for refusal, revocation or suspension of license; and providing for regulations.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on the active calendar.

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

**HB 1227, PN 3196 (Amended)** By Rep. ROEBUCK

An Act establishing the Science Technology Partnership Program; establishing the Science Education Innovation Grants Program; and providing for State grants.

EDUCATION.

### BILL ON CONCURRENCE REREPORTED FROM COMMITTEE

**SB 1, PN 1726**

By Rep. DeWEESE

An Act providing for access to public information, for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for the Office of Open Records; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

RULES.

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

### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled bill calendar:

HB 674;  
HB 1735; and  
HB 2054.

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

### BILLS RECOMMITTED

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

HB 674;  
HB 1735; and  
HB 2054.

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

### SUPPLEMENTAL CALENDAR A

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 494, PN 549**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for State Board of Dentistry.

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



## COMMUNICATIONS

The SPEAKER. The Chair acknowledges receipt of the following communications, which the clerk will read.

The following communications were read:

A communication dated January 17, 2008, from the Public Employee Retirement Commission regarding amendment No. 05275 to HB 1087, PN 1259, providing an actuarial impact statement on the amendment.

A communication dated January 17, 2008, from the Public Employee Retirement Commission regarding amendment No. 05274 to HB 1086, PN 1258, providing an actuarial impact statement on the amendment.

A communication dated February 1, 2008, from the Public Employee Retirement Commission providing a copy of its annual public report summarizing the commission's findings, recommendations, and activities for the year 2007.

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

The SPEAKER. The House will be at ease.

The House will come to order.

## SUPPLEMENTAL CALENDAR B

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1, PN 1726**, entitled:

An Act providing for access to public information, for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for the Office of Open Records; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. Members will take their seats.

The Sergeants at Arms will clear the aisles. Conversations will cease. Members will take their seats. Members will take their seats. The conversation level on the floor is entirely too loud. Members will please come to order.

The Chair recognizes the majority leader, Representative DeWeese.

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

We hope that today will be the culmination of a lot of hard work on open records. Pennsylvania needs to march briskly into the high-noon tide of open records. Mr. Mahoney in the House chamber launched this effort many, many months ago, and with the dexterous help of Representative Shapiro and our collective

cooperation with our friends in the Senate, as well as some of our good Republican reform friends, we have the chance today to advance Senator Pileggi's proposal.

I would like to enumerate quickly, maybe 10 seconds each, on four quick points relative to the process, because it did come up in the Rules Committee. We no longer gut and replace in the Rules Committee as was done for many, many years prior. So I wanted the world to know – and especially my honorable Republican colleagues to know – that SB 1 did pass the Senate 50 to nothing last Wednesday, January 30, and a corrective reprint was offered on Friday, February 1.

Second point: It was on the legislative schedule for the week, and it was put out by our caucus chairman's office on Friday, February 1.

Third point: It has been on the House voting schedule since 7:52 on Tuesday, the 29th of January.

And the fourth point, Mr. Speaker, it was referred to the Rules Committee on Monday, February 4.

Preeminently this bill has been debated, essentially, for 13 months.

Now, whether it is the statewide building code or turnpike legislation, anything that is statewide and anything that is potentially complicated, there will be some dissonance, some standoffishness, some hesitation. But, Mr. Speaker, this proposal is sound on its own merit. The 50-to-nothing vote in the Senate, the 13 months of debate make for an affirmative vote to be the appropriate vote today.

I remember my honorable friend from Carlisle a few weeks ago debating aggressively on how terrible the property tax proposal was, the amendment to the Constitution, and for a long, long time there was negative debate, and then the votes went up on the board and the board was flush with affirmative votes.

So notwithstanding any tentativeness, Mr. Speaker, I am asking for an affirmative vote on Senator Pileggi's proposal, the one that Timmy Mahoney worked so arduously upon, and I am looking forward to a unanimous acceptance. I hope that my good friends in the Rules Committee have had some time to think. Some of them were not able to embrace this earlier in the day, but I am confident that it will be a unanimous vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease.

## MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Representative Moyer, who makes a motion to suspend the rules for the purpose of offering amendment A05652, which the clerk will read.

The clerk read the following amendment No. **A05652**:

Amend Sec. 1307, page 94, line 15, by removing the period after "(3)" and inserting

and shall not be sold or otherwise provided to another person for commercial purposes.

Amend Sec. 1307, page 94, lines 16 through 18, by striking out all of said lines

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

The SPEAKER. The Chair recognizes Representative Moyer for a brief explanation for the suspension.

Mr. MOYER. Mr. Speaker, as a supporter of open records, I rise to offer amendment A5652 to SB 1.

Mr. Speaker, this amendment is intended to address the very legitimate concerns of Pennsylvania's real estate agents and to correct a very significant flaw in the Senate-amended version of SB 1. As we have all learned and I am sure—

The SPEAKER. The Chair thanks the gentleman.  
Those in favor of the motion to suspend will vote "aye"—

### PARLIAMENTARY INQUIRIES

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. Representative Smith.

Mr. S. SMITH. A parliamentary inquiry, Mr. Speaker.

What do the rules provide in terms of debating a motion to suspend the rules? Who is allowed to debate? Could you refresh our memory, Mr. Speaker, please.

The SPEAKER. The majority leader, the minority leader, the maker of the motion, the maker of the amendment under consideration, and the prime sponsor of the bill under consideration.

Mr. S. SMITH. So, Mr. Speaker, then the maker of the motion that you just cut off, he would be allowed to have proceeded to debate this, or at least further explain his amendment and debate it?

The SPEAKER. The purpose of recognizing the gentleman on suspension is to give a brief explanation of the underlying premise of the amendment. The gentleman will be recognized for a full debate on the amendment at a later time. The other members that the Chair enunciated can be recognized for the motion to suspend.

Mr. S. SMITH. Okay, Mr. Speaker.

Under a parliamentary inquiry then, the ruling of the Chair is that the member who moves to suspend the rules gives a brief description of the amendment. At which point in time that motion is placed before the House, the majority and minority leaders are allowed to debate it, as well as that member would—You would be able to come back to that member who made the motion for a full shot at debate.

The SPEAKER. That is correct.

Mr. S. SMITH. Okay.

The SPEAKER. The justification for the suspension is a brief explanation, not a full debate on the underlying amendment.

Mr. S. SMITH. I can certainly live with that, Mr. Speaker. I was concerned that when you shortened his brief description, that he may not have that right to come back and actually debate the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman is entitled to speak on the amendment.

Mr. DeWEESE. Mr. Speaker, clarification, please.

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. A point of clarification. I was under the impression that my honorable colleague from Montgomery could make the motion and make a brief reasoning behind the

motion and then either historically, at least over the last several sessions, the floor leaders would have great amplitude and we would have the debate opportunity or, as has happened many times, I would relinquish to Mr. Vitali or Mr. Freeman or one of the other members. I am only asking for a clarification, if this is a new way of doing business or my recollection is not as keen as it should be, but I thought that the two floor leaders would have great flexibility and the person making the amendment would have a brief explanation. You are saying that after we debate, he can debate even more?

The SPEAKER. No, the gentleman is correct. The purpose of a motion to suspend is to ask the maker of the amendment to give a brief explanation, not an entire debate on the amendment at hand. The majority and minority leaders have greater latitude. The gentleman is correct.

Mr. DeWEESE. Thank you, Mr. Speaker.

The SPEAKER. On the motion, those in favor will vote "aye"—

The minority leader, Representative Smith.

Mr. S. SMITH. Mr. Speaker, I am looking at rule 77. It says, "A motion to suspend the rules may not be laid on the table, postponed, committed or amended and may be debated by the majority leader, the minority leader, the maker of the motion, the maker of the amendment under consideration and the prime sponsor of the bill under consideration."

So while we are not permitted to debate the substance of the amendment per se, the majority leader and the minority leader, the maker of the motion and the amendment, which are the same in this case, are allowed to debate the purpose for suspension, which would be before us at this moment. Is that correct, Mr. Speaker?

The SPEAKER. The minority leader is correct.

Mr. S. SMITH. On that motion, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. S. SMITH. Mr. Speaker, I think that with the great amount of information that we have received over the past 4 or 5 days on what is embodied in SB 1, that there is indeed reason to suspend the rules to allow for this amendment to SB 1.

If the members recall, SB 1 has been moving through this legislative process for quite some time, and while I suspect at the end of the day that a good open records bill would receive virtually a unanimous support of this legislature, and clearly the gentleman who is advocating the suspension of the rules is supporting the bill. The bill was amended two times, I think, in the Senate last Tuesday or Wednesday, both without a lot of public dialogue or public information. And while we were able to start reviewing that, it was not until just a few days ago that some of the rest of the community of Pennsylvania outside this legislative body, outside the Capitol Building, really got to digest what the impact of SB 1, as it stands before us, really is.

The realtors are one group who came before us and pointed out something that everyone, virtually, is admitting is a significant problem. It is a problem that can be addressed through the suspension of the rules.

Mr. Speaker, I would strongly urge the members to move to suspend the rules for the consideration of this motion simply because this is one of those unintended consequences that if this bill were rushed on through, we would be back trying to fix it later as we have done in the past, and here we have a chance to

fix it, Mr. Speaker. It is right before us. A motion to suspend the rules would allow us to do that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Moyer.

Mr. MOYER. Mr. Speaker, I would like to speak on the motion.

The SPEAKER. The gentleman is in order.

Mr. MOYER. Thank you, Mr. Speaker.

If I could just reiterate what I just said about 5 minutes ago.

Mr. Speaker, I rise to offer this amendment to SB 1.

Mr. Speaker, this amendment is intended to address the very legitimate concerns of Pennsylvania's real estate agents and to correct a very significant flaw in the Senate-amended version of SB 1.

As we have all learned, Mr. Speaker, through countless e-mails throughout the Commonwealth of Pennsylvania from the real estate industry, provisions of SB 1 would affect the ability of real estate agents to access and utilize vital information in the multiple list, MLS (multiple listing service) system. In fact, Mr. Speaker, the Senate-passed bill will eliminate the ability of MLS, or multilisting services, to provide their services, their products to real estate agents throughout the Commonwealth of Pennsylvania.

Mr. Speaker, my amendment— Mr. Speaker, could I have order, please.

The SPEAKER. The House will come to order.

The gentleman is entitled to be heard.

Mr. MOYER. Thank you.

The SPEAKER. The gentleman is reminded that his remarks are limited to the motion to suspend.

Mr. MOYER. Yes, sir, Mr. Speaker.

Mr. Speaker, my amendment would correct these significant problems by deleting a provision in the bill which would prohibit any purchaser of—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The honorable gentleman is discussing the amendment in detail, not suspension of the rules.

Mr. MOYER. Mr. Speaker, I need to do about 2 minutes here to describe to the members of the House how dangerous this problem is.

The SPEAKER. The gentleman will suspend.

The underlying premise of the motion to suspend is to give a brief explanation for the amendment, not to debate the entire substance of the amendment. That will come if the suspension is agreed to, is adopted.

The gentleman will limit his remarks to the motion at hand.

Mr. MOYER. Okay. Thank you, Mr. Speaker.

Under my amendment, MLS services would be permitted – this is the essence of my amendment – under my amendment, MLS services would be permitted to purchase property assessment lists, integrate such information into their lists, and provide access to those lists to real estate agents for reselling to commercial purposes.

Mr. Speaker, I ask for your support for this important amendment, which will ensure that our real estate industry and our agents throughout the Commonwealth of Pennsylvania can thrive here in Pennsylvania, and this is the reason we need to suspend, Mr. Speaker.

## PARLIAMENTARY INQUIRY

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. One real quick parliamentary point, Mr. Speaker.

I think you and the Parliamentarian are wrong, and I think that our past history was that the two floor leaders either debate suspension or we accede to one of our members. I just want that on the record. I would like for the Parliamentarian to do some research and get back with us on our past history.

The SPEAKER. The gentleman will suspend.

The Chair will read paragraph three, "A brief description of the underlying bill or amendment shall be given whenever a member moves to suspend the rules of the House in order to consider such bill or amendment," as part of the new rules.

Mr. DeWEESE. Mr. Speaker, I also have read the rules, but my interpretation differs from the honorable Speaker and his honorable counselor. History indicated that the honorable gentleman could make a brief statement but the debate would be between the floor leaders. Again, that is comparatively marginal at this moment. So we will allow that for—

The SPEAKER. For clarification, the Chair has already concurred with the majority leader. The majority and minority leaders are given considerably more latitude than the rest of the floor members.

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

Two quick points: Number one, I do not accept the gentleman's basic premise that this proposal is flawed. I do not accept that.

Number two: To, in my view, potentially derail the most significant piece of reform legislation in years and years, if not decades and decades, is not an appropriate mechanism or it is not an appropriate time for us to offer an amendment, suspending the rules to offer an amendment that we have not even looked at.

So those are the two quick points I wanted to make. I would urge a negative vote on suspension of the rules. Thank you very much.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

### YEAS—102

Adolph	Fairchild	Marsico	Rapp
Argall	Fleck	McIlhattan	Raymond
Baker	Gabig	Mensch	Reed
Barrar	Geist	Metcalfe	Reichley
Bastian	Gillespie	Micozzie	Roae
Bear	Gingrich	Millard	Rock
Benninghoff	Godshall	Miller	Rohrer
Beyer	Grell	Milne	Ross
Boback	Harhart	Moul	Rubley
Boyd	Harper	Moyer	Saylor
Brooks	Harris	Murt	Scavello
Buxton	Helm	Mustio	Schroder
Caltagirone	Hennessey	Nailor	Smith, S.
Cappelli	Hershey	Nickol	Sonney
Causar	Hess	O'Neill	Stairs
Civera	Hickernell	Payne	Steil
Clymer	Hutchinson	Peifer	Stern
Cox	Kauffman	Perry	Stevenson

Creighton	Keller, M.	Perzel	Swanger
Cutler	Kenney	Petri	Taylor, J.
Dally	Killion	Phillips	True
Denlinger	Mackereth	Pickett	Turzai
DiGirolamo	Maher	Pyle	Vereb
Ellis	Major	Quigley	Vulakovich
Evans, J.	Mantz	Quinn	Watson
Everett	Marshall		

NAYS—97

Belfanti	George	Mann	Smith, K.
Bennington	Gerber	Markosek	Smith, M.
Bianucci	Gergely	McCall	Solobay
Bishop	Gibbons	McGeehan	Staback
Blackwell	Goodman	McI. Smith	Sturla
Brennan	Grucela	Melio	Surra
Carroll	Haluska	Mundy	Tangretti
Casorio	Hanna	Myers	Taylor, R.
Cohen	Harhai	O'Brien, M.	Thomas
Conklin	Harkins	Oliver	Vitali
Costa	Hornaman	Parker	Wagner
Cruz	James	Pashinski	Walko
Curry	Josephs	Payton	Wansacz
Daley	Keller, W.	Petrarca	Waters
DeLuca	Kessler	Petrone	Wheatley
DePasquale	King	Ramaley	White
Dermody	Kirkland	Readshaw	Williams
DeWeese	Kortz	Roebuck	Wojnarowski
Donatucci	Kotik	Sabatina	Yewcic
Eachus	Kula	Sainato	Youngblood
Evans, D.	Lentz	Samuelson	Yudichak
Fabrizio	Levdansky	Santoni	
Frankel	Longietti	Seip	O'Brien, D., Speaker
Freeman	Mahoney	Shapiro	
Galloway	Manderino	Shimkus	

NOT VOTING—0

EXCUSED—4

Leach	Pallone	Preston	Siptroth
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

**MOTION TO SUSPEND RULES**

The SPEAKER. The Chair recognizes the gentleman from Schuylkill County, Representative Argall, who makes a motion to suspend the rules for the purpose of offering amendment A05671, which the clerk will read.

The clerk read the following amendment No. **A05671**:

Amend Sec. 708, page 81, line 30; page 82, line 1, by striking out ", EXCEPT TIME RESPONSE LOGS,"

Amend Sec. 708, page 82, lines 4 and 5, by striking out "A 911 RECORDING OR"

On the question,

Will the House agree to the motion?

MOTION WITHDRAWN

The SPEAKER. The gentleman indicates that he withdraws this amendment? The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

**MOTION TO SUSPEND RULES**

The SPEAKER. The Chair recognizes the gentlelady from Bucks County, Representative Quinn, who makes a motion to suspend the rules for the purpose of offering amendment 05672, which the clerk will read.

The clerk read the following amendment No. **A05672**:

Amend Sec. 1307, page 94, line 15, by inserting after "(3)" and may not be sold or otherwise provided to another person for commercial purposes

Amend Sec. 1307, page 94, lines 16 through 18, by striking out all of said lines

On the question,

Will the House agree to the motion?

**PARLIAMENTARY INQUIRY**

The SPEAKER. The Chair recognizes Representative Quinn for a brief explanation of the amendment.

Ms. QUINN. Mr. Speaker, I ask you first for a ruling.

The SPEAKER. The lady will state her point of parliamentary inquiry.

Ms. QUINN. I would like you to rule whether or not there would be a potential conflict. Though I am not selling or listing real estate at the time, I do have an active license with the Commonwealth.

The SPEAKER. The gentlelady is part of a general class. She has no particular interest. The lady is in order.

Ms. QUINN. Is my amendment in order since it is substantially similar to my colleague's from Montgomery County?

The SPEAKER. The amendment is in order.

Ms. QUINN. Thank you.

I respectfully ask this chamber to suspend the rules and to consider this amendment.

This amendment to SB 1 would counter what I believe is a flaw in the Senate bill that will essentially cripple the real estate industry in the Commonwealth, thereby affecting our real estate transfer tax, thereby affecting our tax base in general.

Presently the multiple list service is the engine that runs the real estate. It is a way that an agent can provide accurate, real-time information to their clients.

Mr. Speaker, may I please have some order.

The SPEAKER. Members will either quiet their conversations or adjourn to the anterooms. The Chair will also remind the lady to confine her remarks to the motion to suspend.

Ms. QUINN. Thank you.

I ask to suspend the rules because I believe that eliminating access that was purchased by the various boards of real estate across this State for the purpose of providing the consumers of the Commonwealth accurate, real-time information before they make what could be the largest investment of their lives, I think it is important we suspend so we could amend this flawed part of SB 1.

Thank you for your consideration.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the majority leader.

Mr. DeWEESE. Well, I respectfully disagree with the honorable lady. I do not think the proposal is flawed, and I would like an affirmative vote on Dominic Pileggi's SB 1. And a suspension of the rules for an amendment that we have not even seen until just now does not seem to be a commonsensical way to get this bill to the Governor's desk.

So I would ask for a negative vote to my honorable colleague's proposal. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—109

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

NAYS—90

Belfanti	Galloway	Manderino	Shapiro
Bennington	George	Mann	Shimkus
Bianucci	Gerber	Markosek	Solobay
Bishop	Gergely	McCall	Staback
Blackwell	Gibbons	McGeehan	Sturla
Brennan	Goodman	McI. Smith	Surra
Carroll	Grucela	Mundy	Tangretti
Casorio	Haluska	Myers	Thomas
Cohen	Hanna	O'Brien, M.	Vitali
Conklin	Harhai	Oliver	Wagner
Cruz	Harkins	Parker	Walko
Curry	Hornaman	Pashinski	Wansacz

Daley	James	Payton	Waters
DeLuca	Josephs	Petrarca	Wheatley
DePasquale	Keller, W.	Petrone	White
Dermody	Kirkland	Ramaley	Williams
DeWeese	Kortz	Readshaw	Wojnaroski
Donatucci	Kotik	Roebuck	Yewcic
Eachus	Kula	Sabatina	Youngblood
Evans, D.	Lentz	Sainato	Yudichak
Fabrizio	Levdansky	Samuelson	
Frankel	Longietti	Santoni	O'Brien, D., Speaker
Freeman	Mahoney	Seip	

NOT VOTING—0

EXCUSED—4

Leach	Pallone	Preston	Siptroth
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Union County, Representative Fairchild, who makes a motion to suspend the rules for the purpose of offering amendment A05675, which the clerk will read.

The clerk read the following amendment No. **A05675**:

Amend Sec. 708, page 81, line 30; page 82, lines 1 through 7, by striking out all of said lines on said pages and inserting

(18) (i) Records or parts of records pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.

(ii) This paragraph shall not apply to a transcript of a recording if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes Representative Fairchild for a brief explanation of the amendment.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

The majority leader continues to articulate the need to not suspend the rules, and the need to suspend the rules and the reason it is not going to create a conflict that we have not had time to read it is because we have already passed the amendment unanimously, and that is why we need to suspend the rules.

These rules will protect our 911 centers; it will protect our senior citizens, and it is imperative. And we have already voted on this, and there is no other better reason to suspend the rules than to protect those individual rights that a person has to privacy. And in addition to that, by enacting this amendment I think we will be sincerely saving lives and protecting people.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Just to remind my honorable friend and fellow military veteran, my good friend, Mr. Fairchild, this proposal does not become law until the first day of January '09. I do not think it is flawed, but I do want the membership to realize that this proposal does not become law until January 1 of '09.

I would ask that we vote in the negative on Mr. Fairchild's motion.

Thank you very much.

The SPEAKER. Representative Smith, on the motion to suspend.

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

Just in quick response to the majority leader's comment that this bill would not become law until January of 2009 – that is absolutely correct, Mr. Speaker. I do not think that that should take us away from taking this opportunity to suspend the rules, Mr. Speaker. The fact is that it is not going to become effective until January 1 of 2009. Therefore, if it takes us a few more days because of going through this process to get the bill right, it still is not going to change anything in terms of the effective date.

The fact is, Mr. Speaker, whether this bill is on the Governor's desk in 2 or 3 days after the Senate signs off on this or whether it is in a week, this is not going to delay the effective date of this bill. So at this moment when we sit here and we clearly identify these flaws in the Senate version of this bill – flaws that affect people of Pennsylvania and their daily lives – I think it is the most responsible thing to do, Mr. Speaker, to suspend the rules, to get the bill right, to do it right the first time. It will go to the Governor's desk within a matter of a few extra days and still become effective, still go into law January 1, 2009. Mr. Speaker, I believe that argument cuts both ways.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The honorable gentleman uses the word "responsibility." If he feels that this measure is that flawed, it is his responsibility to vote in the negative.

Thank you.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Will the majority leader stand for brief interrogation?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding, and I have spoken to the lobbyist from the Pennsylvania Newspaper Association yesterday about this amendment, and they did not have any idea how the amendment and that wording got in there. They said, essentially, they were not responsible. They understood that there was a problem here. And I am trying to find out in my argument to suspend the rules how – and I think members are probably getting calls from maybe protection and abuse people back home, their 911 centers – I am trying to figure out how this mistake was made in the drafting of the Senate language. Did we have any hand in that language or how did that language come about?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, I am not privy to the Senate deliberations, and I do not have the knowledge to answer the honorable gentleman's question. I just know that a movement to

suspend the rules will probably not give us that information. I believe that those amongst our Republican colleagues who voted in the negative during the Rules Committee and those who are disinclined to vote for this measure because they feel it is flawed should vote in the negative.

Mr. FAIRCHILD. But, Mr. Speaker, is not the issue of the day the amendment, not the bill itself? Are we not trying to pass a bill – a corrected bill – that makes sense for all Pennsylvanians?

Mr. DeWEESE. Of course we are, Mr. Speaker, but I believe that this proposal is a solid proposal. It passed the State Senate 50 to nothing. I know that you are smiling, and you are going to say that a few other things passed the State Senate 50 to nothing that were not necessarily 100 percent comporting with our views, but we have studied this aggressively. We have had our attorneys and our senior members and our junior member, Mr. Mahoney; Mr. Shapiro; others working on this language a great deal. I do not think we need to suspend the rules, even though you are one of my best Republican friends.

The SPEAKER. The Chair will also remind the gentleman that the gentleman's comments, as well as his interrogation, have to stay on point, and that is the motion to suspend.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

What I am trying to find out is, really, is there a need for me to ask to suspend the rules? And if there is no need, I sit down. But when we talk about standing up to offer an amendment to suspend the rules, I think it is really important we get down to the nitty-gritty and find out what happened, because no one can give me an answer. They say, well, because the Senate—

The SPEAKER. The gentleman will suspend.

The issue is the motion to suspend so the gentleman can offer as an amendment, and at the point, if we get to the amendment, then the gentleman is entitled to speak on the substance of that amendment.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to make a statement.

The SPEAKER. The gentleman is in order to speak on the motion to suspend.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I feel that this amendment— It is extremely important that we suspend the rules. Why? You have been contacted by your 911 people. They say the Senate language is erred and it needs corrected. I believe it is extremely important that we suspend the rules because no one has been able to answer me why and how the Senate got in there. I think it is extremely important to all Pennsylvanians that we provide the emergency 911 information in a concise manner that our law enforcement can work with, and I agree— And I urge you to do the right thing. We receive hundreds of thousands of calls a week with our 911 centers. Let us make it work.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—108

Adolph	Fleck	Marsico	Reed
Argall	Gabig	McIlhattan	Reichley
Baker	Geist	Mensch	Roae

Barrar	Gillespie	Metcalfe	Rock
Bastian	Gingrich	Micozzie	Rohrer
Bear	Godshall	Millard	Ross
Benninghoff	Grell	Miller	Rublely
Beyer	Harhart	Milne	Saylor
Boback	Harper	Moul	Scavello
Boyd	Harris	Moyer	Schroder
Brooks	Helm	Murt	Smith, K.
Buxton	Hennessey	Mustio	Smith, S.
Caltagirone	Hershey	Nailor	Solobay
Cappelli	Hess	Nickol	Sonney
Causar	Hickernell	O'Neill	Stairs
Civera	Hornaman	Payne	Steil
Clymer	Hutchinson	Peifer	Stern
Cox	Kauffman	Perry	Stevenson
Creighton	Keller, M.	Perzel	Swanger
Cutler	Kenney	Petri	Taylor, J.
Dally	Kessler	Phillips	True
Denlinger	Killion	Pickett	Turzai
DiGirolamo	Mackereth	Pyle	Vereb
Ellis	Maher	Quigley	Vulakovich
Evans, J.	Major	Quinn	Wansacz
Everett	Mantz	Rapp	Watson
Fairchild	Marshall	Raymond	Yudichak

## NAYS—91

Belfanti	Galloway	Manderino	Seip
Bennington	George	Mann	Shapiro
Bianucci	Gerber	Markosek	Shimkus
Bishop	Gergely	McCall	Smith, M.
Blackwell	Gibbons	McGeehan	Staback
Brennan	Goodman	McI. Smith	Sturla
Carroll	Grucela	Melio	Surra
Casorio	Haluska	Mundy	Tangretti
Cohen	Hanna	Myers	Taylor, R.
Conklin	Harhai	O'Brien, M.	Thomas
Costa	Harkins	Oliver	Vitali
Cruz	James	Parker	Wagner
Curry	Josephs	Pashinski	Walko
Daley	Keller, W.	Payton	Waters
DeLuca	King	Petrarca	Wheatley
DePasquale	Kirkland	Petrone	White
Dermody	Kortz	Ramaley	Williams
DeWeese	Kotik	Readshaw	Wojnaroski
Donatucci	Kula	Roebuck	Yewcic
Eachus	Lentz	Sabatina	Youngblood
Evans, D.	Levdansky	Sainato	
Fabrizio	Longietti	Samuelson	O'Brien, D., Speaker
Frankel	Mahoney	Santoni	
Freeman			

## NOT VOTING—0

## EXCUSED—4

Leach	Pallone	Preston	Siptroth
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

## MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Tioga County, Representative Baker, who moves to suspend the rules for the purpose of offering amendment A05698, which the clerk will read.

The clerk read the following amendment No. **A05698**:

Amend Sec. 708, page 76, line 3, by inserting after "NUMBER;" date of birth, except month and year; signature; home street address;

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes Representative Baker on the motion to suspend.

Mr. BAKER. Thank you, Mr. Speaker.

On the motion to suspend, I would like to enunciate several reasons why I am asking for suspension. And I am not going to say that the legislation is necessarily flawed, but I am going to say that I believe it is incomplete. And for the following reasons, I would like to proffer this amendment for the consideration of the members in that it would protect the life, liberty, health, and welfare of every citizen in Pennsylvania from potential victimization of identity theft. And potentially and specifically another reason that I am offering this amendment is at the request of the domestic violence individuals. The victims of domestic crime are very, very supportive of this amendment. It is their idea. They believe they are going to be exposed to potential perpetrators in the future.

Mr. Speaker, there are four components of this amendment, and the reason that I am asking for suspension is to protect personal addresses, dates of birth, license plate numbers, and persons' signatures. These are all very important components to one's identity being stolen. I, personally, am a victim of crime from identity theft. The perpetrator was convicted of over two dozen felonies, and every law enforcement agency has testified before this General Assembly that name, addresses, dates of birth, license plates are all components to the proliferation of identity theft, and we already experience that every 4 seconds, at billions of dollars of cost in America.

Mr. Speaker, the reasons that I am asking for suspension of personal addresses, for consideration of personal addresses to be included in this legislation is that, especially from a crime victim's standpoint, an individual's home address is not included in the list of exceptions, except for those belonging to law enforcement officers and judges. And the public disclosure of the information would place a victim of domestic violence, as well as a victim of crime, in jeopardy of discovery by the perpetrator. Stalking and domestic violence perpetrators, as well as gangs and organized crime, are known to be relentless in pursuing their victims for reasons that include opportunities for revictimization and pressure to drop charges or refuse to testify.

Mr. DeWEESE. Mr. Speaker?

Mr. BAKER. So that is the reason for the personal address for suspension, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Has he concluded his remarks?

Mr. BAKER. No, I have not, but I was yielding temporarily to the majority leader.

The SPEAKER. For what purpose does the majority leader rise?

Mr. DeWEESE. Just to politely indicate my view that historically and prospectively, notwithstanding the rules changes that we have experienced, the traditions of the House are that the honorable gentleman currently at the microphone would make a very abbreviated statement and the expanded debate would be from his floor leader, and it just seemed as if we were a tiny bit wide of the mark there, Mr. Speaker.

The SPEAKER. The gentleman is correct. The remarks of those moving to suspend are limited to a brief explanation of the underlying amendment.

Mr. BAKER. I will try to do better, Mr. Speaker.

But I did hear you say that it would be appropriate to give reasons for suspension, and so I am attempting to enunciate my reasons for suspension—

The SPEAKER. The gentleman will enunciate his reasons for suspension—

Mr. BAKER. — and it was based on the four compon—

The SPEAKER. —and to suspension, not to the underlying amendment.

Mr. BAKER. Thank you, Mr. Speaker.

Dates of birth, Mr. Speaker. I am asking for suspension because dates of birth are probably the most important element in potential victims of crime being revictimized or every potential citizen in Pennsylvania being victimized of identity theft.

And, Mr. Speaker, I am asking for suspension because in the current language of SB 1, that language is not in there. So I am asking for suspension to include that date of birth to protect every citizen. I do not think the average citizen in Pennsylvania wants their date of birth exposed in order for Social Security cards to be stolen, for driver's licenses to be stolen, for birth certificates to be stolen, for thousands of dollars to be stolen from them as had happened to me when my date of birth was exposed and they secured a birth certificate, driver's license, credit cards, Social Security card from me. Mr. Speaker, our citizens deserve to be protected from exposure of this information.

Another reason I am asking for suspension, Mr. Speaker, is the person's signature, and I know you have some personal experience on this, Mr. Speaker, about a person's signature. And I just believe that it can be counterfeited, it can be fraudulently abused and used and exploited to accomplish criminal intent.

So, Mr. Speaker, I am going to conclude my remarks on behalf of all crime victims, victims of domestic violence, as well as potentially every citizen in Pennsylvania to be a victim of crime, because this information is not protected under SB 1. And I am kindly and respectfully asking for suspension of the rules so that we can protect our citizens from identity theft and revictimization of criminals committing crime against victims of domestic violence.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

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

Mr. MAHER. I am sorry, Mr. Speaker. I was simply seeking recognition in anticipation of second consideration.

The SPEAKER. The Chair thanks the gentleman.  
Nothing is in order but the taking of the roll.

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

The following roll call was recorded:

YEAS—108

Adolph	Fleck	Marsico	Raymond
Argall	Gabig	McIlhattan	Readshaw
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	Harper	Moul	Rubley
Boyd	Harris	Moyer	Saylor
Brooks	Helm	Murt	Scavello
Buxton	Hennessey	Mustio	Schroder
Caltagirone	Hershey	Nailor	Smith, S.
Cappelli	Hess	Nickol	Sonny
Causer	Hickernell	O'Neill	Stairs
Civera	Hornaman	Payne	Steil
Clymer	Hutchinson	Peifer	Stern
Cox	Kauffman	Perry	Stevenson
Creighton	Keller, M.	Perzel	Swanger
Cutler	Kenney	Petrarca	Taylor, J.
Dally	Kessler	Petri	True
Denlinger	Killion	Phillips	Turzai
DiGirolamo	Mackereth	Pickett	Vereb
Ellis	Maher	Pyle	Vulakovich
Evans, J.	Major	Quigley	Wansacz
Everett	Mantz	Quinn	Watson
Fairchild	Marshall	Rapp	Yudichak

NAYS—91

Belfanti	Galloway	Manderino	Shimkus
Bennington	George	Mann	Smith, K.
Biancucci	Gerber	Markosek	Smith, M.
Bishop	Gergely	McCall	Solobay
Blackwell	Gibbons	McGeehan	Staback
Brennan	Goodman	McI. Smith	Sturla
Carroll	Grucela	Melio	Surra
Casorio	Haluska	Mundy	Tangretti
Cohen	Hanna	Myers	Taylor, R.
Conklin	Harhai	O'Brien, M.	Thomas
Costa	Harkins	Oliver	Vitali
Cruz	James	Parker	Wagner
Curry	Josephs	Pashinski	Walko
Daley	Keller, W.	Payton	Waters
DeLuca	King	Petrone	Wheatley
DePasquale	Kirkland	Ramaley	White
Dermody	Kortz	Roebuck	Williams
DeWeese	Kotik	Sabatina	Wojnaroski
Donatucci	Kula	Sainato	Yewcic
Eachus	Lentz	Samuelson	Youngblood
Evans, D.	Levdansky	Santoni	
Fabrizio	Longiatti	Seip	O'Brien, D., Speaker
Frankel	Mahoney	Shapiro	
Freeman			

NOT VOTING—0

EXCUSED—4

Leach	Pallone	Preston	Siptroth
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

### MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Tioga, Representative Baker, who moves to suspend the rules for the purpose of offering amendment A05701, which the clerk will read.

The clerk read the following amendment No. **A05701**:

Amend Sec. 708, page 76, line 3, by inserting after "NUMBER;" date of birth, except month and year; signature;

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

The SPEAKER. Again, the Chair will remind the gentleman to keep his remarks to the motion to suspend and not the underlying premise of the amendment.

Mr. BAKER. Thank you, Mr. Speaker.  
I will be much briefer this time.

There is one component of those four components that have been extracted from this amendment, and for the same reasons that I mentioned earlier, I would like to protect our citizens from the potential abuse and exposure of their identifying information. ID (identification) theft and domestic violence are ongoing problems that we have here in Pennsylvania. I am even concerned, Mr. Speaker, that we may be exposing certain individuals that work very closely with law enforcement that testified before criminal elements, that they are going to be exposed, that their location might be exposed.

So, Mr. Speaker, again, I am offering this amendment. The genesis of this amendment and motion for suspension is to protect the citizens of Pennsylvania from crime. And I think this is a legitimate public policy issue that I would love to debate in more detail, but I believe that most of us do not want to see our citizens exposed to any more potential crime than is absolutely needed. Mr. Speaker, I am not sure whether these issues, these concerns are going to be addressed later in any legislation, and so I am asking for suspension of the rules for consideration to protect our citizens' health and welfare from crime.

So thank you, Mr. Speaker. I appreciate your indulgence.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. If the honorable gentleman was so focused on domestic violence and saving people from domestic violence, he should not have voted for the Civera amendment last year that struck all the money for domestic violence. So it is good today, but it was not good then.

The SPEAKER. The Chair will remind the members to speak on the motion.

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

The following roll call was recorded:

#### YEAS—106

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

#### NAYS—93

Belfanti	Galloway	Manderino	Smith, K.
Bennington	George	Mann	Smith, M.
Biancucci	Gerber	Markosek	Solobay
Bishop	Gergely	McCall	Staback
Blackwell	Gibbons	McGeehan	Sturla
Brennan	Goodman	McI. Smith	Surra
Carroll	Grucela	Melio	Tangretti
Casorio	Haluska	Mundy	Taylor, R.
Cohen	Hanna	Myers	Thomas
Conklin	Harhai	O'Brien, M.	Vitali
Costa	Harkins	Oliver	Wagner
Cruz	James	Parker	Walko
Curry	Josephs	Pashinski	Waters
Daley	Keller, W.	Payton	Wheatley
DeLuca	Kessler	Petrone	White
DePasquale	King	Ramaley	Williams
Dermody	Kirkland	Roebuck	Wojnaroski
DeWeese	Kortz	Sabatina	Yewcic
Donatucci	Kotik	Sainato	Youngblood
Eachus	Kula	Samuelson	Yudichak
Evans, D.	Lentz	Santoni	
Fabrizio	Levdansky	Seip	O'Brien, D., Speaker
Frankel	Longietti	Shapiro	
Freeman	Mahoney	Shimkus	

#### NOT VOTING—0

#### EXCUSED—4

Leach	Pallone	Preston	Siptroth
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

### MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Tioga County, Representative Baker, who moves to suspend the rules for the purpose of offering amendment A05702, which the clerk will read.

The clerk read the following amendment No. **A05702**:

Amend Sec. 708, page 76, line 3, by inserting after "NUMBER;" date of birth, except month and year;

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

The SPEAKER. On the motion to suspend, the Chair recognizes the gentleman, Mr. Baker.

Mr. BAKER. Mr. Speaker, I am tempted just to say ditto on the previous comments, but, you know, I am not sure the last remark by the gentleman was appropriate as it had absolutely nothing to do with the suspension of the rules. But I am sure we could dig out and extract some votes to repay the favor to Mr. DeWeese at some point in the future.

And I just want to say, Mr. Speaker, this again is an amendment, and the reason that genuinely is being submitted for a suspension of the rules is to protect our citizens from crime and the exploitation of exposure of certain identifying numbers, and I think the average citizen on the street does not want to have various information exposed that they could result in being a victim of crime, whether it be ID theft or domestic violence or any other kind of crime. So I am asking for suspension of the rules.

Thank you, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. I would oppose suspension of the rules.

The honorable gentleman's comments notwithstanding, there are voter registration rolls that the public has access to. You can Google anybody's name, almost, and come up with similar information – [myspace.com](http://myspace.com), [classmates.com](http://classmates.com), [samsmith.com](http://samsmith.com). The honorable floor leader and I were discussing that the other day. So I do not think we have the problems at the magnitude that the honorable gentleman indicates.

I do want him to know that in conversations with our honorable Senate colleague, Senator Pileggi, we discussed an identity theft piece of legislation that we could formulate, and the honorable gentleman, Mr. Baker, his name came up because I brought it up and indicated that he had had a challenge in this regard.

I think if we are going to move in the direction that the honorable gentleman wants to, which should be in a specific piece of identity theft legislation, I think that Senator Pileggi and his colleagues are amenable to that kind of discussion. I do not think we have to suspend the rules and do it in this open records setting.

So I would ask for a negative vote on suspension of the rules.

The SPEAKER. Representative Baker.

Mr. BAKER. Mr. Speaker, regarding the issues at hand regarding voter registration information, whether it be through the Department of State or through the various county election bureaus, the gentleman is very correct and accurate in his remarks. However, why should we not try to make every good-faith effort and additional due diligence to limit the exposure of that information in other venues and other public arenas? Why are we potentially exposing the risk of crime by not passing this, making this suspension, having further debate on final passage of this amendment?

And, Mr. Speaker, I am wondering if it would be appropriate for me to interrogate the gentleman from Greene County, momentarily?

The SPEAKER. The gentleman is indicating that he is refusing to stand for interrogation.

Mr. DeWEESE. Mr. Speaker, I will stand for interrogation on suspension, but we have had this same debate – if anybody looks at his amendments, they are almost identical. There is a change of a word here or a change of a word there. The Chair has been very generous in giving the man the same debate three or four times.

Mr. BAKER. Mr. Speaker, it is my understanding—

The SPEAKER. The Chair recognizes the gentleman, but again, the Chair will remind all members to confine their remarks on suspension to suspension. The underlying merits of the amendment will be considered later if the motion is sustained.

Mr. BAKER. On suspension, Mr. Speaker, protecting every Pennsylvanian from crime is worth the time to suspend this amendment and have further debate.

Mr. Speaker, under the gentleman's remarks previously, someone from the west coast could access that information and steal any number of Pennsylvanians' identities. We need to put added protection in this legislation, and I do not have any assurances yet that this legislation, this idea – protecting people from crime – is going to be immediately addressed in some future legislation.

The SPEAKER. The gentleman can make those remarks on concurrence.

Mr. BAKER. Would it be appropriate to—

The SPEAKER. Those in favor of the motion—

Mr. BAKER. Mr. Speaker, would it be appropriate to interrogate another, Mr. Mahoney for instance, concerning some of these issues?

The SPEAKER. The issue before the House is not the bill on concurrence and it is not the underlying amendment; it is merely on suspension, and the Chair feels the gentleman has vetted the purpose of the amendment, which is all that is required at this juncture.

Mr. BAKER. Thank you, Mr. Speaker.

I humbly ask for support of the suspension to protect our Pennsylvanians from crime. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those in favor—

Mr. DeWEESE. Mr. Speaker, just so the honorable gentleman knows, we did discuss with Senator Pileggi an identity theft bill. This will not become law until January 1 of '09. It is very possible that working together, we can have a proposal on identity theft that would satisfy the gentleman's concerns, and it could be a law between now and July 1 of '09. So it belongs in that kind of setting, not in this kind of debate.

Thank you, Mr. Speaker.

The SPEAKER. Representative Smith.

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

Mr. Speaker, I think the majority leader's point is interesting. He is now suggesting that we are going to have at least one follow-up bill, a trailer bill, on ID theft. We have already discussed a previous issue that I think many of the members, and I think, quite frankly, a vast majority of the members of this body, believe needs to be corrected, and that would be with the realtors. We are looking at two pieces of legislation.

When we look at the time and effort it takes to move a bill from the day it is introduced through the House, through the Senate, back to this body, dealing with all the peripheral issues that undoubtedly will compound it, I fail to see why that is more expeditious, is more responsible than suspending the rules, correcting this bill while we have it, thereby really adding one step to the legislative process, and that is why we should suspend the rules today to fix this bill.

It adds one step in the process, that step being the bill would go back to the Senate for their concurrence. To suggest that it would be easier and more prudent to introduce— We are up to, I believe, two bills that would have to go through the entire process. I think that is contradictory to how we should go about getting things done.

I would encourage the members to support the suspension of the rules in order that SB 1 can be the very best product that we can generate. Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. I would suggest that the honorable gentleman vote in the negative. He has found so many things wrong with this open records bill. I hope he is as responsible on final passage and just votes "no."

I think a suspension of the rules is dilatory. I think my honorable colleagues are trying to delay this measure. Senator Pileggi in the Senate sent us a measure that was 50 to nothing. I do not find this to be a flawed bill, and I do not find it to be unusual that we might do an identity theft proposal if there had never come up an open records proposal. So to link them inextricably is just not necessarily appropriate.

I think we have a chance to pass open records legislation today, and I repeat, I think the honorable gentleman from Jefferson is trying to delay this procedure.

The SPEAKER. Representative Smith.

Mr. S. SMITH. Mr. Speaker, I am not trying to delay the procedure; I am trying to have this House do it right.

I would remind the majority leader of his comments before the Newspaper Publishers' Association just last Thursday where he proffered before them the very idea that we would work together over those last several days and asked me specifically if I would support him in coming up with an omnibus amendment to deal with some of these things that we are now trying to address. That was his offer that he gave to me in a public setting before the Newspaper Publishers' Association.

Now, I have to tell you, Mr. Speaker, there was a part of me that wanted to play the devil's advocate and be a little bit of a nasty guy and say, no, we want SB 1 exactly like it is with all of its warts and flaws. But I thought the responsible and honorable thing to do was to tell the gentleman there on the public record, in front of those individuals who are the largest advocates of this open records bill, that I would support him.

I stood up against my political instincts which said, geez, you cannot be against SB 1 because they are going to run all these votes and they are going to run these campaign fliers against

you saying, you voted against open records if you voted to nonconcur on SB 1. The gentleman asked me if I would support him; I said I would. He comes into this building the first of this week, the weekend; he changes his plan. He decides he is going to come back and he is going to make it political?

The SPEAKER. The gentleman will suspend.

Mr. S. SMITH. Mr. Speaker, Mr. Speaker, this is making this issue political. He is threatening me time after time: If I dare to vote to nonconcur, I somehow am voting against concurrence, and I am voting against open records. And that is just not the case, Mr. Speaker.

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

The issue before the House is the motion to suspend. Those in favor of suspending the rules will vote "aye"; those opposed, "nay."

Mr. BAKER. Mr. Speaker?

The SPEAKER. The gentleman has already spoken twice on the issue.

### POINT OF ORDER

Mr. BAKER. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I have been informed that the clerk has me recognized as once.

The SPEAKER. The Chair is corrected. The gentleman has been recognized once.

Mr. BAKER. May I speak on suspension?

The SPEAKER. The gentleman is in order.

Mr. BAKER. Thank you, Mr. Speaker.

The SPEAKER. The Chair will remind the gentleman, Mr. Baker, and the floor leaders, the only issue before the House is the motion to suspend, not the issue of concurrence and not the underlying merits of the amendment.

Mr. BAKER. Mr. Speaker, in addition to the reasons that I enumerated earlier, there is nothing to prevent, under this current law, someone from California getting a hold of PENNDOT, getting an address, and trying to victimize a crime, a potential victim of crime.

We need to put protections in this legislation, if at all possible, to act now. I do not think anyone necessarily opposes this legislation; they just want to make it better, they want to make it complete, and they want to make it more comprehensive and all-encompassing. If we do it right and do it all at once, I really have a lot of confidence it could pass unanimously. But there are certain omissions, and it is incomplete. It needs a little bit more work. I am not going to say it is necessarily flawed; I just think it needs some additional amendments to make it better.

So I am asking on behalf of all citizens, crime victims and everybody in our district, to help protect against exposure to names, addresses, dates of birth, and personal identifiers, Mr. Speaker.

Thank you for your recognition.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—101

Adolph	Fleck	Marsico	Rapp
Argall	Gabig	McIlhattan	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	Harper	Moul	Rubley
Boyd	Harris	Moyer	Saylor
Brooks	Helm	Murt	Scavello
Buxton	Hennessey	Mustio	Schroder
Cappelli	Hershey	Nailor	Smith, S.
Causar	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			

## NAYS—98

Belfanti	Galloway	Manderino	Shimkus
Bennington	George	Mann	Smith, K.
Bianucci	Gerber	Markosek	Smith, M.
Bishop	Gergely	McCall	Solobay
Blackwell	Gibbons	McGeehan	Staback
Brennan	Goodman	McI. Smith	Sturla
Caltagirone	Grucela	Melio	Surra
Carroll	Haluska	Mundy	Tangretti
Casorio	Hanna	Myers	Taylor, R.
Cohen	Harhai	O'Brien, M.	Thomas
Conklin	Harkins	Oliver	Vitali
Costa	Hornaman	Parker	Wagner
Cruz	James	Pashinski	Walko
Curry	Josephs	Payton	Wansacz
Daley	Keller, W.	Petrarca	Waters
DeLuca	Kessler	Petrone	Wheatley
DePasquale	King	Ramaley	White
Dermody	Kirkland	Readshaw	Williams
DeWeese	Kortz	Roebuck	Wojnaroski
Donatucci	Kotik	Sabatina	Yewcic
Eachus	Kula	Sainato	Youngblood
Evans, D.	Lentz	Samuelson	Yudichak
Fabrizio	Levdansky	Santoni	
Frankel	Longietti	Seip	O'Brien, D., Speaker
Freeman	Mahoney	Shapiro	

## NOT VOTING—0

## EXCUSED—4

Leach	Pallone	Preston	Siptroth
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair is not aware of any other amendments that are filed to this bill.

On the question, will the House concur in the amendments made by the Senate to the House amendments? Those voting to concur will vote "aye"—

The Chair recognizes Representative Maher on concurrence.

Mr. MAHER. Thank you, Mr. Speaker. I certainly appreciate your recognizing me at this time.

I am hoping that I might ask whoever the chairman of the Legislative Audit Advisory Commission is to stand for interrogation.

The SPEAKER. The gentleman, Representative Shapiro, indicates that he will stand for interrogation, but the Chair will remind members that the issue before the House is concurrence in SB 1, and the Chair will respectfully ask members to limit their interrogation and their comments to that issue and only that issue.

Mr. MAHER. Thank you, Mr. Speaker, and I assure you I will.

And, in fact, to help me along on staying on the amendment, I have actually detached from my copy of the amendment the 55 pages that were eliminated in a gut-and-replace amendment without any public scrutiny and for this then subsequent corrective reprint, which I do not think any of us saw until perhaps today, perhaps it was yesterday. So I am speaking on only the language which was amended-in by the Senate, and I would like to ask the gentleman, as chairman of the Legislative Audit Advisory Commission, do you support keeping the legislative records of that commission secret?

Mr. SHAPIRO. Mr. Speaker, I would be more than happy to answer the gentleman's question. I would correct him; I am standing to answer interrogation on this legislation, not as chairman of that commission. Though I do serve as chairman of that commission, I would not be able to speak for the commission without the consent of the other members.

That said, I would be more than happy to answer the gentleman's question. And I would point the gentleman to page 60 of the bill in question and the definition of a "legislative record" – number 12, line 3, on page 60 to be specific – which discusses an audit prepared by the Legislative Audit Advisory Commission and makes it very clear that it is, in fact, a legislative record. Therefore, Mr. Speaker, that audit would, in fact, be public under this open records bill.

Mr. MAHER. Thank you, Mr. Speaker.

So the audit product would be public. What about the other legislative records of the Legislative Audit Advisory Commission? And I might suggest the gentleman look at the definition of "legislative agency," which for inexplicable reasons excludes the Legislative Audit Advisory Commission from being deemed a legislative agency. Can you explain to me what makes you special?

Mr. SHAPIRO. Mr. Speaker, I would be happy to explain to the membership what makes me special, though that is not why we are here. We are here to try and address the bill in question.

Mr. MAHER. But you certainly are very special.

Mr. SHAPIRO. And it is very clear, Mr. Speaker—

The SPEAKER. The Chair will remind the gentlemen not to speak over each other.

Mr. SHAPIRO. It is very clear, Mr. Speaker, that a "legislative agency" is defined as the Senate and the House of Representatives. As the gentleman knows from his brief tenure, I guess, as chairman of the Legislative Audit Advisory

Commission, it is made up of members of the House and Senate. It is, in fact, a body created in law by the House and Senate and would fall under that definition of "legislative agency." Thank you, Mr. Speaker.

Mr. MAHER. Mr. Speaker, maybe you have got a different version of this bill than the rest of us have been provided with. Can you point to me where the Legislative Audit Advisory Commission is included as a legislative agency?

Mr. SHAPIRO. Mr. Speaker, I would be happy to answer the gentleman's question. In fact, I already had. The gentleman perhaps did not hear me. What I said was, when the gentleman questioned me as to the definition of a "legislative agency," I made it very clear that the House and the Senate are included in the definition of a "legislative agency." The Legislative Audit Advisory Commission, as the gentleman does know, falls underneath the House and Senate and, therefore, is considered a legislative agency. Thank you, Mr. Speaker.

Mr. MAHER. Mr. Speaker, that is very interesting. It is inaccurate. The Legislative Audit Advisory Commission is created by statute—

The SPEAKER. Is the gentleman finished with his interrogation?

Mr. MAHER. No; I am continuing with it, sir.

The SPEAKER. The gentleman will state his question.

Mr. MAHER. And hoping that with the benefit of the preamble information, the speaker may be better able to respond.

The Legislative Audit Advisory Commission, as I would expect he should understand as chairman, is created by statute as an independent agency that has members appointed by the House, by the Senate. Some are legislators, some are from the general public.

Now, you will notice, if you look at the definition of "legislative agency," a laundry list of what is included, and as I understand the principles of statutory construction, the specific trumps the general—

The SPEAKER. The gentleman will suspend his speech.

Mr. MAHER. —and consequently, I am asking the gentleman — who is an attorney and should understand such things — where does he find the Legislative Audit Advisory Commission on the list of 14 entities that comprise legislative agencies, and perhaps he could explain to me why they are excluded?

Mr. SHAPIRO. Mr. Speaker, I have answered this question now twice. I would also ask the Chair to admonish the gentleman for the condescending tone and the comments that he has made. I am more than happy to answer questions; I am not willing to stand up to that type of condescending tone in his discussion.

Mr. MAHER. I certainly apologize to the Chair if I hurt the gentleman's feelings. I just really thought that he, perhaps, had misunderstood the question.

The SPEAKER. The Chair—

Mr. MAHER. That concludes my interrogation of the gentleman, Mr. Speaker.

The SPEAKER. Does the gentleman wish to be recognized for comments on concurrence?

Mr. MAHER. I am maintaining my recognition on concurrence, Mr. Speaker, and I would like to ask if the majority leader or his designee would be able to respond to some questions, and perhaps the prime sponsor, Mr. Mahoney.

The SPEAKER. The prime sponsor is Senator Pileggi.

Mr. MAHER. I am sorry; I stand corrected.

Would the gentleman, Mr. DeWeese, or the gentleman, Mr. Mahoney, be able to respond to questions?

Mr. DeWEESE. The honorable gentleman did have a caucus earlier in the day. I assumed that all the technical questions were answered in the caucus. He is my friend, and I will be glad to discuss the general merits of the proposal. And he did have a very long caucus, in fact, we had extensions to their caucus. I do not know what the gentleman wants to discuss, but I guess I am available.

Mr. MAHER. Thank you, Mr. Speaker.

On page 94 of the bill, beginning on line 16, there is a provision that says certain information— I am going to summarize here. It is page 94, beginning — excuse me — on line 1 and continuing down through line 18. It says that "...COMPLEX AND EXTENSIVE DATA SETS,..." can be sold by government for a market value instead of the cost of duplication. And further, it then prohibits this data from being resold. Can the gentleman help me understand how market value is determined for something which cannot be sold?

Mr. DeWEESE. The young, dapper attorney from Montgomery County has been in touch with the realtors as recently as today. This is a very technical issue, Mr. Speaker. I am going to defer to Representative Shapiro to give the honorable gentleman from Upper St. Clair a more definitive response.

Mr. MAHER. And I thank the gentleman, but I would observe, I am not speaking about realtors; I am speaking about how this amendment provides that a market value can be charged by government for a product that cannot be sold — how that market value is determined.

The SPEAKER. The Chair recognizes Representative Shapiro.

Mr. SHAPIRO. Mr. Speaker, in response to the gentleman's question, I believe the gentleman is looking at one particular section — as he identified, line 16 — and also referencing a section above which talks about fees being reasonable and fees reflecting regional price differences, and I think the two need to be viewed together. And if the gentleman is referring to the resale of this information as a means to discuss the issue related to Pennsylvania realtors, I would be more than happy to engage in that and discuss the commercial value. If the gentleman is talking about the fees that can be charged, I would point him to section (2) above, or actually on the page preceding, which talks about the fees and that they be reasonable.

Mr. MAHER. Well, let me clarify again: I am not addressing the real estate issue. I think I said that a couple of times, and I know the Speaker encourages me not to be redundant, so let me just drill that in.

I am talking about this section (4), which is a different set of rules than the section (2) that you are referring to. Section (4), Roman numeral (I), talks about "...MARKET VALUE OF THE SAME OR CLOSELY RELATED DATA SETS," and Roman numeral (IV) says the information shall not be sold. So how does one determine the market value for information that cannot be sold?

Mr. SHAPIRO. Mr. Speaker, I thank the gentleman for his clarifications. Sometimes the questions tend to be a little bit more general, and I appreciate him pointing me to the specific text. The reasonable market value that would be set for those data sets would, in fact, be set within that market. If there is a question about the amount that was determined, that would

certainly be subject to appeal and would be determined in the appeals process as elucidated in this legislation.

Mr. MAHER. Well, I can tell I am not going to get an answer, and I would suggest the reason there is no answer is because it is badly written. But let me move on to another question.

Am I correct that this section, that same number (4), talks about "...GEOGRAPHIC INFORMATION SYSTEMS OR INTEGRATED PROPERTY ASSESSMENT LISTS," and then it continues under Roman numeral (IV) to say this information shall not be sold. And again, I am not speaking as to the realtors' concern; I am just making sure I am understanding that Roman numeral (IV) refers to the GIS (geographic information systems) and assessment information. Is that correct?

Mr. SHAPIRO. Mr. Speaker, it is correct but not complete in terms of the question you asked. It does, in fact, refer to the GIS information or integrated property assessment list, but it also refers to complex and extensive data sets. So therefore, Mr. Speaker, it is not just limited to those two items that the gentleman stated in his interrogation.

Mr. MAHER. Okay. So it goes beyond that then. So it is whatever complex and extensive data sets face that same prohibition. Is that correct?

Mr. SHAPIRO. As I just answered, Mr. Speaker, yes; that is correct.

Mr. MAHER. Thank you.

Now, the way this is written, a newspaper can acquire this data but they cannot print it in a newspaper that they sell. Why have you limited the public display of information and prohibited newspapers that have a newsstand or other subscription costs from being able to publish the data that they acquire?

Mr. SHAPIRO. Mr. Speaker, the gentleman's question is quite a stretch, I believe, and I will answer it as such: If the newspaper secures, for example, the GIS information and integrates it into a newspaper story or into the information they use to compile a newspaper story, that is not reselling the information. That would not run into section (4) or line 16 as the gentleman referred to.

If in fact – I am going to answer the gentleman's question – if, in fact, the newspaper bought that GIS information and then tried to go and sell that GIS information to some other entity, that would, in fact, run afoul of this legislation.

Mr. MAHER. But perhaps the gentleman can help me understand—

The SPEAKER. The gentleman will suspend.

The Chair will ask all members to please hold their conversations to a minimum. The noise level is entirely too loud. The gentleman is entitled to be heard. If your conversation is important, please adjourn to the anteroom.

Representative Maher.

Mr. MAHER. Thank you.

Perhaps the gentleman can help me understand his theory that newspapers do not sell information. What is it you suppose they do sell?

Mr. SHAPIRO. Mr. Speaker, I will answer the question. Again, if the newspaper secures GIS information for the purpose of writing their story, which is, in fact, what newspapers do, that would not be considered a resale of that information. It is integrated and—

Mr. MAHER. And that exception is where?

Mr. SHAPIRO. Mr. Speaker, if I can just answer the question.

The SPEAKER. The Chair will remind the gentlemen not to speak over each other.

Mr. SHAPIRO. If the newspaper chooses to use that information to be able to write their stories, that is not reselling the information. I have now answered that question twice.

Mr. MAHER. And where is the exception that you are asserting to be found in this amendment?

Mr. SHAPIRO. Mr. Speaker, I am not even sure I understand what the gentleman is asking. If he could perhaps rephrase the question into an understandable question.

Mr. MAHER. Well, the gentleman is asserting that newspapers are exempt from this provision, and I am asking where he finds the exemption in the bill? And if he believes there is such an exemption, would it not be preferable to spell that exemption out in the bill?

Mr. SHAPIRO. Mr. Speaker, I never said that newspapers were exempt. What I said, very clearly, was that if the newspaper wished to purchase GIS information and take that GIS data set – I should say, not information; that data set – and then sell that data set, that would not be permissible. I never once said that newspapers were exempt.

Mr. MAHER. It does not say "data set," sir; it says "information."

Mr. SHAPIRO. Mr. Speaker—

Mr. MAHER. It does not talk about a complete set of information; it talks about "INFORMATION OBTAINED...SHALL NOT BE SOLD OR OTHERWISE PROVIDED TO ANOTHER PERSON FOR COMMERCIAL PURPOSES."

Mr. SHAPIRO. Mr. Speaker, the gentleman only read part of that; it is "INFORMATION OBTAINED UNDER THIS PARAGRAPH..."—

Mr. MAHER. Yes.

Mr. SHAPIRO. —and it refers to the complex and extensive data sets, including GIS systems or integrated property assessment lists.

Mr. MAHER. That is correct, sir, and it says it cannot "...BE SOLD OR OTHERWISE PROVIDED TO ANOTHER PERSON..." It does not speak to the entirety of the information; it speaks to the information obtained.

Now, if the information is obtained under this paragraph, it cannot be sold. Now, maybe the gentleman is not familiar that there are some counties that have had concerns about assessments in recent years, and a variety of news outlets have gone to the extent of acquiring the entire database of assessment and publishing extensive parts of that. So they are publishing and selling information obtained under this paragraph – today. They are allowed to do that. I am asking why the prohibition is being put on them here.

Mr. SHAPIRO. Mr. Speaker, I have answered this question three or four different times in three or four different ways to try and help the gentleman get his mind around this language. If the gentleman is unsatisfied with this language, the gentleman can vote against the bill. This is the opportunity to vote for it or against it. If the gentleman does not like it, I would encourage him to vote "no" on the underlying legislation.

Mr. MAHER. Well, I certainly appreciate your coaching.

I will ask, while staying on this same page, how much does it cost the public to get this information, under the existing law? It is my understanding, having been the prime sponsor of the

existing law about access, that they can have this data for the cost of a floppy disk or a CD (compact disc) or whatever the media cost to copy the information. Why do you propose to make it more expensive for the public to access public records?

Mr. SHAPIRO. Mr. Speaker, the fees have yet to be determined, and there is nothing in this bill that would suggest the fees would be more. Perhaps the fees could be less than they are currently today, so I think the gentleman is taking a leap in terms of a statement that he is suggesting is fact about the cost. The costs will not necessarily go up; in fact, the costs could go down, Mr. Speaker.

Mr. MAHER. Then why, sir, have you replaced the provisions that allow the public, individuals from the public, to obtain this sort of information for the cost of a floppy disk and replace that very strict requirement with the provision that the government can charge some market value that you cannot explain how it will be determined? You are certainly relieving the restraint on the governments and exposing the public to higher costs, and I am asking why?

Mr. SHAPIRO. Mr. Speaker, we are not necessarily exposing the public to higher costs, and in fact, Mr. Speaker, we have made significant changes to current law. That is because we are attempting to go from having one of the worst open records laws in the country to one of the best, and if the gentleman wishes to stay with one of the worst open records laws in the country, he can vote "no" on the bill. If he wishes to have a great open records law, he should vote "yes."

Mr. MAHER. And I suppose that is intended as a response to a very specific technical question. But I thank the gentleman, and a little bit later I will read you something from the Pennsylvania Newspaper Association. But I will continue with my interrogation, assuming you are still standing in for the majority leader. Is that correct?

The constituent correspondence—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. For what purpose does the majority leader rise?

Mr. DeWEESE. The honorable gentleman was already politely admonished for his perpetual condescension and smugness. If the Chair is going to allow this, if the Chair is going to allow this, then I want it on the record that I am quite vexed.

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. The Chair will remind the members, personal comment about other members is not appropriate. The gentleman's interrogation will be limited to concurrence and no commentary on the motives of the legislation or the person standing for interrogation.

Representative Smith.

Mr. S. SMITH. Mr. Speaker, I appreciate your recognizing me, and I mean that literally. I question whether the majority leader is in order to jump up and start yelling into the mike when he was not recognized by the Speaker just a moment ago, and I think perhaps the Speaker should admonish the gentleman that he needs to be recognized by the Speaker before he speaks.

The SPEAKER. The Chair will inform the members the purpose of interrogation is to ask questions that they do not know the answer to and to pause while that individual standing for interrogation responds. Other comments are not in order and will not be tolerated by the Chair. The gentleman may resume his interrogation.

Mr. MAHER. Thank you, Mr. Speaker.

I am going to ask some questions about concrete, real-life examples of what our neighbors' interactions with government involve and hope that the gentleman can provide guidance to me as to if this information, very personal to our neighbors, is public or not, under this amendment.

A 95-year-old widow living alone, who has challenges getting about and has applied to the local area agency on aging, which is a component of a local county, and is receiving home-delivered meals – not health care; home-delivered meals – if an individual wanted to obtain a list from that area agency on aging of all those on the roster receiving home-delivered meals, where in this amendment would that information be protected from being revealed?

Mr. SHAPIRO. Mr. Speaker, it would depend upon the circumstances of the request and the nature of the direction that the gentleman is going. Perhaps— I prefer not to engage in hypotheticals with the gentleman; he is quite astute at asking them. But if the gentleman has a specific question relating to that fictitious 95-year-old woman or someone else, I would be more than happy to try and answer that within the exceptions. But the question is simply too broad. There are multiple exceptions that could apply.

Mr. MAHER. Well, educate me. Which exception would protect that information, Mr. Speaker?

Mr. SHAPIRO. Again, Mr. Speaker, the gentleman would have to ask a specific question, and I would be more than happy to respond to it.

Mr. MAHER. It could not be more specific, Mr. Speaker, but if you do not want to answer, I certainly can understand why.

Mr. SHAPIRO. Mr. Speaker, I have submitted to interrogation now for quite some time. I am pleased to stay here as long as the gentleman would like to answer his questions. I would just ask that he frame it in a specific question as it relates to one of these exceptions, and I would be pleased to try to answer it.

Mr. MAHER. Well, Mr. Speaker, widows receiving Meals on Wheels are not hypothetical where I come from; they are real people, and that is what I am trying to drag back to, is let us remember the people we are supposed to serve. And if you will not answer that question, let me move on to another.

The SPEAKER. The gentleman will suspend.

The purpose of interrogation is to ask a question and wait for the gentleman to respond.

Mr. MAHER. I did, Mr. Speaker.

The SPEAKER. If members wish to make comment, they will signify to the Chair they have ended their interrogation and they can debate on concurrence.

Mr. MAHER. Thank you, Mr. Speaker. And I did allow the gentleman to nonrespond before continuing, and I will ask another question.

A local community has a recreation center where young children spend hours enjoying structured play in the summer. If some creep spied on that playground and wanted to know the names of those children, where in this bill is that information protected, as amended?

Mr. SHAPIRO. Mr. Speaker, thank you for asking more of a specific question. I would direct the gentleman to section 708 (B)(1), Roman numeral (II), and I would be happy to explain that to the members who perhaps do not have that language in front of them.

Mr. MAHER. Can you provide a page number?

Mr. SHAPIRO. It is on page 74, Mr. Speaker.

Mr. Speaker, what the gentleman has done with these various hypotheticals about the young person or perhaps the old lady or gentleman that the gentleman was referring to was to try to suggest, I believe, that this person would be somehow put in harm's way as a result of disclosure of this information. That is why, Mr. Speaker, we have written, literally, the second exception, or the first exception that says, "THE FOLLOWING ARE EXEMPT FROM ACCESS BY A REQUESTER UNDER THIS ACT:...A RECORD THE DISCLOSURE OF WHICH:...WOULD BE REASONABLY LIKELY TO RESULT IN A SUBSTANTIAL AND DEMONSTRABLE RISK OF PHYSICAL HARM TO AN INDIVIDUAL." We make it very clear here, Mr. Speaker, that we are not interested in having an individual's identity or information shared, under the hypotheticals that the gentleman raised, if it in any way would cause this person harm. And that exception is written as the first exception, and I believe, given the generalities that the gentleman raised, would address his point, Mr. Speaker.

Mr. MAHER. Thank you, Mr. Speaker, and I expected that is where you would be pointing to, and I will ask this question: What is the demonstrable risk of physical harm to an individual from a vendor of playground equipment asking for the names of the children enrolled in the township's recreation program?

Mr. SHAPIRO. Mr. Speaker, I would suggest that if a vendor of playground equipment is interested in knowing where the children of Pennsylvania live, that should tip off the lights in someone's head to suggest that those children might be at risk.

Mr. Speaker, again, I am pleased to answer the gentleman's questions, but these hypotheticals that are going on and on and on and not asking about specific passages in this legislation, I do not think are helpful. If the gentleman does not prefer to make our open records law in this Commonwealth better, he can vote "no."

Mr. MAHER. Mr. Speaker, would you ask the gentleman to stick to the question? And I will ask a follow-up, which I find it a bit surprising that you think vendors of playground equipment present demonstrable risk of harm to individuals. Is that your position?

The SPEAKER. The Chair again will remind the member of the purpose of interrogation. That is to ask a question and then appropriately wait until the gentleman responds. The Chair will ask the gentleman to respect the rules of the House.

Mr. MAHER. And, Mr. Speaker, I certainly respect that. I would ask that you would encourage the gentleman responding. He has already offered his advice on how we should vote—

The SPEAKER. The gentleman can ask a question. If he is not satisfied with the answer, he can ask another question.

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. But the Chair will ask the gentleman not to comment on the quality of that response. It is inappropriate in the House.

Mr. DeWEESE. Mr. Speaker?

Mr. MAHER. Thank you, Mr. Speaker. And I am not yielding, my good friend.

The SPEAKER. The gentleman will suspend.

Mr. MAHER. I have the floor.

The SPEAKER. The gentleman will suspend.

For what purpose does the majority leader rise?

Mr. DeWEESE. I am not going to rise. My honorable colleague will not yield to me. I wanted to yield to him and ask him approximately how long the interrogation was going to last in case we have to order dinner. I just wanted to ask him approximately, so thanks for sort of yielding.

The SPEAKER. The gentleman, Representative Maher, is in order and may continue his interrogation.

Mr. MAHER. Mr. Speaker, I would like to remind the Speaker and the majority leader of rule 11, and while the gentleman's concerns about his supper are interesting, rule 11 prohibits interruption of a member who has the floor. It has happened repeatedly now, and I would just say, Mr. Majority Leader, do not order supper for me.

The SPEAKER. The gentleman will suspend.

When the majority leader or minority leader rise and ask to be recognized, as any other member, the Chair asks the gentleman who is making comments to suspend and asks the gentleman who is requesting recognition "For what purpose does the gentleman rise?" The gentleman will continue his interrogation, and the Chair will act accordingly.

Mr. MAHER. Thank you, Mr. Speaker.

If an individual writes to a local school board member and asserts their views on any subject whatsoever, as amended, does that correspondence become a public record?

Mr. SHAPIRO. If the gentleman could repeat the question, I was not able to hear it.

Mr. MAHER. If a resident of Pennsylvania sends a letter to a local school board member expressing that individual's views on an issue, does that correspondence become a public record, under this bill as amended in the Senate?

Mr. SHAPIRO. Mr. Speaker, not knowing what would be contained in that letter and not knowing the circumstances of the correspondence between the school board and the individual or the individual to the school board or whatever direction that was going in, that would certainly, I think, be something left up to the open records officer within that agency to make that determination.

Mr. MAHER. Well, let me offer a more concrete example, Mr. Speaker: Many school board members received many, many letters from constituents asking that the school board oppose Act 72's adoption a couple years back. Would the correspondence that was sent by those individuals to those school board members be a public record, under this bill as amended in the Senate?

Mr. SHAPIRO. Mr. Speaker, again, should that request come in, it would be up to the open records officer of that agency to make that determination.

Mr. MAHER. So you are saying that the presumption of a public record does not apply here? Is there an exemption that this falls into?

Mr. SHAPIRO. Mr. Speaker, there is not an exemption that this falls into.

Mr. MAHER. Thank you. That was not so hard.

Now, let us think about another one. Let us think about, someone writes their township commissioner and says, my neighbor has got a dog that barks all night; is there not something you can do about that; is that not against the law? Now, is that letter a public record, under this bill as amended?

Mr. SHAPIRO. Mr. Speaker, again, there is a presumption that that document would be open. Not knowing what would be contained in that document, not knowing if, for example, there is personal information about the writer or a neighbor or



something like that in the document, it would be impossible, Mr. Speaker, to be able to state with certainty, today, standing at this podium, whether it would be open. What I can state with certainty, Mr. Speaker, is that that document would be presumed open and it would be up to the open records officer within that agency to make that determination, Mr. Speaker.

Mr. MAHER. Now, if an individual who works for a social services agency in Pennsylvania helping mentally challenged citizens and is a registered lobbyist writes to the county assistance office or to the county and says, "Here are all the health problems—" Excuse me; strike that. Writes a letter and says, "I want Meals on Wheels for my mom." Is that letter a public record?

Mr. SHAPIRO. Mr. Speaker, I believe the same analysis would apply. With the gentleman starting and ending and then restarting his question, it is impossible to know exactly where he was going with that. But again, I would state that my answer to the previous interrogatories would apply, Mr. Speaker.

Mr. MAHER. Thank you.

Pennsylvania has hundreds of thousands of individuals who hold professional licenses. Most of those professional licenses involve submitting school transcripts. Would the school transcripts of the general public that are on file with the Department of State be public records on this bill, Mr. Speaker, if that person is not a government employee? I do see that for some reason, government employees are protected, but I do not see that the public is protected. Am I missing something, or are those public records?

Mr. SHAPIRO. Mr. Speaker, my apologies. If the gentleman could just briefly restate the question.

Mr. MAHER. Any of the hundreds of thousands, perhaps millions of individuals in Pennsylvania who hold professional licenses, in connection with obtaining their license, it is typical that transcripts from their education are provided. This bill exempts disclosure of transcripts for government employees. I am asking, is there a similar exemption for the public?

Mr. SHAPIRO. Mr. Speaker, there is, and it is governed by Federal law. The Family Educational Rights and Privacy Act is a Federal law that protects the privacy of student education records, and it applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Mr. MAHER. Thank you, Mr. Speaker. And I think if you were more familiar with that act, you would understand that that applies to educational institutions and not the Pennsylvania Department of State. I am asking about the college transcripts on file at the Pennsylvania Department of State for the hundreds of thousands of Pennsylvanians who hold professional licenses but are not government employees.

Mr. SHAPIRO. Mr. Speaker, I am not willing to cede the ground that suggests that the gentleman is the only one who knows what that Federal statute is and what it applies to, and I believe that my answer correctly answers the question which you asked.

If the gentleman has another question on another topic, I would be pleased to continue to stand for interrogation, but I would encourage the member, for the good of the entire body, to move on. If the gentleman has already made up his mind on how he is going to vote, he should just state how he is going to vote.

Mr. MAHER. Mr. Speaker, is this an appropriate response?

Mr. SHAPIRO. Otherwise, if he has a specific question, he should ask it, and if he does not like the answer, he can use that

in determining the outcome and the determination of how he votes, Mr. Speaker.

Mr. MAHER. Mr. Speaker, I certainly do not mind these colloquies myself, but it seems inappropriate when you permit them to be one-sided. So I would ask that you encourage the gentleman to stick to his responses to the questions.

The SPEAKER. The Chair will encourage the members, interrogation is generally very specific to the legislation at hand. Hypotheticals are not contained in the specific language, and the discretion of standing for interrogation is up to the person who has agreed to stand for interrogation.

Mr. MAHER. Then are not their responses, Mr. Speaker, supposed to be responses to the questions rather than advice on how members should be voting?

The SPEAKER. The gentleman will suspend and not interrupt the Speaker.

The Chair is asking the members to be mindful of the purpose of interrogation; that is, to ask a question. If the responder has answered that question, it may not be satisfactory, but it is an answer.

Mr. MAHER. Thank you, Mr. Speaker.

If the gentleman's assertion about this Federal standard applying to Pennsylvania government is correct, can the gentleman explain to me why government employees are specifically protected from having their college transcripts disclosed? Why do we protect government employees, specifically, and not the general public?

Mr. SHAPIRO. The gentleman is asking about the intent of the insertion of this language in the legislation. That language was inserted by the Senate, and if the gentleman is seeking to understand their intention, I would encourage the gentleman to reach out to Senator Pileggi to try and understand his intention.

Mr. MAHER. Thanks, Mr. Speaker.

I conclude my interrogation.

The SPEAKER. The gentleman has concluded his interrogation. The gentleman is in order to comment on concurrence.

Mr. MAHER. Thank you, Mr. Speaker.

From the time I entered this chamber, I was an advocate for open records, and I continue to be a strong supporter of putting sunlight on government, because it serves to inspire better behavior. But putting the sunlight on government, it should be a very different thing than opening the blinds on our neighbors and peeking in their windows.

This bill, as amended in the Senate, is a curious thing. It builds in a secret set of legislative records for the recent Speaker's commission, and of all places on the Audit Commission. And at the same time, while protecting his commission from having its legislative records revealed, the bill makes available, for a dime, the college or high school transcripts of any Pennsylvanian who has them on file with the State, unless, of course, they are a government employee. What is a better roadmap for identity theft than allowing, for the cost of a copy, individuals' very personal and specific information to be made available to anyone who requests it anonymously?

I go further and say, as crafted, perhaps unwittingly, this bill does not prevent PENNDOT from choosing to release driver's license photos of every Pennsylvanian. This bill does not prevent would-be stalkers from spotting the license plate of somebody and deciding that they want to know where that person lives.

This bill allows the unpublished lecture notes and manuscripts, articles and creative works, of our public schoolteachers to be public records. This bill, as drafted, allows the grades on every test offered in every public school in Pennsylvania to be released as public records.

This bill raises the cost of obtaining complex data on the public, it waives the cost for newspapers, but then, because it is so poorly drafted at this point, it actually prohibits newspapers from publishing if they are charging for their newspaper.

This bill keeps performance audits secret if they are done in the legislature.

This bill puts seniors at risk for their social services that are not included in the "social services" definition, and that is a wide range of services that your area agencies on aging provide.

This bill allows people, for whatever motives – because remember, it prohibits people from asking motives – but it allows information like the rosters, the working schedule of a State hospital, to be public record; the names of children enrolled in recreation programs to be public record.

It allows those who receive vocational assistance, aid to the blind to actually work, or those who have other physical challenges and the State steps in and provides vocational assistance, that experience is public record.

The name and employer and job title of every Pennsylvanian who is employed would be a public record.

I am very excited that we have come so far in working on the public record bill and the public's right to know, but it is not done. These are real problems, and I can understand the newspaper association saying they are satisfied; that is great, but we also have a solemn duty to the people. And we have to make sure that the personal information about Pennsylvanians, the vast expanse of personal information about Pennsylvanians, is protected. Because otherwise, we will become the capital of identity theft, we will become the capital of stalking, and those are not desirable things for us to pursue.

Now, every one of these issues can be resolved. In fact, I have been told that most of these problems were actually just drafting errors. Well, let us repair them. Let us fix those problems before we impose new problems in Pennsylvania. So much work has been invested in this bill, it would be a terrible shame that you would actually injure your constituents by moving forward with it as it is.

### **BILL ON CONCURRENCE PLACED ON POSTPONED CALENDAR**

Mr. MAHER. Consequently, Mr. Speaker, I am making a motion that we postpone consideration of SB 1 over the weekend and bring it up on Tuesday. So my motion, Mr. Speaker, is to postpone further consideration of SB 1 until Tuesday.

The SPEAKER. The House will be at ease.

The gentleman moves that SB 1 be postponed on concurrence until Tuesday, February 12. Is that correct?

Mr. MAHER. That is correct.

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

The SPEAKER. On the motion, those in favor of postponing will vote "aye"—

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. Representative Smith, on the motion to postpone.

Mr. S. SMITH. Thank you, Mr. Speaker. Briefly, on the motion to postpone.

I would just like to note on the record that as the earlier amendments were presented for a suspension of the rules, there was one that dealt with the realtors, and 109 members – a majority of this House – voted to suspend the rules, which would suggest that they supported the concern raised by that amendment.

On an amendment that was moved to suspend the rules that dealt with the 911 emergency response issues, 108 members of this House voted to suspend the rules, which would indicate they value or they believe there is a concern and that that amendment had merit.

On ID theft and domestic violence, protecting Pennsylvanians from crime, majorities of 108 and 106 people in this House voted to suspend the rules.

The other issues that have been raised, dealing with information that perhaps the senior citizen that is receiving Meals on Wheels through the area agency on aging, the issues that deal with school transcripts, the fact that investment advice that the pension systems receive would be made public, under the current measure of SB 1 – Mr. Speaker, for all of these reasons I would ask the members to vote to postpone this to a date certain, to next Tuesday, Mr. Speaker, so that this body could do what was asked of me by the majority leader less than a week ago, and that is to try to prepare a corrective amendment, one amendment, Mr. Speaker, that could easily address all of these issues that have been enumerated here today.

Mr. Speaker, this was not my initiative. Mr. Speaker, this was the majority leader's initiative that he set forth before the Newspaper Publishers' Association just last Thursday morning in their public forum.

Mr. Speaker, I agreed with him at that point in time that that was a worthwhile direction to go. Mr. Speaker, I will be sticking to my word and going in that direction. I urge the members to postpone and allow us to make SB 1 a good open records bill, make it a much better open records bill, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes Representative Shapiro on the motion to postpone.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly oppose the gentleman's motion to postpone. I believe that a vote to postpone is a vote against bettering our open records law in this State. A "yes" vote is a vote against open records, if you vote in favor of the Maher motion.

Mr. Speaker, the minority leader raised several issues, issues that were raised by members of the minority party and their attempts to suspend the rules, and I would like to address those. For if any member wishes to hang his or her hat on a vote to postpone on these issues, I think it is important to clarify the record that the gentleman, the minority leader, had laid out.

First, as it relates to the realtors, a group that I know many in this chamber support and many of us understand the important economic energy that they bring to the Commonwealth of Pennsylvania. I, too, am very supportive of the realtors. But I fundamentally believe, Mr. Speaker, that this legislation does

not present an issue for the realtors. I believe, Mr. Speaker, that this legislation does not harm the realtors.

Mr. Speaker, I based that conclusion because—

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. For what purpose does the minority leader rise?

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

Just to ask that the gentleman stay on the reason why we should or should not postpone SB 1 till next Tuesday.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, the minority leader, exercised his due latitude to express the reasons why he and his members should vote to postpone and based that on at least three specifics, and I want to address those three specifics, and that is what I seek to do, Mr. Speaker, as a reason not to postpone, Mr. Speaker.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The gentleman will suspend.

For what purpose does the minority leader rise?

Mr. S. SMITH. Unless I am mistaken, I thought that the general rule in the House was that the leaders were generally allowed a little extra latitude, but that that was not necessary afforded to every member.

The SPEAKER. The minority leader and the majority leader are extended some latitude.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, as it relates to the realtors, I do not believe that we ought to postpone consideration of this legislation with using that as a reason because frankly, Mr. Speaker, I do not believe this legislation, as it is written, applies to the concerns that the realtors have articulated to many in this chamber. I suggest that, Mr. Speaker, because, as the gentleman from Upper St. Clair had indicated in some of his interrogation earlier, talking about complex and extensive data sets, the complex and extensive data set section, I believe, does not apply to the data that the realtors seek from counties each and every day. I also base that upon the *Inkpen v. Roberts* decision where, in 2004, the Pennsylvania Commonwealth Court ruled that, for example, deeds and mortgages are not considered open records.

You see, Mr. Speaker, I do not believe that realtors are accessing this data that they are concerned about based upon the premise of the Right-to-Know Law as it is currently constructed or the Right-to-Know Law as it would be constructed under SB 1. I believe the realtors' issue has been addressed. I have spoken directly to them. Even they are vague as to whether or not this applies to them. I believe it does not, and I believe we are all on firm ground pushing forward today in supporting SB 1 and denying the gentleman's motion to postpone.

I would also suggest, Mr. Speaker, to the gentleman who offered an amendment earlier – and it was articulated by the minority leader again as a reason to postpone – the issue of identity theft and in protecting the citizens of Pennsylvania. Mr. Speaker, in order to steal one's identity, at least four types of information are necessary: A birth date, a home address, a name, all of which in different ways could be secured under this legislation. However, the fourth thing that is necessary for identity theft is that one gets a Social Security number. And section 708(B)(6)(I)(A) makes it clear that a Social Security number is not provided. Therefore, it minimizes the risk of identity theft, something I think we all ought to be concerned about.

Mr. Speaker, in sum, the reasons that have been proffered to postpone consideration of this legislation are reasons that I think have been addressed in this legislation. Therefore, as I stated at the outset of my remarks, I will conclude that if one votes to postpone this legislation, it is a vote against open records; it is a vote against open records. If one is for bettering our open records, they should vote "no" on the Maher motion.

Thank you, Mr. Speaker.

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

Mr. DeWEESE. First to respond to the honorable gentleman from Jefferson, the minority leader, his revisionist history reminds me of an anecdote I was told many years ago about a divorce. There is always his side, her side, and the truth.

At the Newspaper Publishers' event, I certainly did welcome Mr. Smith's encouraging help as we would try to forge language that we could all agree with. I am still waiting on him to drop by the office for that conversation. I left a message on his cell phone last night. I am not bereft of friendship or enthusiasms for my honorable colleague, but as has been manifest in the property tax debate and a variety of other things and as being manifest here today in this bare-knuckled effort to obstruct, this undiluted effort to hammer against Mr. Pileggi's open records proposal.

Our honorable Republican leader in the Senate – warm, affable Dominic Pileggi – has engineered this proposal into our midst with a 50-to-nothing vote after 13 months of dialectic and debate and sharing on this issue, with meeting after meeting with Mahoney and Shapiro and others. It is time to put up or shut up.

We have a chance to send this proposal to the Governor forthwith. If you postpone it, in my view, Mr. Shapiro is correct, you are trying to drive a stake in the heart of open records. The delaying tactics of the minority leader and the minority leadership team and the minority party are certainly suspect for debate. But this action, if successful, to postpone an open records proposal that has been vetted for 13 months, passed the Senate with a 50-to-nothing vote and is anticipated by the Governor, is anticipated by Senator Pileggi and his Republican colleagues, would be an obvious, obvious delaying tactic.

I would ask that we vote against any postponement. I would ask that we vote against the gentleman from Upper St. Clair.

The SPEAKER. Representative Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I rise in support of the motion to postpone and find it very interesting the comments of the majority leader. We are talking about a bill that does not take effect for 10 months. And he mentions today on the House floor, as he did earlier today in the Rules Committee, he laments the fact about, geez, the Senate voted 50 to nothing for this bill. Interestingly, one of the cochairman of the Reform Commission gets up as a cheerleader for this bill, once again talking about the Senate, passing this bill 50 to nothing.

Well, what happened over in the Senate? What happened over in the Senate is that this bill was amended twice and voted on and passed in less than 24 hours. The more things change, the more they stay the same.

So this same group of people – now the great reformers of this chamber – are saying, we have to rush this bill through, a bill that there are a lot of questions about, including those that are the victims of domestic violence. Their perpetrators can now

find where they live. The personal information of all our constituents, all at risk now for identity theft.

Our local area agencies on aging could be forced to reveal those of our most vulnerable in our society that receive Meals on Wheels. I wonder what a criminal could do with that information?

All this motion to postpone does is postpone this to a date certain when we can hopefully have an amendment that can resolve these problems. No one here is against open records. That is a specious argument, and they know it. All of us have voted for open records in the past. What we are looking for is an amendment to fix the problems of this bill; it is as simple as that. And we are not alone in this cause – Common Cause, League of Women Voters – those groups are both opposed, as written.

So it is time we end the political rhetoric and theater in this place, and get down to doing the people's business and do it right the first time. As the majority leader said earlier today, he has admitted this thing has to be fixed before we even pass it. So now we are going to be responsible legislators in passing legislation that has to be fixed? They said, oh, we do that all the time. Maybe under his watch.

I urge the membership on both sides of the aisle to do the responsible thing and vote to postpone this matter until a date certain. Thank you.

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I also rise to support the postponement, and I would like to state some facts. Earlier in the week I met with the deputy whip, Representative Shapiro from Montgomery, and questioned that particular fact with the realtors, and he said, in front of his brain trust, that there is a problem that we are going to do an amendment to correct it. This was on Monday. So I did not draft the amendment. I felt that this was going to be taken care of. And here we are now and I am hearing that everything is fine, and it is his interpretation, but there is a problem.

But besides that, Mr. Speaker, let us talk about one main, to me, the most vulnerable piece of our society, where women's resources protect women. And we are going to actually pass a bill that we know there is something wrong with it, and we are going to send to the Governor's Office? It is absolutely ridiculous. There is no way in the world that that bill should be leaving this body unless it is correct and proper.

I have watched the majority leader continually move away from the mic every time he said that there is nothing wrong with this piece of legislation. Was it because his nose was growing and it was going to hit the microphone?

I urge the members, vote "no." Vote "yes" on postponement.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. The animated gentleman previously at the microphone should read the bill. There is a section where if harm would be caused, physical harm would be caused, the information would not be released. His comments on domestic violence were hyperbolic and inaccurate.

The SPEAKER. Representative Benninghoff.

Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I can understand that when we are so close to the finish line that we can practically reach right out and touch it, that there is the strong desire on the part of many – frankly, on the part of myself – to just say, we are so close, let us just

take the plunge and leap right over, and we will worry about the consequences later.

But, Mr. Speaker, although it does pain me to say otherwise, I really do not think that is the way we should go today. I would remind members that the motion before us is not an indefinite postponement of this legislation. The motion before us is a postponement to a date certain, which means that we will be bringing it up. And I believe that the leaders, our Republican leader and I believe that the leaders on the other side of the aisle, will work in good faith between now and then to correct some of these items that have been brought to our attention.

Mr. Speaker, I would remind everyone to just take a step back and look at the changes that we have made this year and how that really plays into what we are doing right now. Mr. Speaker, the rule changes that we have made in this body, a part of the purpose of those changes in the legislative process is so that bills are not enacted with provisions that are either not understood or that might be clearly harmful if enacted.

Mr. Speaker, I believe that it is incumbent upon us to be responsible in our legislating duties today. Yes, we will probably take a few knocks, we will probably take a few criticisms from some advocates for this legislation. But, Mr. Speaker, I do believe that "caution" is the word of the day. And I also think that in light of the fact that some of our members did try to offer constructive amendments in good faith to deal with such issues as the domestic violence issue, as the objections being raised by the realtors, it has been suggested that these are easily fixed. Let us take some time between now and next Tuesday to correct this bill.

We had a really good, solid bill when it passed this House. The Senate made some changes. We do not know or understand why they made all the changes they did. It has been suggested to us that we should vote for it because they passed it 50 to nothing and, therefore, it must be okay.

Well, Mr. Speaker, I cannot help it if, apparently, much of the Senate did not read or consider the changes that they actually made that they put into bill. It seems to me now that these issues have been brought to our attention, let us do the responsible thing. Let us not rush. Let us take a measured approach. Let us come back next Tuesday and hopefully address an amendment that will solve these problems.

And I will just say one last thing, Mr. Speaker: This issue has not been brought up yet, but I happen to think it is very serious. One of the changes that the Senate made was that there were provisions in there that would allow the public to have access to information on discretionary grants made in the General Assembly. The Senate stripped those provisions out of the bill. Mr. Speaker, I think that is very harmful to any effort, I think it is very harmful to any effort to really shed some light on how the General Assembly works. People need to know and understand where the money is going and what impact that process has on the legislative process.

So, Mr. Speaker, I would strongly urge that for this reason as well, and I would urge the leaders on both sides of the aisle, both sides of the aisle, to put those provisions back in this bill before we vote on it again Tuesday.

So, Mr. Speaker, for all those reasons, I join with Mr. Maher in urging a "yes" vote. Thank you.

The SPEAKER. Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

And to the members, I am sure there is nothing magical I am going to say to convince you one way or another, but I would

ask that you give me 30 seconds to digress to our earlier proposal.

I am somewhat dismayed that this whole issue has become such a political football. It does not need to be that way. It is not a Republican issue or Democrat issue. But I will say, early on as one who served on the Reform Commission, I was pretty encouraged by a young man named Representative Mahoney, in his early few months here, who offered a proposal – obviously he has as much interest in pride of authorship – but was willing, for some of us who had concerns, to take those suggestions and say, I am willing to work with you on that, and I am willing to address those things.

Let us progress a little farther up. If you remember the debate on the House floor regarding the Mahoney proposal – which I actually still support and think is a better proposal than SB 1, but we are in a chamber that eventually has to compromise – that bill was delayed in committee, postponed. And why did we do that? Because people had suggestions to make it better. They did not want it rammed through at 4 o'clock in the afternoon or 9 o'clock or whatever time it was we left one of those meetings. Madam Chairman decided to hold that.

Let us do the right thing. No one talked about Republicans or Democrats. No one talked about how they were going to try to embarrass the other side and force them into some vote. They talked about trying to do what was best for Pennsylvania. We have been embarrassed as a Commonwealth as one of the few States for not having good open records law. We may not get the House version through, and we all know the game of pride of authorship, but if a young, new member could have the professional courtesy to give senior members the right to improve a bill, then why cannot some of us have the same insight to do the same thing today?

We are not asking to delay it; we are asking to make a better product. We have not stuffed it in some committee to make it disappear. We are talking about making a better end product.

I believe in my heart that the people out in TV land, and including the Newspaper Association, are smart enough to see the parliamentary gymnastics that are going on today. So do not be fearful if you want to stick up and stand up for what you believe is right and do what the people sent you to do here, and that is vote on good public policy, good legislation, and by making it improved by waiting 2 or 3 days. That is what your public wants you to do. That is what they have voted for you for. And frankly, though they may be frustrated with Harrisburg at times, they say, my member does a good job.

My past realtor sees this as a problem. My 911 guy who calls me and says, you have got a serious problem in there. The gentleman spoke earlier about people's privacy and confidentiality. We can have a strong open records law and a smart one, but we do not have to rush it through today just so one side can try to embarrass the other.

I will close with, again, thanking Representative Mahoney for at least having the courage and the class to step aside and allow people to make amendments to a good bill and make it better. And we postponed that not only in committee, but we postponed it here on the House floor. There is no reason not every one of us can support Representative Maher's motion to hold this for a couple days, come back, make a better bill for Pennsylvania, and do what the public is paying us for.

Thank you very much.

The SPEAKER. Representative Mahoney.

Mr. MAHONEY. Thank you, Mr. Speaker.

This has been a long process. It started 13 months ago as Leader DeWeese said, but no, it has not, it started 52 years ago. The people of Pennsylvania deserve an open records law, and that is why I am opposing Maher's postponement, because we need to do it, and we need to do it today. We need to give it to the Governor, and we need to get it signed.

For all the new legislators that came up here with me this year, we came up here to reform and make change. This is the first step of it. This is where we have got to start, and this is how we have to go.

So I urge everyone to oppose Maher's postponement.

The SPEAKER. Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

As the Republican cochair of the Speaker's Reform Commission, there is no one who is more interested and more concerned about passing an open records act. In fact, that piece of legislation is the only piece of legislation that has been taken up from the many, many recommendations that were made by the Reform Commission.

So there is obviously a great desire on all of our parts to see that piece of legislation move. But never have I ever proposed moving legislation that had flaws. We do not do that kind of work, and I would challenge anyone who has truly read this piece of legislation not to have questions about it.

Those questions can be addressed with a relatively simple amendment. All of the reasons why this should be postponed have already been stated, and I am not going to state them again, but the fixes for these are minor. There are a few words that have to change in one place or another. It is not a problem to hold the bill to ensure that the members can go home and say we did an open records bill that protects the people who elect us, protects the government agencies, and protects the rights of all citizens of Pennsylvania.

We are not asking for any type of permanent postponement. We are not opposing this bill. I am not opposing it. And there is no one that I have greater respect for than my Democrat cochair of the Reform Commission, but on this issue we disagree. We are going to have to pass legislation which we can all accept and which we can all agree on the language.

So humor us. We can make this a bill that can be agreed upon. It is only going to take a few days.

Vote to postpone. Thank you.

The SPEAKER. Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

On the motion?

The SPEAKER. The lady is in order.

Ms. HARPER. I know two things about my colleagues here in the House: One is that each and every one of us wants to vote for a good open records bill. I believe that, and I question no members' motives in that regard. But I know something else. I know there is not one among us who wants to be responsible for the victim of domestic violence who fears picking up the phone and dialing 911 because of a flaw in this bill that may allow her tormentor to know who she is and where she is. None of us wants to be responsible for the hesitation that my cause her her life.

We can fix this bill. We can fix the 911 problem. We could have fixed it this afternoon. We had an amendment that would have done that, but we were denied a suspension of the rules to do it.

This bill is 103 pages long. We are all anxious to see it passed. That it should have some ambiguities, that it should have some things that need to be tuned up and tightened up is not surprising. A 3-day delay, which will allow us to fix the bill, will not affect the date when it is effective, which is January of '09. None of us wants to be responsible for any victim failing to call 911 because of what we do today.

I would ask my colleagues, please, let us fix the bill. Let us get it done right. It is that important that we should get it done right. Thank you, Mr. Speaker.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I rise to support that we postpone SB 1 until we can make the corrections that are necessary. I am going to be brief and give you the reasons why I believe, as Republican chairman of the veterans and emergency response committee, that this is absolutely necessary.

First, both bills, HB 443 and 2072, did have the exception to the 911 records in it. We passed it unanimously out of this House. As was testified to earlier, no one knows who changed the language in this bill that is before us today.

The major change in the bill was that it added three words: "Time response logs" are now required. The problem, Mr. Speaker, is I defy anyone, anyone in this House to find a definition of what a "time response log" is. It is a failure on the part of those who were responsible for drafting the amendment to put a definition in SB 1. If our purpose here is to enact clear laws that the public understands, then indeed we have failed, and you will fail if you vote for this.

The 911 centers could accidentally release local State and police investigative information. You tell me how a 911 operator is going to know if there is an undercover operation going on in your community. Tell me how that operator is going to know that information, but yet he or she will be required to have that information listed on the time response log, perhaps because no one knows what in the world a time response log is.

There are many forms that our 911 centers use. These forms contain a variety of information that could and will compromise the safety of the citizens in your district. Criminals, believe it or not, criminals could request these time response logs. But why would a criminal want to request that information? Because then they could figure out how long it takes to respond in a certain area of your municipality, your city, whatever. Pretty slick move. Criminals are not stupid today.

What we need, Mr. Speaker, is a well-thought-out— And I thought you and I together, with the prior amendment that clarified this issue that every one of you voted for, had taken care of that.

So I just want to say, please do the right thing. We have it in our ability to make these types of changes, to come back here in very short order and pass a good law because I guarantee you what, we will be back at this again, and that is what those who want to run this bill today keep trying to tell you, but we have the opportunity to make it right, and we owe it to our citizens to do so.

Thank you, Mr. Speaker.

The SPEAKER. Representative Swanger. The gentlelady waives off.

Representative Cohen.

Mr. COHEN. Mr. Speaker, about 13 months ago I had the opportunity to meet with Mr. Mahoney as he was beginning to

draft the process of this legislation, and we discussed bills in many States, and I talked to him about the tendency in other States for this kind of legislation to be indefinitely postponed and for enormous amounts of work to be put in and nothing to happen. And Mr. Mahoney, to his credit, has worked enormously hard over the past 13 months and has done everything he possibly could to see that something meaningful happens with this legislation.

We can see that this legislation is enacted into law and that the benefits of open records are achieved for all Pennsylvanians if we defeat this motion to postpone and any other motions that are similarly filed.

It is true if the delays merely go on till Tuesday, no harm will be caused. However, we have had numerous delays already, and I, personally, have no confidence that a delay till Tuesday means that the bill will be passed on Tuesday. All sorts of things can happen. All sorts of other delays can occur. All sorts of new objections can be found. I just do not have the confidence that a vote on Tuesday will actually occur, nor do I have the confidence that if all these amendments are added to the bill, the Senate will quickly accept it.

It is quite possible the Senate will say, well, some of these amendments are meritorious. Let us study it for 3 weeks and then let us make some more changes and come back. And sometimes bills just become Ping-Pong games or tennis matches in which bills go back and forth and back and forth and back and forth, on and on and on. And that is what I fear is going to happen here, and that is why I strongly urge that the motion to postpone be defeated.

### **THE SPEAKER PRO TEMPORE (MICHAEL P. MCGEEHAN) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of postponement, the Chair recognizes the gentleman, Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker. I will be very brief.

I just rise real quickly to support the motion to postpone. And I just want to articulate that if we vote in a positive for this bill, this thing goes straight to the Governor's desk. Oftentimes we talk a lot about moving the process forward, sending something over to the Senate where we know that things can be amended and changed if there is a little problem with a detailed piece of legislation. This thing is a very, very intricate and long piece of legislation, and there have been a number of issues that have been brought up – the issue with the realtors, the issue with domestic violence – they can be taken care of very, very simply, and we do not have another shot at this. And I want to point out that if this ends up on the Governor's desk with what we believe are even potentially small flaws in it, ultimately this legislation will probably end up being challenged in court, and it could end up being tied up for years, and we would not have an open records law as it worked its way through the litigation process.

I remind my colleagues of the lobbyist disclosure bill that was passed many, many years by this chamber and ended up being overturned through a long court process, and it took us years and years again, hours and hours of work. We worked in a bipartisan way to finally come up with another lobbyist disclosure bill.

So I just would support the motion to postpone. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of postponement, the Chair recognizes the gentleman, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have listened very attentively to the various comments in reference to why we should postpone. And, Mr. Speaker, this is February. I was a part of the Speaker's Reform Commission. I know how long we have had this conversation about open records, and, Mr. Speaker, I am somewhat troubled that in 2008 Pennsylvania does not have a proactive open records law.

Many other States have moved from darkness into light and put in place a progressive and proactive open records law. And, Mr. Speaker, as I see the situation before us, if we reject the proposal to postpone and affirmatively vote for SB 1 and send this bill to the Governor's desk, following the Governor's signature, there is an implementation process. There is a regulatory scheme that will come about as we deal with implementation.

And so, Mr. Speaker, the concerns as it relates to domestic violence are concerns that I am confident that our Excellency coupled with our various departments will address that if, in fact, that is real. Mr. Speaker, I am confident that the concerns that have been raised about realtors is something that can and will be addressed during that regulatory process following the Governor's signature. And thirdly, Mr. Speaker, I am confident that Meals on Wheels, however they are impacted, if there is an issue, that issue can be dealt with during the regulatory process.

Mr. Speaker, I know most of my colleagues, but, Mr. Speaker, I doubt very seriously whether there is anybody in the Pennsylvania Senate, in the Pennsylvania House, or a part of the executive branch of government that is going to allow a law to be implemented that threatens the privacy of those victims of domestic violence, that threatens or interferes with the good work of Meals on Wheels, or interferes with any of the other concerns that have been raised.

I caution members to take due notice that out of all the conversations, I have not been referenced one time with where in SB 1 there is a problem as it relates to existing law or as it relates to facts that we have before us.

Mr. Speaker, I doubt whether the honorable gentleman from Delaware County, Senator Pileggi, or I doubt whether the 50 members of the Pennsylvania Senate would send a bill to the House that threatens victims of domestic violence. I doubt that very seriously, Mr. Speaker.

And so I have to treat, I have to treat this minimum opposition to moving SB 1 forward, I have to look at it with a jaundiced eye. And as I look at it with a jaundiced eye, I have to question whether or not we are all on the same page in bringing Pennsylvania from darkness into light by putting forth a progressive and proactive public records law.

So, Mr. Speaker, in essence, what I am saying is, that whatever concerns that we have, especially concerns as it relates to victims of domestic violence, as it relates to Meals on Wheels or as it relates to the other concerns that have been raised, I am sure that if that is a factual issue as it relates to SB 1, then I am confident that the Governor's Office, in conjunction with the General Assembly, in conjunction with this Executive Cabinet will deal with that prior to enforcement and/or implementation of SB 1.

So, Mr. Speaker, I am not prepared, I am not prepared to put Pennsylvanians off another day from having access to public records. I am not prepared to do that. And so, Mr. Speaker, I urge my colleagues on both sides of the aisle— Because open records is not a Democrat nor is it a Republican issue, it is a people's issue. We should not even in 2008 be discussing whether or not the public should have access to certain records. That should be a moot issue in 2008, but here we are. And because we are where we are, let us not delay. Let us not delay providing the public with access to public records any longer.

Mr. Speaker, I urge my colleagues to vote "no" to postponement and "yes" to passage of an open records law in the Commonwealth of Pennsylvania. Thank you.

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

#### **LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative FRANKEL be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

#### **CONSIDERATION OF SB 1 CONTINUED**

The SPEAKER. Representative Maher.  
Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

At Thanksgiving the Republican Party successfully maneuvered to keep us from voting an open records proposal. Subsequent to that, on a second occasion when Representative Curtis Thomas and the Intergovernmental Affairs Committee tried to project an additional proposal on open records, the Republican House chamber decided to contravene that effort.

There are four caucuses in the State legislature. The Democrats in the Senate have seen fit to support this measure. The Republican leadership team – the Senate Republicans led by Dominic Pileggi, whose name is affixed as the prime sponsor of this proposal – are steadfast and square in their support of this proposal. The House Democrats are in favor of this open records law being sent to the Governor forthwith tonight. Thirteen months; 13 months.

Unequivocally, the Republican Party is trying to delay again and again and again, stall tactics after stall tactics. The idea that we would want victims of domestic violence to have their names available is sheer folly. The language in the proposal disallows that, and that should not be allowed to remain on the record.

This is a solid proposal, which has been repeated several times 50 to nothing from the Senate, and to delay is obviously to obstruct. I would ask that a negative vote be rendered for the Maher proposition.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. Let us go ahead and vote and come back Tuesday with an amendment that we can all embrace and solve these problems that I think most of us recognize are real problems. So let us just go ahead, postpone till Tuesday, come

back, get it done right, protect the people in Pennsylvania, and have a great open records law.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—100

Adolph	Fleck	Marsico	Rapp
Argall	Gabig	McIlhattan	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	Harper	Moul	Rubley
Boyd	Harris	Moyer	Saylor
Brooks	Helm	Murt	Scavello
Cappelli	Hennessey	Mustio	Schroder
Causer	Hershey	Nailor	Smith, S.
Civera	Hess	Nickol	Sonney
Clymer	Hickernell	O'Neill	Stairs
Cox	Hutchinson	Payne	Steil
Creighton	Kauffman	Peifer	Stern
Cutler	Keller, M.	Perry	Stevenson
Dally	Kenney	Perzel	Swanger
Denlinger	Killion	Petri	Taylor, J.
DiGirolamo	Mackereth	Phillips	True
Ellis	Maher	Pickett	Turzai
Evans, J.	Major	Pyle	Vereb
Everett	Mantz	Quigley	Vulakovich
Fairchild	Marshall	Quinn	Watson

NAYS—98

Belfanti	Galloway	Manderino	Shimkus
Bennington	George	Mann	Smith, K.
Bianucci	Gerber	Markosek	Smith, M.
Bishop	Gergely	McCall	Solobay
Blackwell	Gibbons	McGeehan	Staback
Brennan	Goodman	McI. Smith	Sturla
Buxton	Grucela	Melio	Surra
Caltagirone	Haluska	Mundy	Tangretti
Carroll	Hanna	Myers	Taylor, R.
Casorio	Harhai	O'Brien, M.	Thomas
Cohen	Harkins	Oliver	Vitali
Conklin	Hornaman	Parker	Wagner
Costa	James	Pashinski	Walko
Cruz	Josephs	Payton	Wansacz
Curry	Keller, W.	Petrarca	Waters
Daley	Kessler	Petrone	Wheatley
DeLuca	King	Ramaley	White
DePasquale	Kirkland	Readshaw	Williams
Dermody	Kortz	Roebuck	Wojnarowski
DeWeese	Kotik	Sabatina	Yewcic
Donatucci	Kula	Sainato	Youngblood
Eachus	Lentz	Samuelson	Yudichak
Evans, D.	Levdansky	Santoni	
Fabrizio	Longietti	Seip	O'Brien, D., Speaker
Freeman	Mahoney	Shapiro	

NOT VOTING—0

EXCUSED—5

Frankel	Pallone	Preston	Siptroth
Leach			

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

The SPEAKER. The House will be at ease.

The House will come to order.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1742, PN 3091**, entitled:

An Act requiring scrap processors and recycling facility operators to collect certain information relating to the purchase of scrap material; requiring commercial accounts; and restricting scrap processors and recycling facility operators from purchasing certain materials.

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentlelady from Northampton County, Representative Beyer, who moves to suspend the rules for the purpose of offering amendment A05481, which the clerk will read.

The clerk read the following amendment No. **A05481**:

- Amend Sec. 3, page 4, line 9, by striking out "A" and inserting  
Except as provided in subsection (c), a
- Amend Sec. 3, page 4, line 13, by striking out "\$100" and inserting  
\$250
- Amend Sec. 3, page 4, lines 23 through 27, by striking out all of said lines
- Amend Sec. 3, page 4, line 28, by striking out "(5)" and inserting  
(4)
- Amend Sec. 3, page 4, line 30, by striking out "(6)" and inserting  
(5)
- Amend Sec. 3, page 5, by inserting between lines 8 and 9  
(c) Unique identification number.—Any scrap processor and recycling facility operator who establishes a unique identification number for every seller based on the initial collection of the seller's information required under subsection (a) that is documented on each seller's receipt shall only be required to set forth the information that is required under subsection (b) for subsequent transactions.
- Amend Sec. 3, page 5, line 9, by striking out "(c)" and inserting  
(d)
- Amend Sec. 3, page 5, line 15, by striking out "(d)" and inserting  
(e)
- Amend Sec. 3, page 5, line 27, by striking out "three business days" and inserting  
24 hours
- Amend Sec. 3, page 6, line 4, by striking out "three business days" and inserting  
24 hours
- Amend Sec. 3, page 6, line 7, by striking out "three days" and inserting  
24 hours
- Amend Sec. 3, page 6, line 11, by striking out "(e)" and inserting  
(f)



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

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes Representative Beyer on the motion to suspend.

The House will be at ease.

The lady, Representative Beyer, indicates that both of her amendments are withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS—151

Adolph	Gabig	Mantz	Reichley
Argall	Galloway	Marshall	Roae
Baker	Geist	McCall	Roebuck
Barrar	George	McGeehan	Ross
Bear	Gibbons	McI. Smith	Rubley
Belfanti	Gillespie	McIlhattan	Sabatina
Beyer	Gingrich	Melio	Sainato
Biancucci	Godshall	Mensch	Samuelson
Bishop	Goodman	Micozzie	Saylor
Blackwell	Grell	Millard	Scavello
Boback	Grucela	Miller	Schroder
Boyd	Haluska	Moul	Seip
Brennan	Hanna	Moyer	Shapiro
Caltagirone	Harhart	Mundy	Shimkus
Cappelli	Harkins	Murt	Smith, K.
Carroll	Harper	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causser	Hennessey	Nailor	Steil
Civera	Hershey	Nickol	Sturla
Clymer	Hess	O'Brien, M.	Swanger
Cohen	Hickernell	O'Neill	Tangretti
Conklin	Hornaman	Oliver	Taylor, J.
Cruz	James	Parker	Taylor, R.
Curry	Josephs	Pashinski	Thomas
Cutler	Keller, M.	Payne	True
Daley	Keller, W.	Payton	Vereb
Dally	Kenney	Petri	Vitali
DeLuca	Kessler	Petrone	Vulakovich
DePasquale	Killion	Phillips	Walko
DeWeese	King	Pickett	Wansacz
DiGirolamo	Kirkland	Pyle	Waters
Donatucci	Kotik	Quigley	Watson
Eachus	Kula	Quinn	Williams
Ellis	Lentz	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Youngblood
Fabrizio	Mahoney	Raymond	
Fairchild	Manderino	Readshaw	O'Brien, D.,
Fleck	Mann	Reed	Speaker
Freeman			

NAYS—47

Bastian	Gerber	Marsico	Solobay
Benninghoff	Gergely	Metcalfe	Sonney
Bennington	Harhai	Milne	Stern
Brooks	Harris	Peifer	Stevenson
Buxton	Hutchinson	Perry	Surra
Costa	Kauffman	Perzel	Turzai
Cox	Kortz	Petrarca	Wagner
Creighton	Levdansky	Rock	Wheatley
Denlinger	Mackereth	Rohrer	White
Dermody	Maher	Santoni	Yewcic
Evans, J.	Major	Smith, M.	Yudichak
Everett	Markosek	Smith, S.	

NOT VOTING—0

EXCUSED—5

Frankel	Pallone	Preston	Siproth
Leach			

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

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

STATEMENT BY MR. PASHINSKI

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

Mr. PASHINSKI. Mr. Speaker, a point of personal privilege, please.

The SPEAKER. Is the gentleman asking to be recognized under unanimous consent?

Mr. PASHINSKI. Regarding HB 1742; yes, sir.

The SPEAKER. The Chair sees no objection. The gentleman is in order.

Mr. PASHINSKI. At this point I would like to sincerely thank all the members of both parties for supporting this HB 1742. The purpose of this bill is to help law enforcement secure and protect our constituents from theft and robberies relative to nonferrous metals.

I do not believe there is one legislator in this hall that has not experienced scrap metal theft in your district. By passing this bill, you have taken the first step in aiding law enforcement to help to continue to protect our communities.

I would like to also thank Representative Boyd and Representative Beyer for their help throughout this entire process and on behalf of myself, to all of you, thank you very much.

I would like to submit these comments for the record. Thank you.

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

The House will be temporarily at ease.

The House will come to order.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 2179** By Representatives DALEY, HESS, THOMAS, SIPTROTH, SCAVELLO, MCGEEHAN, GEORGE, BELFANTI, BRENNAN, CARROLL, JAMES, JOSEPHS, MAHONEY, MYERS, SANTONI, WALKO, BENNINGTON, HARHAI, KOTIK, WAGNER, J. WHITE and YEWCIC

An Act amending Titles 7 (Banks and Banking) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating the mortgage loan industry in terms of practice, licensure and penalties; and providing for unlicensed mortgage loan activity.

Referred to Committee on COMMERCE, February 6, 2008.

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

**HB 61, PN 86** By Rep. DALEY

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for exempt transactions and for burden of proof.

COMMERCE.

**HB 462, PN 525** By Rep. LEVDANSKY

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

FINANCE.

**HB 813, PN 931** By Rep. DALEY

An Act requiring proper maintenance of abandoned businesses in cities; establishing the Abandoned Business Facilities Fund; conferring powers and duties on the Department of Community and Economic Development; and providing for penalties and remedies.

COMMERCE.

**HB 2034, PN 3198 (Amended)** By Rep. OLIVER

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

HEALTH AND HUMAN SERVICES.

The SPEAKER. It is the intention of the Chair to recess regular session and recall the special session at 5:26.

**RECESS**

The SPEAKER. Regular session will now stand in recess.

**AFTER RECESS**

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

**HOUSE SCHEDULE**

**DEMOCRATIC CAUCUS**

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. I just wanted to indicate that we will return on Monday. I believe the Democrats will caucus at noon. Is that correct, Mr. Speaker?

And I am told that as we approach the smoke-free Pennsylvania compromise language, there will be a meeting tomorrow of Republican staff and Democratic staff. I hope that in the spirit of cooperation, as evinced by the other side, that we can have a productive meeting tomorrow as we look forward to smoke-free Pennsylvania legislation being generated in that staff setting.

Thank you very much.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. For the information of the members, tomorrow is a token session day. It is the intention of the Chair since it is token, to move the time of session, of token session to 8:45. Many of you know that Clancy Myer's father has passed away. This convening early tomorrow will allow members who choose to attend his father's funeral to do so.

**PARLIAMENTARY INQUIRY**

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

Mr. MAHER. A parliamentary inquiry, Mr. Speaker.

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

Mr. MAHER. Can the Speaker share with the members which bills you are anticipating being on the calendar and having action taken during tomorrow's session?

The SPEAKER. The gentleman is in error. It is a nonvoting session tomorrow; it is a token session.

Mr. MAHER. I am sorry, Mr. Speaker, I am thinking about things like first consideration. For instance, HB 2230, if that is coming up for first consideration? I know there are several on this side that wish to express our constitutional prerogative that the "yeas" and "nays" be taken on any question that we have — full debate before that bill gets too much further down the pike. So I suppose I am asking for the Chair's assurance that there would not be any action on HB 2230 tomorrow.

The SPEAKER. It is customary for the desk to be open for reports from committee. The Chair has no knowledge of any action that is going to take place tomorrow.

Mr. MAHER. Thank you, Mr. Speaker.

So if I am understanding correctly, you would anticipate that the Chair would receive reports but would not be moving any bills through first or second consideration. Is that correct?

The SPEAKER. The Chair is trying to respond to the gentleman's inquiry. The desk will be open for reports and communications from the majority leader's office. The Chair has no knowledge of any action that is going to take place tomorrow.

Mr. MAHER. Thank you, Mr. Speaker.

**DEMOCRATIC CAUCUS**

The SPEAKER. Representative Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, next week is going to be a busy week. In order to help expedite matters next week so we get as much done as possible, I am calling a caucus at noon – noon on Monday – so we can get a running start on the day's activities.

The SPEAKER. Are there any other announcements?

**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 Quinn of Bucks County, who moves that this House do now adjourn until Thursday, February 7, 2008, at 8:45 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:35 p.m., e.s.t., the House adjourned.