

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 25, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 46

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

The SPEAKER. The prayer will be offered by Pastor Craig Smith, who is the guest of Representative Rapp.

PASTOR W. CRAIG SMITH, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Almighty God, we come this morning to offer our praise and our thanks for this day that You have given this great Commonwealth. We have been blessed in this State as part of a great and a wonderful nation. There is no State with more beauty and natural creation than this State, the four seasons more beautiful than any place else in the world. Thank You, God, for all You have given to us.

We give You thanks for this form of government that we call democracy, and as this House of Representatives meets today to iron out the differences in this proposed budget, help each one to put aside any agendas, to look for the common good for all of Pennsylvania. Give this group of men and women wisdom and discernment on this issue. Be with all and direct all facets of this great government that all work in this session will be done for the needs of this State and for the nation. We ask You for direction and we give You praise and glory.

The psalmist writes, "I will extol the Lord with all my heart in the council of the upright and in the assembly. Great are the works of the Lord; they are pondered by all who delight in them. Glorious and majestic are his deeds; his righteousness endures forever. He has caused his wonders to be remembered; the Lord is gracious and compassionate. He provides food for those who fear him; he remembers his covenant forever."

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, June 24, 2008, will be postponed until printed. The Chair hears no objection.

#### GUESTS INTRODUCED

The SPEAKER. The Chair invites Representative Rapp to the podium for an introduction.

Representative Rapp is in order.

Ms. RAPP. Thank you, Mr. Speaker.

I am very pleased today to, first of all, have Pastor W. Craig Smith here today, who led the prayer and delivered the opening House floor invocation today.

Here today, also from my district, are his wife, Roberta – Bobbi – who is over to my left, and my staff person from my Kane office, Jill Thompson, and I would really like it if the members would welcome them today. They drove 4 hours to be here today.

And also, this is a special day for Pastor Smith as he is celebrating his 70th birthday.

Thank you.

#### GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome guests of Representative Ramaley. In the back of the House, we have Delphine Strine, the State president of the American Legion Auxiliary; Kathy Foor, the State chairman of the American Legion Auxiliary; and Richelle Tittiger of Ambridge, Pennsylvania, 2007 Governor of Keystone Girls State and 2008 National Honor Society member. Would you please stand and be recognized.

The Chair would like to welcome, as the guests of Representative Brennan, Jordan Toman, who is a guest page, and his parents, Randy and Karen Toman. His parents are in the gallery. Would you please stand and be recognized. And Jordan, I believe, is standing in the well of the House.

#### "THERE OUGHT TO BE A LAW" CONTEST WINNERS INTRODUCED

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

Mrs. HARHART. Thank you, Mr. Speaker.

Every year I do a "There Ought To Be a Law" contest in my district, and this contest was designed to stimulate interest in State government. Each student submitted one idea for a new

law in Pennsylvania. There are 56 elementary school entries and 88 high school entries. The participants were from the Northampton, Northern Lehigh, and Catasauqua School Districts and consisted of six different classes. Certificates were passed out to all participants last month. Two contest winners are here today to be recognized. They are Megan Walter and Valerie Cuth.

Megan is a fourth grade student from a Northampton grade school, which is the Colonel John Siegfried Elementary School, and we have Megan, who introduced a law requiring food manufacturers to make food packaging out of recycled materials, thus amending the act of December 7, 1994, known as the Safe Packaging Act, providing for recycling packaging for food containers.

Valerie is a student at Northampton High School. Valerie introduced tort reform law amending the act of March 20, 2002, known as the Medical Care Availability and Reduction of Error, the Mcare Act, providing for medical professional liability actions.

Ladies and gentlemen, I do have in the back of the hall my two contest winners and their families and the grandfather, which I have their names here. If we would have Megan Walter stand, please, with her family. Gregg is her father, is the parent. We have Valerie Cuth, who is the "There Ought To Be a Law" winner, and Theresa and Brian Cuth are the parents; Tiffany is her sister; and we have the grandfather, Richard Cuth. So I would like you to welcome them. They are standing in the back of the hall, and I would like you to welcome and congratulate the two contest winners.

And one other, I also have Andrew Carroll, who works in my district office this summer, and I will tell you, this smart young man is going places. He does a dynamic job. So, Andrew, raise your hand and wave. Welcome, Andrew.

Thank you. Thank you, Mr. Speaker.

### GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome, as the guests of Representative Ramaley, Tara and William Golgosky and their children, Marissa, Olivia, and Will. They are in the balcony. Would you please stand and be recognized.

### BRIAN DELATE INTRODUCED

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

It is indeed an honor for me to introduce a visitor and his family to the chamber of the House from my district.

I am going to first talk about what the— He is a Vietnam veteran. He wrote a story and made a movie. "Soldier's Heart" is the name of the movie, and it really deals with posttraumatic stress disorder. "Soldier's Heart" is about Elliot, a Vietnam War Veteran with money woes, a wife who survived cancer, but now wants a baby, an inability to connect with his ailing father, and a case of...(Post Traumatic Stress Disorder) that won't let go. But in the process of participating in a documentary about the war, and with the wise help of Richie, his oldest friend and fellow vet, he walks through his fears and embraces the possibilities of a life of hope – and maybe a life beyond his wildest dreams...."

The movie is a "Soldier's Heart." The writer and director is an actor, Brian Delate. He is in the back with his wife, Karen, and Tirsia. I would like to welcome them to the hall, if they would please rise.

He won an award. He won an award in DC, and the movie itself is available. If any of the members want the information, I will— The proceeds of the movie are going to go to veterans programs. So I recommend it to the members. It is [www.soldiersheartthemovie.com](http://www.soldiersheartthemovie.com), and I have seen the movie; I viewed it. It is a great movie, and I recommend it to the members.

Thank you. Thank you, Mr. Speaker.

The SPEAKER. The House will be at ease.

The House will come to order.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair gives the Education Committee permission to continue to meet.

### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence. The Chair recognizes the majority whip, who requests that Representative CURRY of Montgomery County, Representative PETRONE of Allegheny County, and Representative DONATUCCI of Philadelphia County be placed on leave for today. The Chair hears no objection. The leaves will be granted.

The Chair recognizes the minority whip, who requests that Representative RUBLEY be placed on leave for the week. The Chair hears no objection. The leave will be granted.

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—199

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

Carroll	Hennessey	Nailor	Steil
Casorio	Hershey	Nickol	Stern
Causer	Hess	O'Brien, M.	Stevenson
Civera	Hickernell	O'Neill	Sturla
Clymer	Hornaman	Oliver	Surra
Cohen	Hutchinson	Pallone	Swanger
Conklin	James	Parker	Tangretti
Costa	Josephs	Pashinski	Taylor, J.
Cox	Kauffman	Payne	Taylor, R.
Creighton	Keller, M.K.	Payton	Thomas
Cruz	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGiroamo	Leach	Quigley	Watson
Eachus	Lentz	Quinn	Wheatley
Ellis	Levdansky	Ramaley	White
Evans, D.	Longietti	Rapp	Williams
Evans, J.	Mackereth	Raymond	Wojnaroski
Everett	Maher	Readshaw	Yewcic
Fabrizio	Mahoney	Reed	Youngblood
Fairchild	Major	Reichley	Yudichak
Fleck	Manderino	Roae	
Frankel	Mann	Rock	O'Brien, D.,
Freeman	Mantz	Roebuck	Speaker
Gabig			

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—4

Curry	Donatucci	Petrone	Rubley
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## LEAVES ADDED—1

Stairs

## LEAVES CANCELED—2

Donatucci      Stairs

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

## GUEST INTRODUCED

The SPEAKER. The Chair would like to recognize a very special guest page, Dylan Cox, who is the son of Representative Jim Cox. Would you please stand and be recognized.

## CALENDAR

## RESOLUTION PURSUANT TO RULE 35

Mr. R. TAYLOR called up **HR 796, PN 3968**, entitled:

A Resolution honoring the life of volunteer firefighter Raymond Simonis III, of Ambler, Pennsylvania, who tragically died as a result of performing firefighting duties in Upper Dublin Township, Montgomery County, and expressing condolences.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Members will take their seats. We are about to take up a condolence resolution.

The Sergeants at Arms will close the doors of the House. Members and guests will please take their seats. The Sergeants at Arms will close the doors of the House.

The Chair recognizes Representative Taylor on the resolution.

Mr. R. TAYLOR. Today I rise for a solemn occasion. Today we are taking a moment to honor the life of a fallen firefighter. Raymond Simonis III of the Wissahickon Fire Company was dedicated to serving his community to the end. His last call was on December 19, 2007. He responded to a mutual aid structure fire as part of the Ladder 7 crew, a crew he actively volunteered with for nearly 19 years. There he successfully located the source of the smoke. Sadly, though, within hours of the incident he died of a massive heart attack, which was ruled to be related to the call that he had just served. He was only 48.

Everybody who knew him said he was a happy-go-lucky guy with a funny story, a joke, or an impression. He loved to fish and coach his daughters, and on Sundays, well, they were reserved for the Eagles. He taught life lessons that were imported upon his daughters about determination and getting the job done, and his presence is missed. His presence is missed in my community of Ambler, his presence is missed with all of his friends, and his presence is certainly missed with his family.

## GUESTS INTRODUCED

Mr. R. TAYLOR. Today we are joined by his wife, Chris; his daughters, Marika, Alyssa, and Gabriella; and his parents, Ray and Estelle. They sit to the left of the Speaker's rostrum. Will Ray's family please stand to be recognized.

Also with them are family, friends, and from the Wissahickon Fire Company, Chief John Leadbeater; Steve Blodgett, and Lisa, the chief's wife, up in the balcony.

Right now I ask you today, as we honor and remember Ray's service, I would ask and Representative Harper would ask that you vote in the affirmative for this resolution.

Thank you very much.

The SPEAKER. Members and guests will please rise as a sign of respect for our fallen hero, Raymond Simonis III.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Raymond Simonis III.)

The SPEAKER. Members and guests may be seated.

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

The following roll call was recorded:

## YEAS—199

Adolph	Galloway	Markosek	Rohrer
Argall	Geist	Marshall	Ross
Baker	George	Marsico	Sabatina

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Curry      Donatucci      Petrone      Rubley

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

The SPEAKER. The Sergeants at Arms will open the doors of the House.

### CAMP HILL HIGH SCHOOL BOYS BASEBALL TEAM PRESENTED

The SPEAKER. The Chair requests that Representative Grell come to the podium for a presentation.  
Representative Grell is in order.

Mr. GRELL. Thank you, Mr. Speaker.

Today I am pleased to recognize another team of State champions from the 87th Legislative District. Today I am honored to host and introduce the 2008 PIAA Class A Championship Baseball Team from Camp Hill High School. Riding a tidal wave in the postseason and fueled by the two-hit pitching gem by Matt Spiegel, the Camp Hill Lions defeated Carmichaels High School 2 to 0 on June 13 to claim the State title.

Regarded as a long shot in the postseason, the Lions took turns being the hero to rack up five straight wins on the way to the State title.

Joining me today are team captain, James Rish; also the coaches, Brad Shover and Michael Dickson; and the principal of Camp Hill High School, Jim Robertson. Also in the back of the House chamber are the remaining members of the team: Matthew Robertson, Lawrence Thompson, Seth Crossley, Tyler Shover, Matt Spiegel, Michael Frankenfield, Matthew Boyd, Parker Marsh, Luke Hoffman, Thomas Kline, Colton Powden, Sam Sheesley, Jason Updegraff, Angelo Zanger, and team trainer, Lisa Simpson. Please stand in the back, and join me in welcoming and congratulating this team of State champions.

The SPEAKER. The Chair would also invite Mike Rish, a valued staff person of this chamber, to come join his son, who is the captain, James Rish.

### GUEST INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guest of Representative Gordon Denlinger, Josh Martin, who is serving as a guest page. He is in the front of the Speaker. Would you please stand and be recognized.

### RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, for an announcement.

The SPEAKER. The gentleman is in order.

Mr. GRUCELA. Mr. Speaker, there will be an immediate meeting of the Rules Committee in the majority caucus room, an immediate meeting of the Rules Committee in the majority caucus room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

### RECESS

The SPEAKER. The House will stand in recess to the call of the Chair. The Chair anticipates resuming business on the floor at approximately 11:55.

### AFTER RECESS

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

**THE SPEAKER PRO TEMPORE  
(CAMILLE GEORGE) PRESIDING**

**BILLS REREPORTED FROM COMMITTEE**

**HB 328, PN 379** By Rep. DeWEESE

An Act establishing the Adopt-a-River Program; providing for powers and duties of the Department of Conservation and Natural Resources; and making an appropriation.

RULES.

**HB 1620, PN 4001** By Rep. DeWEESE

An Act amending the act of December 20, 2000 (P.L.949, No.130), known as the Neighborhood Improvement District Act, further providing for creation of neighborhood improvement district management associations; establishing casino neighborhood improvement districts and casino neighborhood improvement district management associations; conferring powers and duties on municipal corporations and casino neighborhood improvement districts; imposing a special property assessment fee; providing for tourism and marketing and for annual audits; and making repeals.

RULES.

**HB 2183, PN 4024** By Rep. DeWEESE

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, defining "general complaint," "immediate jeopardy" and "priority complaint"; and providing for complaint investigations.

RULES.

**HB 2490, PN 3681** By Rep. DeWEESE

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair acts.

RULES.

**HB 2621, PN 4023** By Rep. DeWEESE

An Act establishing the Pipeline Replacement and Rehabilitation Program and the Pipeline Replacement and Rehabilitation Fund; providing for powers and duties of the Pennsylvania Infrastructure Investment Authority and the Pennsylvania Public Utility Commission; and authorizing a public referendum.

RULES.

**HB 2648, PN 4035** By Rep. DeWEESE

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, defining "committee"; further providing for powers and duties of the council; providing for the establishment of a Health Care Cost Containment Council Act Review Committee; and further providing for expiration.

RULES.

The SPEAKER pro tempore. Those bills will be placed on the active calendar.

**CALENDAR CONTINUED**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1596, PN 3574**, entitled:

An Act amending the act of July 2, 2004 (P.L.492, No.57), known as the Sign Language Interpreter and Transliterator State Registration Act, further providing for definitions, for responsibilities of Office for the Deaf and Hard of Hearing and for State registration required; providing for provisional registration; and further providing for change of personal information, for registration violations and for suspension, denial, nonrenewal or revocation of State registration.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

The Chair recognizes Representative Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, would the prime sponsor stand for brief interrogation?

Mr. EACHUS. I would be happy to, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. NAILOR. Thank you, Mr. Speaker.

I was just wondering, could you give us a brief explanation of what you are changing in the current law?

Mr. EACHUS. Sure; I am happy to.

HB 1596 adds section 5.1, which provides provisional registration for those who do sign language. The application for the Department of Labor and Industry would go through the Office for the Deaf and Hard of Hearing. The fee would be \$50 for that provisional registration and proof of an applicant, that he had graduated from an IEP-approved program (individualized education program) with an associate degree or higher, with an accreditation from an institution of higher education, and at least 5 years prior to that application date, proof that the applicant passed a written examination approved by the department of hearing and deaf would be required.

What has happened in the marketplace is we are finding that there are just not enough people to do sign interpretation and that there are barriers that are in the real world, as folks need people in the legal field to do court work, to do various kinds of interpretation, that there is no interim permit allowable for these folks to do sign. So this sets up provisions to do it and a formal structure around it.

This was before the Professional Licensure Committee. We had a hearing in Philadelphia, and I believe it was unanimously supported by the committee.

Mr. NAILOR. Could you tell me if it was supported by the translators and transliterators association?

Mr. EACHUS. Mr. Speaker, I am not aware of an organization that is statewide for transliterators. Can you be more specific about what organization you are thinking of?

Mr. NAILOR. Okay. There was, about a year and a half ago, perhaps a little longer, there was quite a controversy— The initial bill was my legislation. There was quite a controversy over educational translators used in the schools and what their qualifications were to be. Those who qualified on the two national tests, which we required to be registered in Pennsylvania, they opposed the minimal standards, I guess they said, what they had. They felt that they had to meet those national standards, which was impossible to do at the time and still have the number of people in our classes throughout our public schools of Pennsylvania, in my opinion and in the opinion of many. And I guess I am looking at, could these provisional registrations, would they be authorized to go into our schools and be educational interpreters?

Mr. EACHUS. Mr. Speaker, this does not deal with the educational process. That happens in the regulatory code. This deals with the ability to have an interim permittee. I can tell you that the Department of Labor and Industry's Office for the Deaf and Hard of Hearing supports this.

And also, advocates came before the Professional Licensure Committee from the transliterators as well as folks within the broader community who advocate for those who are hearing impaired. There did not seem to be any controversy, and I am unaware of any group that is opposing this legislation at the moment.

Mr. NAILOR. You are not aware of opposition? All right. Thank you.

Mr. EACHUS. You are welcome.

Mr. NAILOR. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 1596. We have had some public hearings on HB 1596, and this is a provisional license. We found that we have college graduates here in Pennsylvania that needed to get some practical experience here in the State, and without this provisional license, Pennsylvania graduates would have to leave this State in order to get this experience.

So we made some tweaks in the legislation from when it was originally introduced, and this is an agreed-to bill and I support the bill wholeheartedly. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—199

Adolph	Galloway	Markosek	Rohrer
Argall	Geist	Marshall	Ross
Baker	George	Marsico	Sabatina
Barrar	Gerber	McCall	Sainato
Bastian	Gergely	McGeehan	Samuelson
Bear	Gibbons	McI. Smith	Santoni
Belfanti	Gillespie	McIlhattan	Saylor
Benninghoff	Gingrich	Melio	Scavello

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—4

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

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

#### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2188, PN 3698**, entitled:

An Act providing for court-appointed conservators to bring residential, commercial and industrial buildings into municipal code compliance when owners fail to comply.

On the question,

Will the House agree to the bill on second consideration?

Mr. **J. TAYLOR** offered the following amendment No. **A07489**:

Amend Sec. 3, page 3, line 15, by striking out ""Cost" and inserting

"Costs

Amend Sec. 3, page 3, line 16, by inserting after "rehabilitation" , maintenance and operation

Amend Sec. 5, page 8, line 20, by inserting after "OWNER," unless the transfer of title results from the death of the prior owner,

Amend Sec. 5, page 11, lines 9 through 13, by striking out all of lines 9 through 12 and "(h)" in line 13 and inserting

(g)

Amend Sec. 5, page 11, line 17, by striking out "(i)" and inserting (h)

Amend Sec. 5, page 11, line 21, by striking out "(j)" and inserting (i)

Amend Sec. 6, page 14, lines 14 through 19, by striking out all of said lines and inserting

(c) Hearing on conservator's final plan for abatement.—

(1) At the time the court appoints a conservator, a hearing date on the conservator's final plan for abatement shall be set within 120 days of the appointment.

(2) Thirty days prior to the date of the hearing, the conservator shall submit the plan to the court and to all parties to the action.

(3) The plan shall include a cost estimate, a financing plan and either a description of the work to be done for the rehabilitation of the building or, if rehabilitation is not feasible, a proposal for the closing, sealing or demolition of the building.

(4) The plan shall conform with all existing municipal codes, duly adopted plans for the area and historic preservation requirements.

(5) At the time of the hearing, all parties shall be allowed to comment on the plan, and the court shall take all comments into consideration when assessing the feasibility of the plan and the proposed financing.

(6) Within 15 days of the hearing, the court shall issue a decision approving the plan or requiring that the plan be amended.

(7) If the court decision requires that the plan be amended, a hearing date shall be set within 60 days from the date of the decision.

Amend Sec. 8, page 15, lines 22 through 24, by striking out "cost of" in line 22, all of line 23 and "building" in line 24 and inserting costs of rehabilitation

Amend Sec. 8, page 15, line 27, by striking out "rehabilitation of the building" and inserting

costs of rehabilitation

Amend Sec. 8, page 16, line 4, by inserting after "IMPROVEMENTS"

or other costs of rehabilitation

Amend Sec. 8, page 16, line 10, by striking out "REHABILITATION ON THE BUILDING" and inserting

costs of rehabilitation

Amend Sec. 8, page 16, line 11, by striking out "OF SUCH REHABILITATION"

Amend Sec. 8, page 16, by inserting between lines 12 and 13

(d) Approval of financing.—The court may approve financing for the costs of rehabilitation, the terms of which may include deferred repayment and use restrictions. The terms of the financing may remain with the property after the conservatorship has ended and be assumed by any of the following:

(1) The owner, if the owner regains possession of the property under section 10(2).

(2) The buyer who takes title under section 9.

Amend Sec. 9, page 16, lines 21 and 22, by striking out all of said lines and inserting

(1) Notice and an opportunity to provide comment to the court was given to each record owner of the property and each lienholder.

Amend Sec. 9, page 16, by inserting between lines 25 and 26

(3) The terms and conditions of the sale are acceptable to the court, and the buyer has a reasonable likelihood of maintaining the property.

Amend Sec. 9, page 17, line 5, by inserting after "encumbrances" which have not been assumed under section 8(d)

Amend Sec. 9, page 17, line 16, by striking out ", insuring or maintaining of the property AND" and inserting

of the property

Amend Sec. 9, page 17, line 17, by striking out "(5)(H)" and inserting

(5)(g)

Amend Sec. 11, page 18, lines 25 through 30; page 19, line 1, by striking out all of said lines on said pages and inserting Section 11. Applicability.

(a) General inapplicability.—This act shall not apply to commercial and residential buildings, structures or land owned by or held in trust for the Federal Government and regulated under the United States Housing Act of 1937 (Public Law 75-412, 50 Stat. 888, 42 U.S.C. § 1437 et seq.) and regulations promulgated under that act.

(b) Inapplicability to service members.—This act shall not apply if the property owner has vacated the property in order to perform military service in time of war or armed conflict as a member of the United States Armed Forces or its reserve component.

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. The Chair recognizes Mr. Taylor.

Mr. **J. TAYLOR**. Thank you, Mr. Speaker.

Amendment 7489 is the latest and hopefully the final adjustment to a bill that has been negotiated and has been around this House for over 10 years. This is the conservatorship legislation, which gives us another tool throughout Pennsylvania for blighted and deteriorated properties.

This amendment reflects changes that were requested by members and stakeholders in this legislation, and I would ask for your support.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Walko.

Mr. **WALKO**. Thank you, Mr. Speaker.

This amendment is agreed to. It makes substantial improvements to the bill. I must say, the bill has been around for about 14 years, Mr. Speaker, but a decade is close enough.

Thank you, Mr. Speaker.

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

## LEAVE OF ABSENCE

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Smith, the minority leader, who requests that the gentleman, Mr. **STAIRS**, be placed on leave for the rest of the day. Hearing no objections, the leave is granted.

**CONSIDERATION OF HB 2188 CONTINUED**

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

The following roll call was recorded:

**YEAS—198**

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

**NAYS—0****NOT VOTING—0****EXCUSED—5**

Curry	Petrone	Rubley	Stairs
Donatucci			

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **HB 2306, PN 3345**, entitled:

An Act amending the act of May 16, 2007 (P.L.3, No.3), entitled, "An act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County," further providing for the date of execution.

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

Mr. **K. SMITH** offered the following amendment No. **A07752**:

Amend Title, page 1, line 1, by striking out "Amending" and inserting

Reenacting and amending

Amend Sec. 1, page line 11, by striking out "1(h)" and inserting  
1

Amend Sec. 1, page 1, line 17, by inserting after "is"  
reenacted and

Amend Sec. 1 (Sec. 1), page 1, line 20, by striking out all of said line and inserting

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the County of Lackawanna Transit System Authority (hereinafter COLTS) certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County.

(b) Description.—The property to be conveyed to COLTS under subsection (a) consists of approximately 2.52 acres of land and improvements thereon bounded and more particularly described as follows:

**LOT 1A**

BEGINNING at a 3/4 inch iron pin, the intersection of the southeasterly right-of-way line of Cliff Street with the southwesterly right-of-way line of Lackawanna Avenue as shown on a plan titled, "The Commonwealth of Pennsylvania - Department of General Services - RD 1216 Pg 289 - Minor Subdivision" dated July, 2005 and prepared by Acker Associates, Inc.;

Thence along said line of Lackawanna Avenue South 51 degrees 28 minutes 04 seconds East four hundred seventy-one and five hundredths (471.05 feet) feet to a point in line of lands of Scranton Mall Associates;

Thence along said lands South 38 degrees 37 minutes 01 second West one hundred three and one hundredth (103.01 feet) feet to a point in line of lands of Lackawanna County Rail Authority;

Thence along said lands of Lackawanna County Rail Authority the following four (4) courses and distances:

1. South 70 degrees 49 minutes 56 seconds West five and ninety-three hundredths (5.93 feet) feet to a point,
2. North 88 degrees 44 minutes 38 seconds West fifty-seven and seventy-nine hundredths (57.79 feet) feet to a point of curvature,



3. along a curve to the right having a radius of nine hundred eighty-eight and thirty-one hundredths (988.31 feet) feet for an arc length of three hundred sixty-one and fifty-one hundredths (361.51 feet) feet (chord bearing and distance being North 68 degrees 51 minutes 46 seconds West 359.50 feet) to a point of tangency, and
4. North 53 degrees 36 minutes 54 seconds West eighty and seven hundredths (80.07 feet) feet to a point on the southeasterly right-of-way line of Cliff Street;

Thence along said line of Cliff Street North 38 degrees 49 minutes 51 seconds East two hundred fifty-three and five tenths (253.50 feet) feet to the point of BEGINNING.

CONTAINING 2.24 acres of land being the same, more or less.

#### LOT 1B

BEGINNING at a 5/8 inch rebar on the southeasterly right-of-way line of Cliff Street, said point also being a common corner of lands the National Park Service and Lot 1B as shown on a plan titled, "The Commonwealth of Pennsylvania - Department of General Services - RB 1216 Pg 289 - Minor Subdivision" dated July, 2005 and prepared by Acker Associates, Inc.;

Thence along said line of Cliff Street North 38 degrees 49 minutes 51 seconds East thirty-nine and twenty-six hundredths (39.26 feet) feet to a point in line of Lackawanna County Rail Authority;

Thence along said lands of Lackawanna County Rail Authority the following two (2) courses and distances:

1. South 51 degrees 32 minutes 09 seconds East one and forty-eight and thirty-nine hundredths (148.39 feet) feet to a point, and
2. South 66 degrees 46 minutes 09 seconds East fifty-five and twenty-six hundredths (55.26 feet) feet to a point;

Thence along Lot 2 the following three (3) courses and distances:

1. South 25 degrees 41 minutes 58 seconds West eleven and fifty-nine hundredths (11.59 feet) feet to a point,
2. South 39 degrees 59 minutes 28 seconds West fifty-eight and five hundredths (58.05 feet) feet to a point, and
3. South 48 degrees 45 minutes 01 second West twenty-two and ninety-five hundredths (22.95 feet) feet to a point in line of lands of the National Park Service;

Thence along said lands of the National Park Service North 40 degrees 40 minutes 45 seconds West two hundred two and five tenths (202.50 feet) feet to the point of BEGINNING.

CONTAINING 12,315 square feet (0.28 acres) of land being the same, more or less.

(c) Exchange.—The conveyance authorized by subsection (b) shall be in exchange for the conveyance, by special warranty deed, from COLTS, to the Commonwealth of Pennsylvania, acting by and through its Department of General Services, of all that certain piece or parcel of land situate in the City of Scranton, Lackawanna County, Pennsylvania, bounded and described as follows:

All that certain lot, piece or parcel of land situate in the 8th Ward, City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows:

Beginning at a point located on the northeasterly side of Lackawanna Avenue, said point being also located by a bearing of N 39 degrees 00 minutes W, and a distance of 138.0 feet as measured along the northeasterly side of Lackawanna Avenue from its intersection with the northwesterly right-of-way line of the D.L. & W. R.R.; thence, along the line of Lackawanna Avenue N 39 degrees 00 minutes W, 294.52 feet to a point of intersection with a curve measured radially 100 feet from the center line of the D. & H. R.R. Co.; thence on a curve to the left parallel to the center line of said D. & H. R.R. and 100 feet therefrom, said curve having a radius of 750.14 feet and length of 867.02 feet with a long chord bearing and distance of N 71 degrees 01 minute E, 819.55 feet to a point; thence S 39 degrees 00 minutes E, 45.04 feet to a point on the northwesterly right-of-way line of the D.L. & W. R.R.; thence along said right-of-way the following two courses and distances (1) on a curve to the right, having a radius of 4,037.11 and length of 278.15 and a long

chord bearing and distance of a 31 degrees 32 minutes W, 278.10 feet and (2) S 47 degrees 38 minutes W, 208.68 feet to a corner of other lands of the S.R.A.; thence along lands of said S.R.A., the following two courses and distances (1) N 39 degrees 00 minutes W, 136.0 feet and (2) S 51 degrees 00 minutes W, 300.0 feet to the place of beginning.

Containing 2.277 acres of land more or less as surveyed by John R. Hennemuth, Registered Civil Engineer.

#### Parcel 18-A

All that certain lot, piece or parcel of land situate in the 8th Ward, City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows:

Beginning at a point located on the northeasterly side of Lackawanna Avenue, said point being also located by a bearing of N 39 degrees 00 minutes W and a distance of 138.00 feet as measured along the northeasterly side of Lackawanna Avenue from its intersection with the northwesterly right-of-way line of the D. L. & W. R.R., said point being also common to a corner of Parcel 18 of the S.R.A. as shown on drawing D-14-72 by John R. Hennemuth, P.E.; thence along the line of parcel 18, N 51 degrees 00 minutes E, 300 feet to a corner; thence still along the line of Parcel 18, S 39 degrees 00 minutes E, 6.0 feet to a corner; thence over and across other lands of the S.R.A., S 51 degrees 00 minutes W, 300.0 feet to a point on the northeasterly side of Lackawanna Avenue; thence along the side of said Avenue N 39 degrees 00 minutes W, 6.0 feet to the place of beginning. Containing 0.041 acres of land and shown as Parcel 18-A on drawing B-22-72 by John R. Hennemuth, Registered Civil Engineer.

CONTAINING 2.318 acres, more or less.

The conveyance described in this section shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Easements.—The conveyance described in subsection (b) shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(e) Special warranty deed.—The conveyance described in subsection (b) shall be by special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Covenants.—Any conveyance authorized under subsection (b) shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under the laws of this Commonwealth. The condition shall be a covenant running with the land and shall be binding upon the grantee, its successors and assigns. Should the grantee, its successors or assigns permit any portion of the property authorized to be conveyed in this section to be used in violation of this section, the title shall immediately revert to and revest in the grantor.

(g) Costs and fees.—All costs and fees incidental to the conveyance authorized by this act shall be borne by the grantee.

Amend Sec. 1 (Sec. 1), page 2, lines 2 and 3, by striking out all of line 2 and "section" where it appears the first time in line 3 and inserting

executed [within 12 months of the effective date of this section] by May 16, 2010

Amend Bill, page 2, by inserting between lines 4 and 5

Section 2. Section 2 of the act is reenacted to read:

Section 2. This act shall take effect immediately.

Amend Sec. 2, page 2, line 5, by striking out "2" and inserting  
3

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

The SPEAKER pro tempore. The Chair recognizes Mr. Smith.

Mr. K. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment, and what it does is it changes the sunset law from 12 to 36 months, and I would ask the members for an affirmative vote.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Curry  
Donatucci

Petrone

Rubley

Stairs

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.)

#### BILLS REMOVED FROM TABLE

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

SB 1028;  
SB 1093; and  
SB 1297.

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

#### BILLS RECOMMITTED

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

SB 1028;  
SB 1093; and  
SB 1297.

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

#### BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be removed from the active calendar and recommitted to the Committee on Appropriations:

HB 328;  
HB 1620;  
HB 2183;  
HB 2490;

HB 2621; and  
HB 2648.

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

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2182, PN 4025**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for onsite complaint investigations and plans of correction.

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

### BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 2182 be removed from the active calendar and recommitted to the Committee on Appropriations.

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

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 819** By Representatives CONKLIN, WHEATLEY, JOSEPHS, SWANGER, McGEEHAN, MOYER and KORTZ

A Resolution requesting the Department of Education to establish the Genocide, Human Rights and Tolerance Education program for secondary students.

Referred to Committee on EDUCATION, June 25, 2008.

**No. 822** By Representatives MANN, BAKER, BELFANTI, BENNINGTON, BEYER, BRENNAN, COHEN, FRANKEL, FREEMAN, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, JAMES, KULA, MURT, MYERS, M. O'BRIEN, PALLONE, ROCK, SCAVELLO, SHIMKUS, SIPTROTH, SOLOBAY, J. TAYLOR, THOMAS, VULAKOVICH and YOUNGBLOOD

A Concurrent Resolution directing the Joint State Government Commission to create a chronic pain task force and advisory committee to promote professional and public education and awareness and to improve the quality of care for chronic pain patients.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 25, 2008.

**No. 824** By Representatives WHEATLEY, BISHOP, BRENNAN, CALTAGIRONE, COHEN, FRANKEL, GINGRICH, GRUCELA, HERSHEY, JAMES, JOSEPHS, KIRKLAND, KORTZ, KOTIK, KULA, LEVDANSKY, MELIO, MUNDY, MURT, MYERS, PARKER, READSHAW,

SCAVALLO, SIPTROTH, THOMAS, YOUNGBLOOD, K. SMITH and HENNESSEY

A Resolution directing the Legislative Budget and Finance Committee to prepare a report on the availability of after-school programming and the after-school needs of children and youth in this Commonwealth.

Referred to Committee on CHILDREN AND YOUTH, June 25, 2008.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2650** By Representatives D. O'BRIEN, PHILLIPS, BELFANTI, COHEN, DALEY, DONATUCCI, FRANKEL, GEORGE, GOODMAN, GRUCELA, HARHAI, HARHART, HARPER, HERSHEY, KULA, LEACH, MANN, MARSHALL, R. MILLER, MURT, MYERS, PETRONE, PRESTON, RAPP, ROCK, RUBLEY, SIPTROTH, K. SMITH, WALKO, J. WHITE, WOJNAROSKI, YOUNGBLOOD and VEREB

An Act providing tax credits to businesses that install single-stall family restrooms.

Referred to Committee on FINANCE, June 25, 2008.

**No. 2660** By Representatives TURZAI, REICHLEY, DALLY, BENNINGHOFF, BEAR, BOBACK, BOYD, CAPPELLI, CAUSER, CLYMER, CREIGHTON, CUTLER, DALEY, DENLINGER, EVERETT, FAIRCHILD, GINGRICH, GODSHALL, GRELL, HUTCHINSON, KAUFFMAN, KENNEY, MANN, MARSICO, MENSCH, R. MILLER, MUSTIO, NAILOR, O'NEILL, PETRI, PICKETT, PYLE, RAPP, REED, ROCK, RUBLEY, SAYLOR, SCAVELLO, S. H. SMITH, SONNEY, STERN, R. STEVENSON, TRUE, VULAKOVICH and WATSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for certificates of merit in professional liability actions.

Referred to Committee on JUDICIARY, June 25, 2008.

**No. 2664** By Representatives PETRI, GEORGE, HARHART, HERSHEY, HESS, MOYER, QUINN, RAPP, ROCK, SAYLOR, SWANGER and WATSON

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, further providing for official plans.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 25, 2008.

**No. 2665** By Representatives DeLUCA, BENNINGTON, DONATUCCI, FRANKEL, HARHAI, HENNESSEY, HORNAMAN, KULA, MAHONEY, ROCK, SIPTROTH, K. SMITH, SONNEY, SWANGER, TRUE, WOJNAROSKI, YOUNGBLOOD, McGEEHAN, R. MILLER, RAPP and READSHAW

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for testing for controlled substances for prospective employees.

Referred to Committee on EDUCATION, June 25, 2008.

**No. 2666** By Representatives DeLUCA, BRENNAN, FRANKEL, GOODMAN, KORTZ, KOTIK, MENSCH, MURT, PETRONE, SAYLOR, SIPTROTH, VULAKOVICH and WALKO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

Referred to Committee on JUDICIARY, June 25, 2008.

**No. 2667** By Representatives GEIST, FLECK and STERN

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Altoona Regional Health System certain lands situate in the City of Altoona, Blair County.

Referred to Committee on STATE GOVERNMENT, June 25, 2008.

**No. 2668** By Representatives SAINATO, PETRARCA, FRANKEL, READSHAW, SEIP, STABACK, BUXTON, COHEN, WOJNAROSKI, HALUSKA, HARRIS, DONATUCCI, JOSEPHS, THOMAS, DePASQUALE, YOUNGBLOOD, KOTIK, HENNESSEY, GOODMAN, HARHAI, MURT, SOLOBAY, CAPPELLI, YUDICHAK, SCAVELLO, SIPTROTH, SWANGER, GIBBONS and CONKLIN

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "correction officer."

Referred to Committee on STATE GOVERNMENT, June 25, 2008.

**No. 2669** By Representatives BUXTON, NAILOR, THOMAS, ARGALL, BAKER, BEAR, BELFANTI, BEYER, BIANCUCCI, BRENNAN, CALTAGIRONE, CARROLL, CASORIO, CLYMER, CONKLIN, CUTLER, DALLY, DENLINGER, DePASQUALE, DiGIROLAMO, J. EVANS, EVERETT, FABRIZIO, GEIST, GEORGE, GERGELY, GIBBONS, GINGRICH, GOODMAN, GRELL, GRUCELA, HANNA, HARHAI, HARKINS, HARRIS, HESS, HORNAMAN, KILLION, KING, KULA, MACKERETH, MAHER, MANDERINO, MANN, MANTZ, MARSHALL, MARSICO, McGEEHAN, McILVAINE SMITH, MELIO, MENSCH, MOYER, NICKOL, M. O'BRIEN, PALLONE, PAYNE, PAYTON, PERRY, PETRARCA, PHILLIPS, QUINN, RAMALEY, RAYMOND, READSHAW, REED, REICHLEY, ROAE, SABATINA, SAINATO, SANTONI, SAYLOR, SCAVELLO, SEIP, SHAPIRO, SHIMKUS, SIPTROTH, K. SMITH, SOLOBAY, STAIRS, STURLA, SWANGER, J. TAYLOR, R. TAYLOR, VEREB, VULAKOVICH, WALKO, J. WHITE, YOUNGBLOOD, JOSEPHS, GABIG, HICKERNELL, LONGIETTI and BROOKS

A Supplement to the act of July 17, 2007 (P.L.499, No.8A), entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2007, to June 30, 2008, for certain institutions and organizations, and for the payment of bills incurred and remaining

unpaid at the close of the fiscal year ending June 30, 2007; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2007, to June 30, 2008; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2007, to June 30, 2008, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Pharmaceutical Assistance Contract for the Elderly Fund for the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006," providing for an appropriation for the period from July 1 to July 31, 2008.

Referred to Committee on APPROPRIATIONS, June 25, 2008.

**No. 2670** By Representative KENNEY

An Act authorizing the Department of General Services, with the approval of the Governor, to convey a certain easement in the City of Philadelphia.

Referred to Committee on STATE GOVERNMENT, June 25, 2008.

**No. 2671** By Representatives JOSEPHS, DeWEESE, BENNINGTON, FRANKEL, JAMES, KENNEY, KULA, LONGIETTI, MANDERINO, McILHATTAN, MILNE, MURT, MYERS, M. O'BRIEN, ROEBUCK, YOUNGBLOOD and K. SMITH

An Act providing for protection of abused, neglected, exploited or abandoned adults; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of adults; providing for protective services; and prescribing penalties.

Referred to Committee on AGING AND OLDER ADULT SERVICES, June 25, 2008.

**No. 2672** By Representatives STABACK, CALTAGIRONE, CAPPELLI, CARROLL, EVERETT, GEORGE, HALUSKA, HARHAI, KOTIK, KULA, LONGIETTI, MURT, MYERS, READSHAW, WOJNAROSKI, YOUNGBLOOD, BRENNAN, MAHONEY, K. SMITH, PHILLIPS and GODSHALL

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for guiding principles in fisheries and aquatic resource management decisions.

Referred to Committee on GAME AND FISHERIES, June 25, 2008.

**No. 2680** By Representatives TURZAI, CAUSER, CLYMER, DALLY, FAIRCHILD, GINGRICH, GRELL, HARHART, HENNESSEY, HORNAMAN, McILHATTAN,

R. MILLER, MURT, MUSTIO, PICKETT, PYLE, RAPP, ROCK, RUBLEY, SONNEY, STERN, R. STEVENSON, SWANGER, WATSON and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for effect of act on existing laws, for definitions relating to insurance holding companies, for acquisition of control of or merger with domestic insurer, and for acquisitions involving insurers not otherwise covered; providing for consolidations with domestic insurers; and making a repeal.

Referred to Committee on INSURANCE, June 25, 2008.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 352, PN 2094

Referred to Committee on HEALTH AND HUMAN SERVICES, June 25, 2008.

#### SB 1062, PN 2195

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 25, 2008.

#### SB 1263, PN 2157

Referred to Committee on JUDICIARY, June 25, 2008.

#### SB 1274, PN 1755

Referred to Committee on TRANSPORTATION, June 25, 2008.

#### SB 1341, PN 2225

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 25, 2008.

### GUEST INTRODUCED

The SPEAKER pro tempore. Sitting to the left of the Speaker is Bianca Palmisano, guest of Representative Mike Turzai. She is here with the Keystone Girls State and is a senior at North Allegheny Senior High School. Would the young lady stand to be recognized.

### APPROPRIATIONS COMMITTEE MEETING

#### DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. DeWeese, for announcements.

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

The Appropriations Committee will meet immediately in the majority caucus room, and the House Democrats will caucus at 1. The House will return to floor session at 2. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Appropriations will meet immediately in the majority caucus room.

### REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes Sandy Major.

Miss MAJOR. Thank you, Mr. Speaker.

Republicans will also caucus at 1 p.m., and we would be prepared to come back to the floor at 2. That is, Republicans will caucus at 1 o'clock. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

### VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER pro tempore. The gentleman, Mr. Melio, do you have an announcement?

Mr. MELIO. Thank you, Mr. Speaker.

The Veterans Affairs and Emergency Preparedness Committee will meet immediately in room G-50 of the Irvis Building. I repeat: The Veterans Affairs and Emergency Preparedness Committee will meet immediately in room G-50 of the Irvis Building.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Veterans Affairs and Emergency Preparedness will meet immediately in room G-50 of the Irvis Building.

### PROFESSIONAL LICENSURE COMMITTEE MEETING

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the House Professional Licensure Committee will meet in room 60 in the East Wing at 12:55. That should give our members that are on the Appropriations Committee a chance to make it there first or that are on the Veterans Affairs. We will meet at 12:55 and hopefully be back in time to get to the 1 o'clock caucuses for both members.

The SPEAKER pro tempore. Professional Licensure will meet at 12:55 in room 60 of the East Wing.

Are there any other announcements?

Seeing none, the House will remain in recess until 2 p.m., unless sooner recalled by the Speaker.

### ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER pro tempore. The Chair recognizes the majority leader, the gentleman, Mr. DeWeese, for an announcement.

Mr. DeWEESE. Thank you, Mr. Speaker.

Due to the crush of business in our Appropriations setting at this moment, we are going to have to postpone the

Appropriations Committee meeting. I just told Representative Petrarca and a few others about it being at 12:45; I apologize, but we have been told by staff that we are going to need some more time. The Appropriations Committee will meet at 2, but we will have an immediate Democratic caucus.

So one more time: The Appropriations Committee will meet at 2, and we will have an immediate caucus and back on the floor at 2:15. Back on the floor, 2:15. I know that will give Mr. Quigley time for a capacious lunch.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The House will now, as previously stated, be at ease for a moment.

### RECESS

The SPEAKER pro tempore. The House will stand in recess until 2:15, unless sooner recalled by the Speaker.

### AFTER RECESS

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

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

#### BILLS REREPORTED FROM COMMITTEE

**HB 1768, PN 2364** By Rep. D. EVANS

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

#### APPROPRIATIONS.

**HB 2294, PN 3962** By Rep. D. EVANS

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

#### APPROPRIATIONS.

**HB 2483, PN 3674** By Rep. D. EVANS

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Tad W. Hippensteel a pedestrian and vehicular access easement over certain lands of the Commonwealth of Pennsylvania situate in Mount Joy Township, Lancaster County.

#### APPROPRIATIONS.

**HB 2511, PN 3727** By Rep. D. EVANS

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to Parkwood Real Estate Trust, LLC, approximately 1.645 acres including a building and all improvements thereon, situate at Parkwood Drive in the City of Allentown and Salisbury Township, Lehigh County.

#### APPROPRIATIONS.

**HB 2580, PN 3853** By Rep. D. EVANS

An Act requiring health insurance policies issued by professional health services plan corporations to reimburse for occupational therapy services provided by licensed occupational therapists.

#### APPROPRIATIONS.

**SB 483, PN 2163** By Rep. D. EVANS

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, further providing for definitions, for maximum lawful interest rates, for residential mortgage interest rates, for penalties and for enforcement.

#### APPROPRIATIONS.

**SB 484, PN 2164** By Rep. D. EVANS

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further providing for general scope of supervision and exercise of discretion; prohibiting disclosure of certain information; further providing for criminal history record information; and providing for conduct of administrative proceedings relating to institutions and credit unions.

#### APPROPRIATIONS.

**SB 485, PN 2206** By Rep. D. EVANS

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for certification renewal and records, for disciplinary and corrective measures, for reinstatement of certificate, for surrender of suspended or revoked certificate and for penalties.

#### APPROPRIATIONS.

**SB 486, PN 1752** By Rep. D. EVANS

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for general authority, for notice and institution of foreclosure proceedings, for notice requirements, for assistance payments and for repayment; and providing for an ongoing foreclosure study.

#### APPROPRIATIONS.

The SPEAKER pro tempore. These bills will be posted to the House supplemental calendar, without objection.

### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

**HB 1334, PN 1676** By Rep. MELIO

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

VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.

**HB 2112, PN 4064 (Amended)**

By Rep. MELIO

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for mutual aid.

VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.

**HB 2310, PN 3385**

By Rep. MELIO

An Act providing for municipal volunteer fire service incentives.

VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.

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

**SB 385, PN 2248 (Amended)**

By Rep. MELIO

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, providing for interconnected Voice over Internet Protocol service; and establishing the VoIP 911 Emergency Services Fund.

VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.

**SB 838, PN 2247 (Amended)**

By Rep. STURLA

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for definitions, for State Board of Accountancy, for general powers of the board, for examination and issuance of certificate, for education requirements, for experience requirements; providing for requirements for issuance of certificate; further providing for certificates issued by domestic reciprocity and for certificates issued by foreign reciprocity; providing for practice in this Commonwealth by individuals under substantial equivalency, for practice outside this Commonwealth under substantial equivalency; further providing for licenses to practice, for licensing of firms, for peer review, for grounds for discipline, for reinstatement, for ownership of working papers, for unlawful acts and for acts not unlawful.

PROFESSIONAL LICENSURE.

**SB 1348, PN 2249 (Amended)**

By Rep. D. EVANS

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

APPROPRIATIONS.

The SPEAKER pro tempore. The Chair announces his intentions to recess into special session at approximately 2:48 p.m.

**RECESS**

The SPEAKER pro tempore. Regular session stands in recess until the call of the Chair.

**AFTER RECESS**

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

**LEAVE OF ABSENCE CANCELED**

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Donatucci, on the floor of the House and will be added to the master roll.

The House will be at ease.

The House will come to order.

**HATBORO-HORSHAM LADY HATTERS  
SOFTBALL TEAM INTRODUCED**

The SPEAKER pro tempore. Will the gentleman, Mr. Taylor, and the gentleman, Mr. Murt, please come to the podium for a presentation.

Members, please take your seats. The gentleman, Mr. Murt, is recognized for a presentation.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, today I rise to welcome the Hatboro-Horsham Lady Hatters Softball Team to the floor and to congratulate them on winning the State high school softball championship. Could we please give them a round of applause?

Mr. Speaker, these young women, their coaches, and their families can be proud of their achievement. Mr. Speaker, these young women will take with them more than the awards and the accolades that come with winning the State championship; they will also take with them important lessons on teamwork and selflessness in pursuit of a greater goal.

Legendary football coach Vince Lombardi once said, and I quote, "Individual commitment to a group effort – that is what makes a team work, a company work, a society work, a civilization work." Based on their success this year, it is clear these young women understand that. I am sure each of them will take that valuable lesson with them as they finish their educations and enter the working world or higher education.

Once again, Mr. Speaker, I want to offer my congratulations to the team on its outstanding achievement this year and wish each of these young women much success in the future. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**CALENDAR CONTINUED**

**RESOLUTION PURSUANT TO RULE 35**

Mr. RAMALEY called up **HR 770, PN 3841**, entitled:

A Resolution recognizing the Pennsylvania American Legion Keystone Girls State (KGS) program to be held during the week of June 22 through 28, 2008, at Shippensburg University for its contributions to the development of the citizenship skills and understanding of promising young Pennsylvanians and to strengthening the future of our American form of government.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Curry	Petrone	Rubley	Stairs
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

## SUPPLEMENTAL CALENDAR B

## RESOLUTION PURSUANT TO RULE 35

Mr. M. SMITH called up **HR 818, PN 4042**, entitled:

A Resolution recognizing July 12 and 13, 2008, as "Sudden Arrhythmia Death Syndromes Days" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—199

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

NAYS—0

NOT VOTING—0



## EXCUSED—4

Curry                      Petrone                      Rubley                      Stairs

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

## CALENDAR CONTINUED

## RESOLUTION PURSUANT TO RULE 35

Ms. YOUNGBLOOD called up **HR 821, PN 4037**, entitled:

A Resolution honoring the life of Samuel L. Evans.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—199

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

Fairchild                      Major                      Reichley  
Fleck                      Manderino                      Roae                      O'Brien, D.,  
Frankel                      Mann                      Rock                      Speaker  
Freeman

## NAYS—0

## NOT VOTING—0

## EXCUSED—4

Curry                      Petrone                      Rubley                      Stairs

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

The SPEAKER pro tempore. The House will be at ease.

The House will come to order.

## SUPPLEMENTAL CALENDAR A

## BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1768, PN 2364**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

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

Mr. **CALTAGIRONE** offered the following amendment  
No. **A07538**:

Amend Sec. 2 (Sec. 301), page 2, line 14, by striking out "lung carcinoma" and inserting  
cancer

Amend Bill, page 2, lines 16 through 18, by striking out all of said lines and inserting

Section 3. This act shall take effect immediately.

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

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

Mr. **CALTAGIRONE**. Thank you, Mr. Speaker.

The amendment has been requested and agreed to by the Professional Firefighters Association of Pennsylvania and the League of Cities, and it does remove the 20-year retroactive provision.

The bill was approved unanimously in committee. The firefighters have agreed to remove that provision to alleviate any concerns that were caused by this section, and the reference to the "lung carcinoma" was changed to "cancer" in order to make it apply to all types of cancer rather than a specific type of lung cancer.

The act would go into effect immediately. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

## YEAS—198

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

## NAYS—1

O'Neill

## NOT VOTING—0

## EXCUSED—4

Curry      Petrone      Rubley      Stairs

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

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

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

Mr. SOLOBAY. Thank you, Mr. Speaker.

I was wondering if I could interrogate the maker of the bill?

The SPEAKER pro tempore. Mr. Caltagirone, do you agree to a period of interrogation?

Mr. CALTAGIRONE. Sure.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. SOLOBAY. Thank you, Mr. Speaker.

Just a clarification, if I could.

There have been some rumors as far as who was all covered under this bill, if it is just the career firefighters or if it is career and volunteer.

Mr. CALTAGIRONE. Both.

Mr. SOLOBAY. Both. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **SB 483, PN 2163**, entitled:

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, further providing for definitions, for maximum lawful interest rates, for residential mortgage interest rates, for penalties and for enforcement.

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

## LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Stairs, on the floor of the House, and he will be added to the master roll.

## CONSIDERATION OF SB 483 CONTINUED

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

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for certification renewal and

records, for disciplinary and corrective measures, for reinstatement of certificate, for surrender of suspended or revoked certificate and for penalties.

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

Mr. **DALEY** offered the following amendment No. **A07894**:

Amend Sec. 2, page 2, line 26, by inserting after "(A)"  
and (g)

Amend Sec. 2 (Sec. 4), page 3, by inserting between lines 21 and 22

(g) Compensation.—Each member of the board, except the secretary, the Attorney General and the Secretary of Banking, shall receive per diem compensation at the rate of \$60 per diem when actually attending to the work of the board. Members shall also receive reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

\* \* \*

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

The **SPEAKER** pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Daley.

Mr. **DALEY**. Thank you, Mr. Speaker.

SB 485, amendment A07894, basically, when we passed a similar bill in the House, what we did was we added the Attorney General and the Secretary of Banking to the appraisers' board, but we had removed the per diem for their attendance at the appraisers' board meeting. All this amendment does is conforms this Senate bill to that House language, where we take the per diem out for the Attorney General and the Secretary of Banking.

I ask for an affirmative vote.

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

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

The following roll call was recorded:

#### YEAS—200

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

Cappelli	Harris	Myers	Stairs
Carroll	Helm	Nailor	Steil
Casorio	Hennessey	Nickol	Stern
Causer	Hershey	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla
Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger
Conklin	Hutchinson	Parker	Tangretti
Costa	James	Pashinski	Taylor, J.
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, M.K.	Peifer	True
Cutler	Keller, W.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Lentz	Ramaley	White
Ellis	Levdansky	Rapp	Williams
Evans, D.	Longietti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker
Freeman	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Curry                      Petrone                      Rubley

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

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

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **SB 486, PN 1752**, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for general authority, for notice and institution of foreclosure proceedings, for notice requirements, for assistance payments and for repayment; and providing for an ongoing foreclosure study.

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

Mr. **McGEEHAN** offered the following amendment No. **A07455**:

Amend Title, page 2, line 2, by inserting after "effective," "  
providing for misrepresentations;

Amend Bill, page 2, lines 9 through 12, by striking out all of said lines and inserting

Section 1. The act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, is amended by adding a section to read:

Section 105. Misrepresentations.—(a) If a mortgagor obtains more favorable terms for a loan contract secured by a residential mortgage as a result of a misrepresentation of the mortgagor's intent to occupy the residential property:

(1) If the loan contract is still executory on the part of the creditor, the loan contract is void.

(2) If the loan contract has been executed by the creditor, the entire amount of the loan, including interest, shall become due immediately.

(b) As used in this section unless otherwise indicated:

(1) "Residential mortgage" means a mortgage on residential property.

(2) "Residential property" means property which is subject to a zoning classification of single-family residential.

Section 2. Sections 401-C(d) and 402-C(b) of the act, added December 23, 1983 (P.L.385, No.91), are amended to read:

Amend Sec. 2, page 3, line 9, by striking out "2" and inserting  
3

Amend Sec. 3, page 6, line 2, by striking out "3" and inserting  
4

Amend Sec. 4, page 7, line 23, by striking out "4" and inserting  
5

Amend Sec. 5, page 8, line 19, by striking out "5" and inserting  
6

Amend Sec. 6, page 8, line 26, by striking out "6" and inserting  
7

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. McGeehan.

Mr. **McGEEHAN**. Thank you, Mr. Speaker.

Mr. Speaker, we have a problem in our urban areas of investors who are coming into the community and buying properties and falsely stating they are buying them to maintain as owner-occupied properties when, in fact, they all along intended to use them as a rental property. They get the advantage, Mr. Speaker, the advantages of an owner-occupied mortgage – a lower down payment, a lower interest rate – when, in fact, they are misrepresenting that fact.

#### AMENDMENT WITHDRAWN

Mr. **McGEEHAN**. I have had consultations with the Pennsylvania Housing Finance Agency and others, and we are going to work on this issue as a separate bill. So not to weigh down this important bill, I am going to withdraw this amendment at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing his amendment.

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

\* \* \*

The House proceeded to second consideration of **HB 2511**, **PN 3727**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to Parkwood Real Estate Trust, LLC, approximately 1.645 acres including a building and all improvements thereon, situate at Parkwood Drive in the City of Allentown and Salisbury Township, Lehigh County.

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

The SPEAKER pro tempore. Does the gentlelady, Mrs. Beyer, wish to speak on this bill on second consideration?

Mrs. **BEYER**. No. No, thank you; I am sorry. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

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

\* \* \*

The House proceeded to second consideration of **HB 2580**, **PN 3853**, entitled:

An Act requiring health insurance policies issued by professional health services plan corporations to reimburse for occupational therapy services provided by licensed occupational therapists.

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

\* \* \*

The House proceeded to second consideration of **HB 2483**, **PN 3674**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Tad W. Hippensteel a pedestrian and vehicular access easement over certain lands of the Commonwealth of Pennsylvania situate in Mount Joy Township, Lancaster County.

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

#### CALENDAR CONTINUED

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2537**, **PN 3821**, entitled:

An Act prohibiting the Commonwealth from obtaining certification under the Federal REAL ID Act of 2005; and providing for the authority of the Governor and Attorney General to file certain legal challenges.

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

Mr. **M. O'BRIEN** offered the following amendment No. **A07697**:

Amend Bill, page 1, by inserting after line 17  
Section 3. Implementation.

The Commonwealth shall not participate in the implementation of the REAL ID Act of 2005. The Department of Transportation may not implement the REAL ID Act of 2005 and shall report to the Governor and the General Assembly any attempt by agents or by agencies of the United States Department of Homeland Security to secure implementation of the REAL ID Act of 2005 through the operations of the United States Department of Homeland Security.

Amend Sec. 3, page 2, line 1, by striking out "3" and inserting  
4

Amend Sec. 4, page 2, line 4, by striking out "4" and inserting  
5

Amend Sec. 5, page 2, line 8, by striking out "5" and inserting  
6

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

#### AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. O'Brien, is recognized.

Mr. **M. O'BRIEN**. Mr. Speaker, I wish to withdraw the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing his amendment.

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

Mr. **ROHRER** offered the following amendment No. **A07738**:

Amend Title, page 1, line 1, by striking out "obtaining certification under" and inserting  
participation in

Amend Title, page 1, line 2, by inserting after "2005"  
and other related laws

Amend Sec. 1, page 1, line 8, by striking out "Pennsylvania"

Amend Sec. 1, page 1, line 9, by inserting after "ID"  
and Biometric and Economic Privacy

Amend Sec. 2, page 1, by inserting between lines 13 and 14  
"Biometric data." Information relating to a biological characteristic of an individual that makes that individual unique from any other individual, including, but not limited to, the following:

(1) Fingerprints, palm prints and other means for measuring or recording ridge pattern or fingertip characteristics.

(2) Facial feature pattern characteristics.

(3) Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle or sequence.

(4) Voice data used for comparing live speech with a previously created speech model of an individual's voice.

(5) Iris recognition data containing color or texture patterns or codes.

(6) Keystroke dynamics, measuring pressure applied to key pads.

(7) Hand geometry, measuring hand characteristics, including the shape and length of fingers, in three dimensions.

(8) Retinal scans, reading through the pupil to measure blood vessels lining the retina.

(9) Deoxyribonucleic acid or ribonucleic acid.

"Economic privacy." The privacy of an individual that relates to a right, privilege or reasonable expectation that certain information is required by law to be held confidential or is otherwise considered to be confidential to that individual, including, but not limited to:

(1) Information included in a tax return required by law to be filed with the Federal, State or a local government.

(2) Information on financial transactions conducted by or on behalf of the individual.

(3) Information of investment transactions conducted by or on behalf of the individual.

Amend Bill, page 2, lines 1 through 3, by striking out all of said lines and inserting

Section 3. Participation in the REAL ID Act of 2005.

Neither the Governor nor the Department of Transportation or any other Commonwealth agency shall participate in the compliance of any provision of the REAL ID Act of 2005.

Section 4. Participation in other related laws.

Neither the Governor nor the Department of Transportation or any other Commonwealth agency shall participate in the compliance with any Federal law, regulation or policy that would compromise the economic privacy or biometric data of any resident of this Commonwealth.

Amend Sec. 4, page 2, line 4, by striking out "4" and inserting  
5

Amend Sec. 5, page 2, line 8, by striking out "5" and inserting  
6

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Rohrer.

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

Mr. Speaker, as we begin to discuss a most enlightening, informative topic, REAL ID, I know that in the next many, many minutes, there are going to be lots of things shared here on the floor that will be of great interest to everyone who is here and, I think, for everyone who is watching what we are doing as well.

I want to preface my remarks regarding this amendment and the reason for it by first complimenting Chairman Thomas for his effort over these past months in taking this issue of REAL ID on the road across the Commonwealth, and I have personally told him on a couple of occasions that I have appreciated the way that he has conducted those hearings, and in particular, for providing opportunity for individuals to give comment. And I just want to preface my remarks first by noting that, because I think that that has been a very helpful thing.

But, Mr. Speaker, before we move into the contents here of the amendment, I would like to establish first a brief background of where we are coming from.

In the fall of 2005 Congress passed, without a single comment, what is known as the REAL ID Act of 2005. Signed by the President, this unfunded mandate seeks to establish a standardized identification system built around the various States' driver's license systems.

While ostensibly denied to be a national ID system, this unparalleled attempt to implement a standardized ID system, initiated and run by the Federal government, has predictably run into opposition from all sectors, both public and private. And, Mr. Speaker, perhaps for the very first time in my

experience here— Mr. Speaker, it may be helpful to have some order.

The SPEAKER pro tempore. The gentleman, Mr. Rohrer, is seeking some attention, and he is entirely correct. Members, kindly take your seats and afford him the opportunity to give his remarks so everyone can hear. Thank you, members.

Mr. ROHRER. Thank you, Mr. Speaker.

That is only for the reason that I think this issue affects each one of us here far more than perhaps what we may be aware.

But the opposition to this issue has run the gamut from the ACLU (American Civil Liberties Union) to the ACLJ (American Center for Law and Justice), on the basis that it involves civil rights violations and violations of constitutional rights.

In addition, multiple State legislatures have, to date about 30 have passed resolutions, including this House here a year ago in June and our Senate a year ago in May, on the basis, primarily, that the REAL ID Act is an infringement of States rights issues by the Federal government demanding upon us what we have to do, primarily.

The professional organizations of which this Assembly is a part, ALEC (American Legislative Exchange Council) and NCSL (National Conference of State Legislatures), have both been adamantly opposed to this for a couple of years.

Homeland Security, as the agency that primarily is pushing compliance with this Federal mandate, attempted to force the various 50 States into compliance by May 10 of this year or face rejection of those States' citizens from having access either to flights or Federal buildings or Federal parks or whatever else the Homeland Security Director would impose.

Numerous States have flatly denied participation by statute and set up a confrontation between the Federal government and the States. Some States, like Minnesota, flatly said they would not impose REAL ID and actually used the words to Homeland Security: If you push us beyond the limit, we will secede. Those are strong words.

South Carolina – Minnesota has a Democrat Governor – South Carolina, Republican Governor, and the legislature said, you push us beyond the limit, we will sue the Federal government. These are strong terms, stronger than I have heard any opposition on any issue perhaps for scores of years.

The result is Homeland Security, wishing to avoid a confrontation with the States, gave blanket approval, a blanket extension, to all of the States to opt in to the plan until December 31 of 2009. The Rendell administration here in the Commonwealth sought and asked for an extension earlier in this year. Therefore, the Commonwealth of Pennsylvania is neither on record as officially in support of REAL ID nor are we officially on the record, legislatively or from the administration, as being officially opposed.

Last year, to indicate our concern and opposition to the various sweeping provisions of REAL ID, in a very, very bipartisan fashion, Representative Josephs and myself put together HB 1351. It now has over 90 cosponsors from the members of this House, about equally divided, both sides of the aisle. That legislation, unlike a resolution, would state the General Assembly's firm opposition and would prevent the administration or any other administration from entering into the provisions of REAL ID.

Now, from a historical perspective, almost a year ago when we were here in this House during budget discussions, it was announced off of the floor by the majority leader that HB 1351

was going to be brought out of committee for a vote because of the wide bipartisan support of the bill. About an hour or so before the committee was to meet, the meeting was canceled. The result of that is that that bill, 1351, of which there are 90-some cosponsors in this House, still remains in the Intergovernmental Affairs Committee. Following that, though, Chairman Thomas agreed to have hearings on the REAL ID issue, which is what I mentioned at the beginning of my remarks.

This past January it came to the attention that the administration and PENNDOT had, in fact, entered into a contract with a third-party contractor to implement what we thought perhaps were provisions of REAL ID. After—

The SPEAKER pro tempore. Will the gentleman suspend.

For what purpose does the gentleman, Mr. Thomas, rise?

Mr. THOMAS. Thank you, Mr. Speaker.

I would like to ask if the speaker would focus on the bill. I have heard a lot of things that really do not have anything to do with the REAL ID Act of 2005, and I would like to ask if he would focus on the bill.

The SPEAKER pro tempore. The question before the House is the amendment that the gentleman, Mr. Rohrer, has proffered. So I would encourage the members to confine their remarks to the amendment for discussion.

Mr. ROHRER. Thank you, Mr. Speaker. That is exactly what I am attempting to do here.

When we became aware that there was a contract that had been entered into that mentioned REAL ID, we tried to find information from the administration on that contract. I hold that contract up here, because this is a copy of the contract with the third-party provider, under which the administration and PENNDOT are now involved.

A specific smaller provision—

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. ROHRER. —which is here—

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

Mr. THOMAS. Mr. Speaker, there is nothing in HB 2537 that talks about a contract between the administration, the General Assembly, or anybody in State government, and therefore, I think this discussion falls outside of HB 2537, and I would like the speaker to limit his comments to the bill in question.

The SPEAKER pro tempore. The Chair thanks the gentleman and remarks that the gentleman, hopefully, will confine his comments to the amendment, which is the question at hand before the members.

Mr. ROHRER. Mr. Speaker, I do appreciate that, and what I am showing here is 1,000-percent related exactly to my amendment. It underscores exactly the reason for this debate on this issue in this House today.

If I may proceed, this portion of the contract is a portion of the contract that refers to implementing provisions of the REAL ID Act of 2005. It is absolutely legitimate because it is the focus of the attention on which we are talking. Mr. Speaker, it is important to understand that once we obtained the contract and began to look at it that several House members, through a series of correspondence from January of '08 until just 2 weeks ago, signed by five members of this House – three Democratic members, Representative Josephs, Representative Siptroth, Representative Yewcic; Representative Denlinger, and myself – these letters have gone back and forth as we have attempted to

seek clarity on the specific contract that is in force right now with PENNDOT on the direction of the administration. And because it does concern the provisions of REAL ID is why we then issued a letter with a press conference a week ago—

The SPEAKER pro tempore. Will the gentleman suspend. Would the gentleman, Mr. Thomas, and the gentleman, Mr. Rohrer, kindly come to the podium.

The House will be at ease.

The Chair thanks the members for the brief interlude. The Chair recognizes the gentleman, Mr. Rohrer, on his amendment.

Mr. ROHRER. Thank you, Mr. Speaker.

And thank you for the sidebar that we were able to have. Let me make it known to the members that my comments regarding this contract are basically done. If there are copies that are wanted, they are available. So I am going to put that to the side. The copy of the correspondence that went back and forth between the administration and PENNDOT and six of us House members from January until now, some of those have already been made available to members. The entire listing of that correspondence is also available to anyone who would request it, and it lays out all of the issues involved with questions regarding that contract, however, underscores and brings us back to this amendment.

Now, what my comments were preparatory to, were basically preparatory to this: The amendment that I have and we are offering here today is not new language. It is the substance of HB 1351, of which there were 90 cosponsors, that is in the committee, Intergovernmental Affairs Committee. This amendment, this bill that is before us, this bill that is before us is HB 1351, essentially, with the center section taken out.

That center section which has been taken out refers to biometrics – personal, sensitive data – biometrics and economic data, that sensitive data that falls into the category of biometrics, which is something that the REAL ID Act of 2005, at the end of the day, seeks to collect and standardize through the driver's license system and our driver's licenses here. It is that collection of the biometrics – in this case, facial recognition biometrics – which PENNDOT has been doing since July of 2006 and the capturing of that data, unbeknown to the citizens who go in to sit for their pictures, driver's license renewal.

The grouping together of that data and the concerns about the security of that data and the fact that that information is being collected – and we believe clearly outside of statutory approval and certainly outside constitutional authority. That is the essence of what this amendment is. This amendment would restore what is in this bill to the original elements that 90-some cosponsors in here have signed on to.

The same language that, as you all know, has been supported by the ACLU, who have worked with many members, other members from organized unions, across the gamut. That is what is in this amendment, Mr. Speaker. The grave findings— And I will say this: The information that has become available to us here, to the States, generally, on this issue of REAL ID – what it involves, how expansive and extensive it is – has grown as each month goes by.

Some of the earliest States that passed legislation saying that they would not participate in REAL ID did so at that point because it was either unfunded mandate or because they felt it was a violation of States rights. The notion and the fact that biometrics was directly involved in REAL ID and really is the core provision was something that tended to develop, become more known as some months went by. And what I had laid out

at the beginning, relative to the contract and the letters that have gone back and forth, is really what has helped to make known to us here in this Commonwealth what is exactly happening.

The research also demonstrates and shows clearly that the collection and the focus on biometrics and the intention of Homeland Security and the act of 2005 and the focus of the contractor who is currently contracted to PENNDOT and other States, their express focus is the collection of biometrics. So, Mr. Speaker, the amendment and the reason for adding it back in is this: The bill as it sits simply states that we do not want to participate in REAL ID and that the administration should not seek certification under REAL ID. That is something that everyone here, I think, can agree with. I do not know, and we have not run into anybody who appears to be supporting REAL ID in its general sense.

However, when we know that the core provision of REAL ID is the collection of the biometric data – your individual, sensitive identity and the collection and the warehousing of that data, which is then made accessible to a lengthy list of people and organizations which is not known to this legislature, and it was part of our findings in our back-and-forth communication with PENNDOT so that we know that this collected data – facial recognition, your face print – is accessible to organizations and to government entities where PENNDOT does not even know about it. That is the fundamental issue at stake here.

By leaving out the focus on biometrics, this administration, this PENNDOT, can continue to collect that which they have no statutory authority to collect, to warehouse it and to database it according to the terms of the contract, and to make it available at will to a list of agencies of the Federal government and others. A clear violation of our civil rights and our constitutional rights, that is the issue. And it is disturbing in many respects that there is a sense of not wanting to deal with that issue today. It is not just REAL ID. What is REAL ID? It is not just having a card in your hand that looks like someone else's card, driver's license from some other State. It is the fact that it is the data on that card that is prescribed in certain fashions and with now being included the facial recognition biometrics. That is just as unique to you as an individual as your fingerprint or as your DNA or your iris scan or anything else that fits the definition of biometrics.

That is what is at hand. We, in this House, need to not just tell the Federal government that they have no business to tell us what to do, we must also focus on the issue of core concern, and that is the biometric portion. This amendment hooks the two logically together because they are together and then says that we, in this State, will not participate in REAL ID, and we will not participate in the collection, without statutory approval, of biometrics on our citizens. That is what it is about, Mr. Speaker.

And with that, that is enough of an introduction. I think that there will be comments, and we can go from there.

The SPEAKER pro tempore. The Chair thanks the gentleman very much and recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me do this first, first let me extend my sincere thanks and appreciation to Representative Cohen and to Representative Brooks, who have cochaired the Intergovernmental Affairs REAL ID Task Force. We have been working on this issue for some time, and it is important that we all are very clear about REAL ID.



It is a Federal law that was enacted in 2005. This conversation of biometrics, as articulated by this amendment, if it does exist, it started prior to the REAL ID Act. The Pennsylvania Department of Transportation, in carrying out the responsibilities that we assigned to the department and processing driver's licenses and nondriver identification, is something which was started in 2001 and has no relationship to the Federal REAL ID Act of 2005.

There is nothing in the REAL ID Act that talks about biometrics. And like many of you, I am not—

The SPEAKER pro tempore. Will the gentleman suspend. For what purpose does the gentleman, Mr. Rohrer, rise?

Mr. ROHRER. Mr. Speaker, I have a question I think may be helpful here. I believe the gentleman is referring back to the contract—

Mr. THOMAS. No.

Mr. ROHRER. —in referring to prior to 2006 and beyond, because that really is the basis for the comment.

Mr. THOMAS. What I said is that there is nothing in the REAL ID Act of 2005 that talks about biometrics, contracts, or anything else. The REAL ID Act directs States to adopt some or all of 18 minimum standards that are designed to ensure security around the driver's license that you and I carry and around the nondriver's identification.

The REAL ID Act has made it very clear that States do not have to comply with the act. The consequences for noncompliance for States are not required to comply with the act. In the Commonwealth of Pennsylvania there are 8.5 million people who have driver's licenses. We only have about 125 photo ID centers. The REAL ID Act requires 8.5 million people to come in somewhere and present information before they can be issued a driver's license or nondriver's license identification.

Those issues, however, are academic. They are academic because this General Assembly in 2007 adopted HR 100. This year we adopted HR 296, authored by Representative Siptroth, and now we are here at HB 2537, which represents a culmination—

The SPEAKER pro tempore. Will the gentleman please suspend. The Parliamentarian is correctly reminding the Chair that we need to stay focused on the amendment and not other tangential amendments, bills, or subject matter. Thank you, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

I thought that I was doing that by talking about REAL ID, since amendment 7738 has no relationship to the REAL ID Act other than when it talks about biometrics. There is nothing in the act that talks about biometrics. There is nothing in the bill that the amendment has been filed to that deals with biometrics. The amendment needs to be rejected.

Now, that does not mean that at some point we might not need to have a conversation on what processes or procedures the Pennsylvania Department of Transportation is utilizing in making sure that our driver's licenses are as secure as they can be or that our nondriver's identifications are secure. We do not want another 9/11; we do not want another situation in Somerset County. We all, if you drive in the Commonwealth of Pennsylvania, you have a license with a facial description on it.

Now, I do not know whether that involves biometrics or not. And I think that if there are concerns regarding processes and/or procedures being utilized by the Pennsylvania Department of Transportation, that we are clearly, the House Transportation

Committee, the House State Government Committee, or the House Intergovernmental Affairs Committee – in fact, because Representative Rohrer has been raising these questions, we have submitted a request. We want to talk to the Department of Transportation, because we would like to know what is going on.

We do not know whether or not we have legal authority, regulatory authority, or any authority over this whole issue of biometrics. And to that end, I think – I know – that we would be moving down the wrong path today to start talking about something that has nothing to do with the REAL ID Act or to talk about something that I am not sure that there is a general consensus on this whole issue of biometrics.

When I look at biometrics, it talks about different methodologies. I do not know what methodology is being advanced in this amendment. I know the amendment is unclear as to exactly what it is that we are talking about. I am not going to stand here and say to you that I am an authority on biometrics; I know very little, if anything, about biometrics. And I am going to, at this particular time, if it is okay, Mr. Speaker, yield to Representative Mark Cohen, who might have more information around this whole issue of biometrics.

So if I may, I would like to yield to Representative Mark Cohen to talk more about this concept of biometrics.

The SPEAKER pro tempore. The Chair thanks the gentleman, Mr. Thomas. Mr. Thomas, the Chair has been advised that we do have a list of members that have duly sought recognition, and we will add Mr. Cohen to the list, and he is on the list.

The Chair recognizes the gentleman, Mr. Petri.

Mr. Thomas, I thought you were concluding?

Mr. THOMAS. I wanted to share the podium with Representative Cohen, but I will conclude.

Vote "no" on amendment 7738. It has nothing to do with the REAL ID Act of 2005, and HB 2537 represents a culmination of a number of steps that we have taken to reach this point.

Vote "no" on the Rohrer amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Petri.

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

The SPEAKER pro tempore. Will the gentleman agree to interrogation? Mr. Rohrer?

The gentleman has agreed, and you may proceed, Mr. Petri.

Mr. PETRI. Thank you.

Mr. Speaker, to your understanding, when the Federal REAL ID program was enacted, was it a requirement of the Federal government that your driver's license be used for this Federal usage or Federal photo identification usage?

Mr. ROHRER. Mr. Speaker, the primary object of REAL ID in 2005 was to utilize the already preexisting structure of State driver's license databases and to attempt to standardize those driver's license cards in certain specified formats. There is certain information that would be included and also biometric facial recognition data.

Mr. PETRI. Mr. Speaker, by your way of understanding, was it an absolute requirement that a State use a photo driver's license, or could they have used and selected some other type of identification as long as it had certain information on it?

Mr. ROHRER. Mr. Speaker, it revolves entirely around the use of the driver's license.

Mr. PETRI. Okay.

Mr. ROHRER. Yes; that is all.

Mr. PETRI. Now, you have indicated that you believe that when my driver's license was renewed on March 4 of 2008, that the photo that was taken, that PENNDOT utilized some sort of biometric process. How do you know that?

Mr. ROHRER. Mr. Speaker, we know that directly from written correspondence received back from PENNDOT.

Mr. PETRI. Okay. Mr. Speaker, to your knowledge, were there any public hearings or discussions in any forum prior to March 4, 2008, when my photo was taken, advising the general public that this photo could be biometrically scanned or dealt with?

Mr. ROHRER. Mr. Speaker, unfortunately, there was no knowledge to the public. There has not been any information made to the public. This legislature had not been informed, have not been informed, other than what we have now confirmed in writing from the department.

Mr. PETRI. And, Mr. Speaker, when my photo was taken on March 4 of 2008, do you know if I signed any releases or authorizations to allow my photo to be used biometrically?

Mr. ROHRER. Mr. Speaker, you are driving right at the heart of the concern. No.

Mr. PETRI. Okay.

Mr. ROHRER. We have been told by the department that they have not elicited informed consent. They have not thought it has been necessary to provide informed consent, rather individual biometrics have been taken, as they have said, because it is noninvasive and people do not know it.

Mr. PETRI. Mr. Speaker, this biometric scan process, do you have any information as to how much the Commonwealth has spent to implement this program?

Mr. ROHRER. Mr. Speaker, to the best of our knowledge, as confirmed – which we are back to the contract, unfortunately, but contracts drive things – the contract that I held up that references REAL ID and references and installs, by contract, the collecting of the biometrics on the citizens of this Commonwealth, is a \$45 million contract.

Mr. PETRI. On the amendment.

The SPEAKER pro tempore. The gentleman has concluded his interrogation?

Mr. PETRI. Yes.

The SPEAKER pro tempore. The Chair thanks the gentleman. On the amendment.

Mr. PETRI. Mr. Speaker, obviously, something of this nature gives everyone concerns, and I think there is concern on both sides of the aisle on this issue and it does have to be investigated.

Mr. Speaker, I will be supporting this amendment because I believe that there are things that are going on, or at least alleged to be going on, that should be investigated, and I am going to encourage both chairmen of the Appropriations Committee, since the Appropriations Committee has the power to subpoena, to fully investigate this issue about the use of biometrics, potentially without the consent of individuals. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

The gentleman from Philadelphia has already outlined many of the reasons why REAL ID is a problem and why he proposed

the underlying bill. It is very clear that no State is required to participate in REAL ID. The consequences of not doing so are not yet clear, although the Federal government has told us if we do not, it may be that our driver's licenses can no longer be used to access an airplane or enter a Federal building, but be that as it may, there are many reasons why we should support not only the bill but also the gentleman from Berks County's amendment.

The questions that have been added – and this amendment adds to the issues raised by REAL ID, the issues of biometrics, but it also adds a definition for economic privacy, which I think may be just as important as the whole issue of biometrics. So we do not need to understand whether biometrics is a good idea or a bad idea. What we want to be sure are two things: One is that we do not wish to participate in REAL ID, and we make a very clear statement to our Department of Transportation that even if we do not participate in REAL ID, we further do not want the department to use biometric scanning data or images until this legislature authorizes the use of that information.

So you can support this amendment for many reasons: You can support it because you do not like the whole concept of biometrics; you can support it because you are concerned about the Department of Transportation's actions; you can support it because REAL ID is going to cost this State as much as \$140 million to implement and \$20 or \$30 million every year to administer; you can support it because you do not like the privacy issues, you are concerned about economic privacy; or you can simply support it because do you not like the whole concept of the Federal government telling the States how we ought to issue our driver's licenses.

Ultimately, this is a serious issue of sovereignty, and it is time that we take the step to declare this as a sovereign State. We are and we will be determining how best to identify who our drivers are and the licenses that we issue to them.

Support amendment 7738. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Elk County, Mr. Surra.

The gentleman temporarily yields to the next recognized member and that is the gentleman, Mr. Cohen, from Philadelphia County.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, sometimes there is such a thing as too much of a good thing, and I think the Rohrer amendment falls in that category. The Rohrer amendment is a very substantial ban on the use of information by governmental agencies. Huge amounts of information that have been routinely collected throughout either the entire history of this Commonwealth or the vast majority of the history of this Commonwealth is now banned.

In neighborhoods where I am familiar, and I assume I am not far from the only one, I can tell approximately the social status of a person just by giving the residence in which they live. Some neighborhoods are a lot more expensive than others. Some blocks are a lot more expensive than others. If anybody has my address, they know that my wife and I are solidly middle class. That is economic data that compromises our economic privacy – we are not very rich; we are not very poor; we are solidly middle class – that is economic data, whose collection compromises the economic privacy of people.

Biometric data is, similarly, a very, very broad category. On our driver's licenses, since time immemorial, we have signed the driver's licenses. The driver's licenses contain our signature.

Our signatures are biometric data. Our driver's licenses for many years have contained our pictures. Our pictures contain biometric data. They show what we look like and whatever facial pose or smile or frown we have. They can show approximately the distance between our earlobes. Some people have bigger foreheads than other people do. Some people have more hair than other people do. All that is biometric data.

This amendment will probably ban photo driver's licenses as well as signatures. Now, I am one of those who believes that the Bush administration's focus on total information about everybody and total screenings of everybody is probably an overreaction to the crisis of terrorism we now face, but saying that does not mean there is no terrorism problem. And I think, basically, this amendment says, there is no terrorism problem. This amendment basically says, there is no crime problem. This amendment basically says, there is no false-identity problem.

It is ironic that some of the same people who believe so passionately in photo identification when it comes time to voting are now introducing a bill which pretty much gets the State out of the photo identification business and appears to be banning photo identification on driver's licenses and the use of signatures and the collection of signatures and the collection of our own addresses.

Economic privacy—it would be a question of what economic privacy data is—is totally undefined here. Economic privacy is a vague term which could be endlessly interpreted. It gives some clues to social status, whether a person is a car owner or not. It gives some clues to social status, whether a family owns multiple cars or not, educational levels. It gives some hint as to economic welfare.

This is totally undefined here. It is totally undefined what biometric data is. I looked it up online—the Wikipedia, the leading online encyclopedia—it goes on in great length as to what biometric data means. And it is sweeping—the facial characteristics are biometric data; one's handwriting is biometric data; one's face is biometric data; one's voice is biometric data.

It is not clear. This amendment may ban the televising of our sessions on C-SPAN because it is giving biometric data about our voices. One's gait is biometric data, gait, g-a-i-t. One's hand veins or keystrokes are biometric data. One's fingerprint is biometric data. We cannot collect fingerprints under this bill, something that law enforcement agencies have been doing for years.

Mr. Speaker, there are legitimate concerns about the use and abuse of biometric data in our society. We need legislation, probably at State and Federal levels, that carefully examines biometric data and its use and its safeguards and its potential abuses and sets forth reasonable policies, but legislation that just totally bans the use of biometric data by State government is a grievous overreaction. It is a paranoid overreaction. Whatever the problems of biometric data, I would suggest that the problems of totally getting rid of all biometric data—including fingerprints, photographs, signatures—are far, far worse. We have a problem with crime in Pennsylvania that is of longstanding. There is some national threat of terrorism. We ought not to universally disarm ourselves. We ought not to vote for this amendment.

I urge a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I agree with what the Representative is saying, and I think we all do. In fact, this bill is going to pass the General Assembly with an overwhelming vote. I stand as much opposed to Big Brother and the REAL ID Act that was passed by Congress a few years back. However, what we are talking about and what the amendment actually says and will do are two different things. I am going to read to you a short paragraph. "Neither the Governor nor the Department of Transportation or any other Commonwealth agency shall participate in the compliance with any," any, "Federal law, regulation or policy that would compromise the economic privacy or biometric data of any resident of this Commonwealth."

That is very broad. That goes far beyond REAL ID. In fact, I am going to give you a few examples of what we stand to lose and how Pennsylvania will be impacted if we pass this amendment. I do not know if he is not sure of how it is drafted or if it is drafted in error, but we have talked to our legal people about it, and you could call this amendment the child molester protection act, because our police and our law enforcement people would be precluded from trying to use DNA evidence from the Federal government to get a child molester. The State Police Bureau of Forensic Services indicates that all of our Federal grants for DNA testing, which have Federal mandates and guidelines, would be impacted at a cost no less than \$1.7 million annually in Federal grant money.

Law enforcement in general could be seriously hampered because of this amendment. We receive grants for Megan's Law, upgrades for Amber Alert. This amendment would affect all future participation in those grant programs. The Adam Walsh Child Protection and Safety Act, it stipulates that a State could lose 10 percent of the justice assistance grant. And this act requires fingerprinting, DNA samples, and photos of sex offenders. I do not think that is what we ought to do. I do not think that is what we want to do. And as we all do not like REAL ID, that is what this amendment does.

I just ask you—we all get revved up in the rhetoric on the floor—I ask you to just reread what I started out with my comments. That is what the amendment says. That is what the amendment does, and we ought not to do that. It also would affect welfare programs. In order to verify eligibility for services such as medical assistance, food stamps, and child-care subsidies, DPW (Department of Public Welfare) uses an exchange of 13 checks in the Income Eligibility Verification System. Checks include wage data from the Department of Labor and Industry, Social Security Administration, and other systems. Applicants also must supply income verification, pay stubs, income tax information, Social Security numbers. This verification is required by State and Federal regulation. It could impact on our Federal money for medical assistance, food stamps, and child-care subsidies, and we require all those things so we can keep welfare fraud down.

Transportation is really the key area where this would have an impact. The PUC (Public Utility Commission), for example, is anticipating almost \$2 million for motor carrier safety, and this amount would be in jeopardy because of this amendment. The State Police and Department of Transportation are very concerned over our CDL (commercial driver's license) license program, including hazmat (hazardous material) licenses, because for CDLs, we require fingerprinting. The Federal Patriot Act requires that.

So while we are all, I think, against the REAL ID program, let us be clear what we are voting on here. We do not want to throw the baby out with the bathwater, and I do not think that you want to be on record as keeping our law enforcement folks from going after child molesters, so I am voting "no." I will support the bill, but I am voting "no" on this amendment, and I hope you would take a hard look at what it actually says and join me. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome Lauren Wingerstahn, Laura Evantz, and Nick Godfrey, who are the guests of Representative White, serving as summer interns in his district office. Please rise and be recognized. They are seated in the back.

### CONSIDERATION OF HB 2537 CONTINUED

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

Mr. DENLINGER. Thank you, Mr. Speaker.

The previous two speakers have raised some issues that will be, in due course, answered. I think there has been a great reach into how extensive the impact of this amendment would be, and I think those concerns will be answered as we continue with this debate. I would like to just kind of take us in a different direction, if I may, and just help the membership to understand what a truly bipartisan concern this really is. This is one of those unique issues that unites people like the conservative Representative from Berks, who is the maker of this amendment, with the ACLU. This unites those all across the political spectrum who are concerned about what government can do when it starts to collect more and more citizen data and puts that data into files and keep records on people in an inappropriate way.

We live in a good society and we have had a peaceful society, and that we are very thankful for over time. But, Mr. Speaker, I would submit to you that governments do not always use data for good ends. And though we are thankful that this government has done so in the past, who is to say what will happen in 15 or 20 years? And who is to say what facial images collected on the citizens of this State could be turned into when a government turns against its own citizenry? So if you are like me and you have concerns about civil liberties, truly civil libertarian concerns about the protection of freedom and liberty in this society, concerns when a government starts to, for good reasons, collect too much data, then you will stand with the maker of this amendment and support this amendment.

Ultimately, the reasons are always good that societies give up freedom. Today it is about terrorism. Who knows what it will be about tomorrow, but little by little we give up that freedom and liberty that those who went before us died to secure. And in fact, many of our young people are doing the same today across the world. So to stand with them, with those who fight for freedom and in defense of liberty, I hope you will stand with the gentleman from Berks and vote in the affirmative on this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cambria County, Mr. Yewcic.

Mr. YEWIC. Thank you, Mr. Speaker.

Will the gentleman, Mr. Rohrer, stand for interrogation?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. YEWIC. Thank you.

Mr. Speaker, a previous speaker raised some concerns about DNA, child predators, and CDL license and other such issues. Can you address those with the language in your amendment?

Mr. ROHRER. Thank you, Mr. Speaker.

I appreciate the opportunity to clarify that very creative – I give them credit for being creative – but grossly in error interpretation of what this amendment says. The amendment is very clear in stating that when it comes to the biometric data and economic data, that that data that is under our purview is to be assured that it is not compromised. That is the word that is there. For a literal definition of that, it simply means to not expose to suspicion or loss of reputation. We, Mr. Speaker, in every case where biometric data is taken and economic data is taken, have created protections under statutory law so that when DNA is taken, it is taken only when there is some good reason to believe criminal activity or other charge has been levied; same thing with fingerprints, same thing with other data that is collected.

Mr. Speaker, we do not, to my knowledge, have that data today in a form that is exposing to suspicion or loss of reputation. However, when biometric data, in the form of facial recognition or any other biometric data, is taken by government, by PENNDOT in this case, without the approval of this legislature, that data has been compromised. And this amendment— And there is not one person sitting here in this room who ought to justify and say that is all right, because if it is, then pack our bags and go on home because we are no longer a three-branch form of government.

Executive branch cannot make the law; they are to enforce the law. This is a making of the law, and this amendment simply says that the release of biometric data or confidential economic information, without State statutory authority in a manner that risks exposure outside the scope of authorized government programs, is not to be done. That is what it says; that is all it says.

So do not let anyone here listening or watching believe for a moment – believe for a moment – that the passage of this amendment would in any way compromise our ability to track sex offenders or predators or anything of the type; not even at all, one ounce of involvement, not at all. That is a bogus argument that was just put before this House. It is not true, under any scenario. The focus is the biometrics that are being collected, yes, encouraged by REAL ID and in compliance with that act does require it. And if you want, I will cite the provisions in the law where it comes from. It is there; the States are implementing, PENNDOT is implementing.

I will say this, I do not know that this administration intentionally began to do this, the collecting of biometric data. An inclusion on cards, driver's license cards, is something that has been encouraged for a long time for many years by certain entities, including—

Mr. THOMAS. Mr. Speaker?

Mr. ROHRER. —the contractor that is currently under contract of the department.

Mr. THOMAS. Mr. Speaker?

Mr. ROHRER. However—

The SPEAKER pro tempore. For what purpose does the gentleman interrupt the interrogation between Representative Yewcic and Representative Rohrer?

Mr. THOMAS. I am just trying to find out whether he is running a class or whether he is answering a question?

The SPEAKER pro tempore. I believe the gentleman was trying to wrap up the answer to the question by Mr. Yewcic. The gentleman may proceed.

Mr. ROHRER. I appreciate the gentleman's concern. I appreciate his education from time to time, as it occurs on the floor as well — seriously. However, this is a matter of education, to some degree, so that is what the whole purpose of back-and-forth debate is about.

Mr. Speaker, I believe that answers the question.

Mr. YEWCIC. Thank you, Mr. Speaker.

On the amendment.

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

Mr. YEWCIC. I support the Rohrer amendment. Many years ago I went, when I was about 16 years old, I went and got my Social Security card, and on that card it said, not for identification purposes. And yet today we live in a world where we cannot practically do anything without a Social Security card. I cannot even get a fishing license without telling some stranger at Wal-Mart my Social Security number, and that is the world we live in today.

Now we have REAL ID with facial recognition technology. This amendment wants to deny or not allow that to occur. I looked up definitions of facial recognition to see exactly what it is and how it is used, and it is interesting because it says, "It is typically used in security systems and can be compared to other biometrics such as fingerprint or eye iris recognition systems." I thought about my Social Security card and how it is used today, and I began to wonder, what if we required our constituents to run down to the police station or the FBI (Federal Bureau of Investigation) or some other State agency to give fingerprints or their eye iris scans so they could do business in the Commonwealth of Pennsylvania? That is not a sign of a free society. It is not, certainly, one that I want to live in.

Therefore, I believe that this amendment is pertinent today and should be supported, because the issue of biometric identifiers is a violation of all of our privacy. It is a privacy issue. I know there is general agreement on the bill itself; there is disagreement on how far, I guess, we should go. I, personally, believe that technology has advanced to a point where it has raised these issues, and we should, this legislature should take a strong stance in saying no and protecting our privacy in Pennsylvania. Thank you, Mr. Speaker.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the gentleman, the maker of the amendment, please.

The SPEAKER pro tempore. The gentleman agrees, and you may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I think what you are trying to do here is very well intended, and I do not think there are many of us here who like some of the things that have come down from the

Federal government relative to REAL ID and other areas, but I had some questions. First of all, regarding section 4 of your amendment, it is the "Participation in other related laws," and it reads, "Neither the Governor nor the Department of Transportation or any other Commonwealth agency shall participate in the compliance with any Federal law, regulation or policy that would compromise the economic privacy or biometric data of any" other "resident of this Commonwealth."

We have, in the Pennsylvania Vehicle Code, Title 75, section 1609, and that deals with the application for a commercial driver's license, and one of the things that we do, number 6 under that, point 6 under that, is we certify "...including those" certifications "required by Federal regulations," which, according to your amendment, we would not be able to comply with. Those certifications include fingerprinting, and because of section 4 in your amendment, my interpretation is that we would not be able to issue commercial driver's licenses if this amendment passed in the Commonwealth of Pennsylvania, and I wanted to question you on that particular point.

Mr. ROHRER. Thank you, Mr. Speaker.

I understand exactly what you are saying. The key portions of this— And I would say, right off, it does not affect that, not the intent, and do not think it is written as such. This section 4 does say, "Participation in other related laws," related laws related to things surrounding REAL ID in the consolidation of that aspect of driver's licenses. That does not concern CDLs; that is number one.

Number two, it does come around to the usage of the term "compromise." We have, in that case and in other cases that I have cited, with other fingerprinting or DNA collection or any of that type, we have given statutory approval even though there may be a Federal law to the extent. It is this area we are talking about here that we have not given statutory approval to, and that is the function, that is the focus of what this section is about. So it does not disturb any of the previously existing areas such as what you would describe as protections would be in place.

Mr. MARKOSEK. Mr. Speaker, I understand what you are saying, and I certainly appreciate that and I perhaps am not as sophisticated in some of this language as you perhaps are. However, I do have staff that is very sophisticated in these kinds of things, and they inform me that this, in fact, would preclude PENNDOT from issuing commercial driver's licenses because they cannot certify this. I think the answer that you provided is somewhat opinionated, and that is okay and you are certainly entitled to that, but when we get down to writing legislation, we have to have the fine letter of the law very clear, and while I—

Mr. Speaker, I have finished my interrogation. I would like to speak on the amendment, please.

The SPEAKER pro tempore. The Chair thanks the gentleman.

He has concluded his interrogation and is in order on the amendment.

Mr. MARKOSEK. Thank you.

Again I would repeat that I certainly give the maker of the amendment a lot of credit in trying to put together, fabricate a piece of legislation that answers some of the questions that we all, that we all in this room, in this chamber, that all citizens have relative to protecting our privacy. However, sometimes the devil is in the details, and this particular amendment is far too broad, in my opinion, and for that reason, we should reject it. If this is passed, there could be a great deal of problems in

issuing driver's licenses. We could have problems with the Federal wiretap laws; we could have problems with our compliance with the Patriot Act; we could have problems with fingerprinting laws in general.

So with that, Mr. Speaker, I would ask the members, reluctantly, to disapprove this amendment. While, again, I think it is well intended, the language I think needs to be modified in some sense.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, if I might interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman has no objection, and you may proceed.

Mr. METCALFE. Mr. Speaker, could you further clarify the intent of your amendment to specifically go after the biometric data that is potentially going to be collected, and may even have already been collected, to stop that from occurring but still allow for what is currently occurring under current law that would affect CDLs and prosecution and investigations into child predators? I am sure that the intent was to make sure that that side of the law was not affected, but I know we have got legal counsel there with you. Could you give us a little more specific legal answer as to how your amendment does not touch those other aspects of the law but goes after what you are trying to get at?

Mr. ROHRER. Thank you, Mr. Speaker.

The language that is contained in this amendment has been vetted by professionals across this country who are looking and are involved in the issue of REAL ID and attempting to put in place concise and focused language that would protect the constitutional and the statutory rights of the very State's citizens.

The amendment that is here before us is very clear in its definition of "biometrics." It is the general, standard recognized definition, the same thing with economic privacy. As a matter of fact, organizations on the outside helped to write this legislation – the ACLU and others, some of whom I do not often work with. This language covers what needs to be covered from a broad perspective of people relative to preventing further encroachment by the Federal government through State implementation through the various Departments of Transportation in the collecting of biometrics.

So what is here does not go beyond and undo what is already in place; it does not do that.

Mr. METCALFE. Mr. Speaker—

Mr. ROHRER. I have staff as well, Mr. Speaker, who believe that it does exactly that, plus outside input. I do not believe, under any circumstance, it undoes those necessary functions of current law enforcement.

Mr. METCALFE. So, Mr. Speaker, just to try and clarify a little bit, I mean, if we are going to have a legitimate debate, then I think both sides would agree that we have to have accurate information that we are dealing with, and when we have different opinions coming from both sides, just to try and get at the root of the issue, I think there is not one person here that wants to cast a vote in favor of this to allow it to undo any other laws related to CDL licenses or prosecution of child predators, but our legal counsel that have worked

with you, along with legal counsel on the outside of the General Assembly, agree that your language will go after specifically what you are trying to get at dealing with the REAL ID issue and the use of biometrics for REAL ID and not affect the law that is already in place.

Mr. ROHRER. That is correct, Mr. Speaker.

Mr. METCALFE. Mr. Speaker, you had raised early on in your conversation about this amendment, and you held up – I think you said it was a 300-page-or-so contract – early on, and the maker of the bill had tried to indicate that that contract had nothing to do with REAL ID, and then later in one of your statements, you mentioned that that contract, in fact, does deal with REAL ID. Once again, Mr. Speaker—

Mr. Speaker, I am trying to ask a question of the maker of the amendment, and I know the gentleman, the maker of the bill, is trying to get your attention here. If you could maybe clarify his interruption once again and we can move on with the question.

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Thomas, rise in the midst of interrogation?

Mr. THOMAS. I know; I would just like to ask my friend to stay on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. METCALFE. Thank you, Mr. Speaker.

It might take a little longer for me to actually make you understand what it is that I am actually trying to get at, but I am talking about the amendment and I am talking about the legislation, how it will impact the legislation. So that is the amendment.

Mr. Speaker, the amendment that you are proposing and the legislation that you are amending dealing with the REAL ID issue – and you had mentioned during your comments that the contract that you had raised and shown all of us, that that does specify REAL ID in that contract – could you elaborate a little bit more on how REAL ID is already being brought into contracts that this State is entering into?

Mr. ROHRER. Mr. Speaker, it is in this fashion: PENNDOT engaged a contractor called Viisage around the year 2000 to help them with driver's licenses in a legitimate way. In '06, just months after the 2005 REAL ID Act was passed, a continuing agreement was entered into with this company. That company agreed to implement facial recognition technology called FaceEXPLORER and to take and set up additional, separate databases in which to house the data, all a part of the contract. That data—

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. Thomas.

Mr. THOMAS. Here we go again. If he would just concentrate on the amendment.

Mr. ROHRER. Mr. Speaker?

The SPEAKER pro tempore. Mr. Thomas, the Chair is monitoring the interrogation and once again asks the gentlemen to confine their questions and answers to the amendment as it relates to the bill. Thank you.

Mr. METCALFE. Mr. Speaker, if I could, I would be happy to move along with my interrogation, and I could do this for hours. If we are going to keep getting interruptions, it will be longer. So keep interrupting.

### POINT OF ORDER

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

Mr. SHAPIRO. Mr. Speaker, just a point of order.

Mr. METCALFE. You do not like the tone of my voice.

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

Mr. Metcalfe, the Chair has recognized the gentleman, Mr. Shapiro.

Mr. SHAPIRO. Mr. Speaker, this is a very important debate. It appears not to be divided along partisan lines. There are many questions that need to be asked. I would respectfully ask the gentleman who is asking the questions to phrase them as questions related to the amendment, give the gentleman the opportunity to answer them, and please try and stay on point.

And the tone that the gentleman just used I think undermines the decorum of the House and undermines the content of this debate, which is very important, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is correct, and the Chair has reminded the three gentlemen several times on this matter and would kindly ask that each respect one another and the decorum and civility of the House.

Resume back to interrogation to the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

I appreciate the decorum and civility of the House, Mr. Speaker, and appreciate that we allow each other to speak without unneeded interruptions.

Mr. Speaker, just to summarize the question that I had asked. The contract that you had mentioned earlier, just the whole idea of REAL ID, do we have current contracts that are already moving us in the direction of REAL ID from REAL ID being mentioned in those contracts?

Mr. ROHRER. Mr. Speaker, I will and I can refer to the letters that we have gotten back, the six of us, bipartisan responses to our questions regarding that contract and regarding your specific question relative to the biometrics. The implementation of FaceEXPLORER is the usage and implementation of facial recognition technology confirmed by the department. It is being put into place every time someone goes in to get a picture taken. That is confirmed in the letters.

To the extent that we ask a question, what percentage of images were originally recorded in a form used by FaceEXPLORER, the facial recognition program, part of which is being paid for to this contractor? The answer is, templates have been created for 99.1 percent. Facial recognition – their answer – templates creation began in July of 2006. We have the precise resolution of those photographs. We have the description of the templates that form the basis of the biometric picture of one's face. That is all in the data. I do not have to go to the contract; I can go to the letters.

And when one goes to and looks at the contractor that is doing the work today, it would shock you to death to see what they are saying, because even this company cites in their materials that PENNDOT and Pennsylvania are taking biometric photographs of their people here. Even they are talking about it, as promotion.

So, Mr. Speaker, your question, does the amendment deal with this issue perhaps of what is happening? The answer is,

it deals expressly with what we now know is happening. When this bill was written last year, we did not know this.

One gentleman asked a question a little bit ago, Mr. Speaker – and I appreciate the question – about are we trying to educate? The answer is yes. That is what debate is all about. It is trying to educate with data. The facts are here; the facts are clear; the facts are indisputable. This House has before it, what are we going to do about it? This amendment addresses that issue.

Mr. METCALFE. Mr. Speaker, one of the most egregious aspects of the REAL ID that potentially can create a lot of cause for concern and harm down the road for our citizens across our State and citizens in other States that have raised so many of the concerns is the use of the biometric data that would be driven through the REAL ID, as I understand it, and your amendment being applied to this bill would go to the heart of one of the most egregious violations of the REAL ID. Is that not correct?

Mr. ROHRER. That is correct. The implementation – to make it clear – the passage or the implementation of this amendment, Mr. Speaker, and the restoring of this bill back to the way it was that 90-some cosponsors on here agreed to cosponsor, and why all the outside groups were supportive of it, it would require and it would state that, number one, the Governor and executive branch, it is this legislature's position that we do not, as a Commonwealth, pursue, embrace, or in any way participate in the aspects of the REAL ID Act of 2005.

The biometric portion that is included here goes to the core of what REAL ID asks for. It is the biometric-sensitive data on our people and says to our executive branch and to the Governor that that can no longer – that that cannot be collected and it must cease. That is what this would do.

So the failure to add this amendment, Mr. Speaker, would be to pass a bill that would say, we are not in favor of REAL ID, which no one here is, and that we do not want to do it. Some of the other provisions down the road would require breeder documents to be brought in and given as proof before a person could get a driver's license, those kinds of things, but we want to continue to do the most onerous provision, and that is the violation of our civil and constitutional rights. We are going to let that in. How bizarre, Mr. Speaker. That would be the result of this.

The failure to adopt this amendment says the worst part, the worst part, we are going to brush aside and say, you go ahead and do it. It would require no change from what we are now doing. Does that make sense? It does not make sense.

Mr. METCALFE. So, Mr. Speaker, this information that the amendment is addressing, the biometric data that the amendment would cause the administration to cease and desist from collecting through PENNDOT, that this amendment is really going after what appears to be the foundation that has been laid for REAL ID to be built on top of.

Mr. ROHRER. That is correct, Mr. Speaker. It is very clear, it is very clear from Homeland Security and those promoting REAL ID that what they are after is biometrics. I can give you a quote from Robert Mocny, the assistant to the director of Homeland Security, who last fall said that it is the goal of Homeland Security, working in conjunction with other governments, to biometrify 80 percent of the world's population in the next 2 years. That is facial recognition, Mr. Speaker. That is the prize, that is the prize because that is each one of our identity that you can get and you can stick in a computer and now hook it with all of your other data. It becomes extremely valuable; extremely. It is a gold mine for identity theft, all kinds

of security reasons, but more importantly, it is your identity and the identity of every person sitting here – man, woman, Democrat, Republican alike – the taking of that identity without the approval of this legislature and without the knowledge of the person involved. That is what is at stake.

Mr. METCALFE. Now, Mr. Speaker, this legislature became, I believe, outraged in the past when it appeared that one of our agencies was working to sell driver's license information, I believe it was, several years back, and we had a vote and we showed the sentiments of the legislature at that time to stop that from occurring.

This contract will be very similar to that in that it is already entered into, and it is collecting information that is even more directly connected to a person than the current driver's license information that is just data. The contract that you have that has already been entered into – and you had mentioned \$40-some million earlier that was the cost of that contract – has that contract been executed with a company that is a Pennsylvania company?

Mr. ROHRER. That company is not a Pennsylvania company; no.

Mr. METCALFE. Is that company that is operating, is it a United States-owned company that is operating this – that is collecting this information now from Pennsylvania?

Mr. ROHRER. Mr. Speaker, that particular company, which ought to be a matter of concern to everyone here as well because they are implementing the contract, is a company that now is the virtual monopoly holder of all driver's license data and biometric data among the 50 States. They are also contracted to companies overseas. They are also a company that is under contract to the Chinese government for the collecting of biometrics and surveillance in China. Mr. Speaker, that is, frankly, a matter of concern. And that particular company, while under contract, has had security breaches and was a part of our communication back and forth with the department. So the security breach is an issue of concern let alone who can have access to this data, which is a long list of people.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, if I might comment.

The SPEAKER pro tempore. The gentleman has concluded his interrogation and is in order on the amendment.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the concerns that the gentleman has raised regarding this particular contract, the company that it has been entered into with, and the effect this amendment would have on REAL ID, to really go to the core of the issue, I think it is something that should be supported by the majority of the members of this General Assembly.

Mr. Speaker, as a United States military veteran, I had received a letter some time back that there was a possibility that some of my data from the years that I was in the military may have been compromised with an event that took place of somebody having removed data from a facility that they should not have. The gentleman bringing up that this company that is collecting the information already through this contract has had their own security breaches and is far less secure than our United States military and veterans groups would be, I think, should be a great concern to all of us, that we should cause this administration to cease immediately from sharing any information related to the biometric data from any of our citizens.

I know there was a majority of us, in sessions past, who voted to stop the administration through one of the departments from selling personal information that has been collected from Pennsylvania citizens, and I think that as citizens across this State find out that their facial characteristics are being computerized and databased and given to this company that this contract was entered into with, I think people will be incensed by that information and that there will be a great outcry across this State to rein this abuse in.

Mr. Speaker, we need to pass this amendment if we are going to actually make this legislation have any effect on the REAL ID situation that is occurring in this State and across the country.

Mr. Speaker, I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Mr. Carroll.

Mr. CARROLL. On the amendment, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the gentleman is recognized.

Mr. CARROLL. Like a lot of other members in this chamber, Mr. Speaker, I, too, am concerned with the provisions of REAL ID, but my concerns with the amendment speak directly to the whole business of a commercial driver's license. In my view and in my reading of this language, we will prohibit individuals in this Commonwealth from renewing commercial driver's licenses if this amendment is enacted. Applicants for a commercial driver's license must submit a fingerprint if they have a hazardous endorsement, and this provision will simply prohibit our residents with a commercial driver's license from being able to renew their hazardous endorsement.

For that reason and that reason alone, this amendment must be rejected.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cohen, for the second time.

Mr. COHEN. Mr. Speaker, it has been less than a month since President Bush has issued National Security Directive 59, "This directive establishes a framework to ensure that Federal executive departments and agencies...use mutually compatible methods and procedures in the collection, storage, use, analysis, and sharing of biometric and associated biographic and contextual information of individuals in a lawful and appropriate manner, while respecting their information privacy and other legal rights under United States law." This directive goes on in some detail to discuss how biometric data is used against known and suspected terrorists. It seeks to ensure that biometrics can identify and screen known and suspected terrorists and other persons who may pose a threat to national security. It provides a Federal framework for applying existing emerging biometric technologies to the collection, storage, use, analysis, and sharing of data. It delineates powers of the national executive branch. It discusses biometrics in the context of past national security directives. It provides guidance for the Attorney General, the Secretaries of State, Defense, and Homeland Security. It goes on in great detail, in other words, about how biometrics can be used to develop our national security.

Whatever anyone thinks about the role of the State government in maintaining national security, it is very clear that we have a major crime problem in Pennsylvania. We have



regulatory problems in dealing with the commercial driver's license. We are busy regulating child molesters. We are busy regulating drunk drivers. We have a vested interest in having law enforcement have tools that separate people who are violators from people who are not. We do not want innocent people to be picked up. Biometric devices are a series of tools that can help law enforcement. They ought not to be totally thrown out. They ought to be carefully studied. We ought to have hearings of relevant committees. We ought not, though, to have a bill that completely ends the use of biometrics, both new devices such as face recognition devices, and all devices such as fingerprints and handwriting analysis that have been around long before most of us were born.

This is a very radical amendment. This is an overreaction. I strongly urge that we pass the bill showing our displeasure with the REAL ID program in a manner that is passable by the Senate and in a manner that is debated and recognized by the Federal government and not get bogged down in issues that are far, far broader than the REAL ID and issues in which our position, if this amendment becomes part of this bill, will be widely seen as extreme and irrational.

I strongly urge a "no" vote on the Rohrer amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I really did not intend to participate, but my name has been invoked repeatedly, and also the name of an organization which I am on the board of, the American Civil Liberties Union. So I want to clarify some things.

I did sign some letters to PENNDOT about driver's license procedures, and because I am concerned, as is the sponsor of this amendment, the gentleman from Berks, about privacy and confidentiality – and I thank him for his leadership on that issue – but my name is not on this amendment. I am not for this amendment, and my organization, the organization to which I belong, is not supporting this amendment – the American Civil Liberties Union. So that is to clarify the record.

Furthermore, I believe that this is not the time or the place to deal with these issues. I agree with the gentleman from Philadelphia, Mr. Chairman Thomas, that these are not directly connected, that this amendment is not directly connected to REAL ID, which is a Federal program, not a State program.

I believe this amendment weakens the underlying bill, which concerns issues of States rights, unfunded mandates, lack of process on the Federal level, inconvenience and expense for our citizens, more money in fees for them, privacy concerns, et cetera, and will not protect us from terror, and that is how I characterize the REAL ID requirement.

I also agree with the gentleman from Philadelphia, Mr. Leader Cohen, and others in opposition, including our leader from Elk County, Mr. Surra. We need to avoid REAL ID, but this amendment does not help. This amendment weakens it. I rise in opposition. Please vote "no."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady from Philadelphia and recognizes the gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I ask my colleagues from both sides of the aisle to vote "no" on the Rohrer amendment, and I ask you before you vote, if you would turn to the second page of the Rohrer amendment and just read section 4. Section 4 says, "Neither the

Governor nor the Department of Transportation" and here are the operative words, "or any other Commonwealth agency shall participate in the compliance" not with REAL ID Act 2005, but "with any Federal law...." Those are the operative words.

So the real question is, do you want your vote on this provision? Even if you believe that Representative Rohrer has a qualitative argument, his amendment has expanded that argument to cover any Commonwealth agency, and I think about JNET (Justice Network, Pennsylvania), State Police, I think about a number of agencies.

And secondarily, I think about if the amendment was filed to a bill that deals with a Federal law enacted in 2005, why did he expand his amendment to cover any Federal law? That can be very troubling when you and I have to explain why we supported this, and I do not think the people want to do that.

I think that from the hearings that we have held, from the good work that has been done by Representative Cohen and Representative Brooks and the members of the Intergovernmental Affairs Committee, what we want to do is what is articulated in HB 2537: One, prohibit the Commonwealth of Pennsylvania from certifying or seeking certification under the REAL ID Act of 2005. Secondly, we want to empower the Attorney General and/or the Governor to take legal action, if necessary, to prevent the Commonwealth of Pennsylvania from certification under the REAL ID Act. That is what HB 2537 provides. That is what we want to do.

The amendment talks about methodology, not policy, methodology. It talks about a methodology, which probably has a lot of questions, but before us this evening is prohibit the Commonwealth of Pennsylvania from certification under REAL ID and empower the Governor and/or the Attorney General to take the necessary steps to restrain Pennsylvania from participating in REAL ID.

Vote "no" on the Rohrer amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Anyone else seeking recognition before the prime sponsor of the amendment speaks last?

Seeing none, the gentleman, Mr. Rohrer, is recognized, when he is ready.

Mr. ROHRER. Mr. Speaker, we have heard a lot of things here in the last little while on this issue. We have heard a lot of scare tactics thrown up, some wrong interpretations made of this amendment, as to provide cover or justification for not voting to put the citizens' rights first and foremost.

Mr. Speaker, the issue is about REAL ID; that is what started it. And I am glad that in a great bipartisan fashion across this country, Democrat and Republican alike are in opposition, but what are we in opposition to? Why do we not want REAL ID? Is it just because it is the money attached to it and that it would raise our driver's license cost that PENNDOT estimates to \$38 a license? Is it just the fact that it is going to cost us \$100 million, as a State, to implement it? Is it just because we have the Federal government trying to tell us, as States, what we must do? No, Mr. Speaker, it is not just those things because those all can be handled. The core issue is, as has been established – and no one has disputed it here because they cannot, because it is in the letters – the administration, whether intentionally or not, is collecting the biometrics, which is the core intent as stated by Homeland Security and by the act and the proposed rulemaking surrounding it. That is the heart of the issue.

Now, with that being established that that is being collected and it has also been established that it is without statutory approval or authority, there are two issues at stake here: no statutory authority and, number two, the individuals, you and all of those who are watching it go in, have their biometrics taken as we sit here right now, without even as much as informed consent to have their personal identity taken and stuffed in a database which is accessible by the Federal government at any level and distributable worldwide. We are going to say that is okay? We are going to say that that is not an issue? Every person who attended the hearings made it very clear that was the issue of their concern, that was what they objected to, and we are saying we should not adopt this amendment? We should leave that practice in place? What in the world is going on?

This is not a partisan issue, and it should not be. This is for every one of us who is here and sworn to protect the constitutional rights of the people whom we represent. That is really what is at stake. So this amendment has the biometrics in it because it is what the bill was to begin with. It is what every person here who is a cosponsor, it is why they signed on to it. It is why even, yes, the ACLU supports it, because they did and they helped to get many people on the bill because it was here. So no matter where you go, right or left, what happens, what becomes of this bill with the insertion of this amendment is what is being supported, because it protects our rights.

Mr. Speaker, the failure to adopt this amendment allows the collecting, the unauthorized collection of biometric data to continue. If that is what this House wants to say, let you go on the record, but I, for one, am not in support and neither was any person who came to those hearings and neither are any of those groups on the outside. This is a matter of fundamental law. This amendment would correct and make this bill complete. Vote for a complete bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

#### YEAS—92

Adolph	Fairchild	Marsico	Rapp
Argall	Fleck	McIlhatten	Raymond
Baker	Gabig	Mensch	Reed
Barrar	Geist	Metcalfe	Reichley
Bastian	Gillespie	Micozzie	Roae
Bear	Gingrich	Millard	Rock
Benninghoff	Godshall	Milne	Rohrer
Beyer	Grell	Moul	Saylor
Boback	Harhart	Moyer	Schroder
Boyd	Harper	Murt	Smith, S.
Brooks	Harris	Mustio	Sonney
Causar	Helm	Nailor	Stairs
Civera	Hershey	O'Neill	Steil
Clymer	Hess	Payne	Stern
Cox	Hickernell	Peifer	Stevenson
Creighton	Hornaman	Perry	Swanger
Cutler	Hutchinson	Perzel	Taylor, J.
Dally	Kauffman	Petri	True
DeLuca	Keller, M.K.	Phillips	Turzai
Denlinger	Killion	Pickett	Vereb
DiGirolamo	Maher	Pyle	Vulakovich

Ellis	Major	Quigley	Watson
Everett	Mantz	Quinn	Yewcic

#### NAYS—108

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

#### NOT VOTING—0

#### EXCUSED—3

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

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

The SPEAKER pro tempore. Mr. Rohrer, you have a second amendment, but— It is withdrawn. Thank you.

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

#### STATEMENT BY MR. THOMAS

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

Mr. THOMAS. Unanimous consent, Mr. Speaker.

The SPEAKER pro tempore. I am sorry, Mr. Thomas; I could not hear you.

Mr. THOMAS. Unanimous consent.

The SPEAKER pro tempore. Has the gentleman consulted both leaders for unanimous consent?

Mr. THOMAS. Well, I have not consulted the minority leader, but I just wanted to thank everybody for their support.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### RESOLUTION

Mr. THOMAS called up **HR 767, PN 3960**, entitled:

A Resolution urging the Congress of the United States to repeal the REAL ID Act of 2005 and to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004.

On the question,  
Will the House adopt the resolution?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I ask my colleagues to support HR 767. It merely urges Congress to take steps to deal with the REAL ID Act. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the resolution, the Chair recognizes the gentleman, Mr. Rohrer.

Mr. ROHRER. Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman suspend momentarily.

### RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The resolution will be over temporarily.

### SUPPLEMENTAL CALENDAR A CONTINUED

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2294, PN 3962**, entitled:

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

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

Mr. **BOYD** offered the following amendment No. **A07915**:

Amend Sec. 5, page 4, line 28, by striking out "6" and inserting  
7

Amend Bill, page 4, by inserting after line 30  
Section 6. License fees for certain entities.

Notwithstanding any other provision of this act, a domestic or foreign not-for-profit corporation or association registered as such under 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations) with the Secretary of the Commonwealth which has annual gross revenues from debt management service fees and charges of less than \$3,000,000 annually shall only be required to pay an initial registration fee of \$500 and an annual renewal fee of \$350.

Amend Sec. 6, page 5, line 12, by striking out "6" and inserting  
7

Amend Sec. 7, page 6, line 30, by striking out "7" and inserting  
8

Amend Sec. 8, page 7, line 27, by striking out "8" and inserting  
9

Amend Sec. 9, page 8, line 13, by striking out "9" and inserting  
10

Amend Sec. 10, page 9, line 15, by striking out "10" and inserting  
11

Amend Sec. 11, page 9, line 25, by striking out "11" and inserting  
12

Amend Sec. 12, page 10, line 7, by striking out "12" and inserting  
13

Amend Sec. 13, page 10, line 18, by striking out "13" and inserting  
14

Amend Sec. 14, page 15, line 23, by striking out "14" and inserting  
15

Amend Sec. 15, page 16, line 20, by striking out "15" and inserting  
16

Amend Sec. 16, page 16, line 29, by striking out "16" and inserting  
17

Amend Sec. 17, page 18, line 10, by striking out "17" and inserting  
18

Amend Sec. 18, page 18, line 29, by striking out "18" and inserting  
19

Amend Sec. 19, page 19, line 2, by striking out "19" and inserting  
20

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that was agreed to by the prime sponsor from our committee meetings. It is an agreed-to amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

#### YEAS—200

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Sabatina
Barrar	George	McCall	Sainato
Bastian	Gerber	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Beyer	Godshall	Metcalfe	Seip
Biancucci	Goodman	Micozzie	Shapiro
Bishop	Grell	Millard	Shimkus

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Curry                      Petrone                      Rubley

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.)

## CALENDAR CONTINUED

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1063, PN 2229**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in local tax, further providing for definitions, for delegation of tax powers and restrictions,

for recapture of tax, for payroll tax, for nonresident sports facility usage fees, for vacation of tax ordinances and resolutions, for advertising tax ordinances, for second class city tax rates, for taxpayer appeals, for filing ordinances, for limitation on tax rates, for withholding of local services taxes, for administrative personnel and joint agreements, for audits of earned income and other taxes, for payment of tax to other taxing authorities as credits or deductions, for personal property, for assessment limitations and for tax limitations; providing for legal representation, for restricted use, for consolidated collection of local income taxes, for collection of delinquent taxes and for miscellaneous provisions; further providing for penalties and for repeals; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. Mr. Nickol, is it our understanding correctly that you have withdrawn your amendment? Mr. Nickol?

The Chair thanks the gentleman. The amendment is so withdrawn.

The Chair recognizes the gentleman, Mr. Kotik.

Mr. KOTIK. Thank you, Mr. Speaker.

I would like to interrogate the chairman of the Finance Committee.

The SPEAKER pro tempore. Will the chairman so agree to interrogation? The gentleman has agreed, and you may proceed.

Mr. KOTIK. Thank you, Mr. Speaker.

Mr. Speaker, one of the premises behind the whole idea of consolidating wage tax was the idea that we were losing \$235 million a year. I would like to know how the study that determined this was made and where the material is that can substantiate this loss of revenue.

Mr. LEVDANSKY. Mr. Speaker, an original study was performed in consultation with the Department of Community and Economic Development that resulted in the effort to promote a more streamlined collection of wage taxes in the State. I believe about a year ago or so a follow-up study was conducted by the Pennsylvania Economy League, and that study indicates that across the Commonwealth, the 2,878 school districts and municipalities that levy wage taxes – in the aggregate, there is a little over \$2 billion of wage taxes collected. That study also indicated that approximately \$237 million of wage taxes go uncollected. That was a study conducted by the Pennsylvania Economy League.

Mr. KOTIK. Mr. Speaker, do we have an idea of the methodology of how that study was conducted?

Mr. LEVDANSKY. If the Representative could hold for a second, I could grab my file and take a quick look at it.

Mr. KOTIK. I will be happy to wait.

Mr. LEVDANSKY. Mr. Speaker, the original study that was done by the Department of Community and Economic Development and the Center for Local Government Services was done in August of 2004, and the follow-up study was conducted by the Pennsylvania Economy League, and the results of that were released about 1 year ago. That study indicates that in Allegheny County, approximately \$34,920,000 of wage taxes goes uncollected in Allegheny County because of our fragmented system.

I do not have the full study with me, so the methodology of which – you would have to talk to the people from the Pennsylvania Economy League, as they conducted the study.

Mr. KOTIK. Mr. Speaker, the reason I asked that is because I have another study that was done by another group, and you

might think it was in their self-interest to do this study, but it was the Pennsylvania Earned Income Tax Officers, Administrators and Collectors Association. They reached an opposite conclusion, contrary to the Economy League, and showed a local tax collection surplus of \$100 million in excess of predictions. So there is some contrary information.

And one of the controversies about this whole discussion, as far as this study, is that it has never been released to people that want to scrutinize it, and that is a problem I have. I want to know why the Economy League – and I know you cannot answer this directly because you are not responsible for the actions of the Economy League – but I would like to see a copy of this study, if it is at all possible.

Mr. LEVDANSKY. Mr. Speaker, this is the first time I have learned that the wage tax collectors have done their own study, but frankly, I concur with your observation that it is probably a self-serving exercise that is conducted, and if there is \$100 million of surplus, then what are they doing? Collecting too much wage tax from people? Then maybe they should be giving that back. It does not make any sense to me.

But if you want to engage in a debate about studies, we could do that, but I think now is not the appropriate time to do that. If you would like a copy of the Economy League report, I will make that request of the Pennsylvania Economy League and get that for you.

Mr. KOTIK. Thank you.

All right. My next question, Mr. Speaker, relates to the definition of a "tax bureau" in the legislation. The definition that I see in front of me says, "A public nonprofit entity established for the administration and collection of taxes." Now, my opinion, and I would like to know your opinion, that is a pretty broad definition of an entity that is created for the collection of taxes. It seems to indicate to me that at some future date, they could be collecting a lot more than just the earned income tax.

The SPEAKER pro tempore. Will the gentleman suspend and kindly give us a moment at the podium. If you would come to the podium, please. Thank you.

Both of you. Thank you.

(Conference held at Speaker's podium.)

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

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

(Bill analysis was read.)

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

The Chair thanks the members for the brief interlude and recognizes the gentleman, Mr. Kotik.

Mr. KOTIK. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. KOTIK. Yes.

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

Mr. MAHER. Thank you, Mr. Speaker.

I had thought that the rostrum had noticed that I was seeking recognition on third consideration, and suddenly I see that the board no longer has third consideration and I was not recognized, so I would ask that you rescind the announcement of third consideration.

The SPEAKER pro tempore. The House will be at ease.

Would the gentleman approach the podium.

(Conference held at Speaker's podium.)

#### DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill was agreed to on third.

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

The SPEAKER pro tempore. The Chair once again returns and recognizes the majority leader, who calls up SB 1063, PN 2229. We are now on third consideration.

The Chair recognizes the gentleman, Mr. Kotik.

Mr. KOTIK. Thank you, Mr. Speaker.

I would like to get back to my question in reference to the definition of the "tax bureau" as outlined in the legislation. It seems to me to be a very overly broad definition of "tax bureau," and I am wondering whether it was drawn that way for future consideration of expanding the role of the tax collection or tax bureaus so that in the future, they may be able to collect other taxes in addition to the earned income tax.

Mr. LEVDANSKY. No, Mr. Speaker; absolutely not.

The definition of a "tax bureau" in the bill is written to accommodate the variety of wage tax collectors that we presently have in the Commonwealth.

Presently wage taxes in the Commonwealth are collected, at times, by third-party private collection entities and also by public entities. So there are a variety of wage tax collectors out there right now, and what we do not want to do is to preclude any of them from being able to collect wage taxes. That is the decision that needs to be made at the local level after these local wage tax collection committees get formulated.

And just as a follow-up, since we had a little break here, the Pennsylvania Economy League report is on its Web site and has been a public document since its release.

Mr. KOTIK. Okay. My next question still kind of relates to future considerations by this body. When these tax bureaus are established, is it possible that the legislature can expand their scope to include collections of additional taxes that the legislature may deem to enact?

Mr. LEVDANSKY. Mr. Speaker, this legislation authorizes the creation of the local wage tax collection committee, and they can contract out with a variety of wage tax collection entities, as defined in the bill. This bill applies to the collection of the wage tax. It does not apply, this legislation does not apply to the collection of local property taxes. So let me be clear about it: This is not applicable to the collection of local property taxes, only to the collection of local wage taxes.

Mr. KOTIK. But, Mr. Speaker, this does not preclude other legislation that may be introduced in the future that would expand the scope to collect the other taxes.

Mr. LEVDANSKY. Mr. Speaker, again, the legislation does not apply to the collection of property tax; it applies to wage taxes. I cannot predict what any future legislature would do, but I think, suffice it to say, that the real interest is in an efficient, streamlined collection of wage taxes, and for myself, that is strictly what my intention is. I cannot say what any future legislature's intention could be, but they would have to pass a law to do that.

Mr. KOTIK. Thank you, Mr. Speaker.

My next question kind of goes to the provision relating to the opt-out for municipalities. It seems to me from my reading that we have established a very high bar for communities at some point that want to opt out of the tax collection district. It seems that there are a lot of legal hurdles and a lot of different things that a municipality, hoops that a municipality must jump through in order to opt out of this tax collection district.

Mr. LEVDANSKY. Mr. Speaker, if a local municipality wants to opt out of the countywide collection, they would be able to do so if they could show that they would collect more money by engaging in another process or another collector. That makes sense; it ought to be the standard. The only reason why you would want to change and be able to opt out of this system is if you can show that there is another system that is better than the one that is going to be put in place.

Mr. KOTIK. Mr. Speaker, just in response, I think the provisions that I see in front of me are pretty onerous as far as what the political subdivision must do to opt out.

Okay. I will move on to my next question. The next question relates to section 508, powers of DCED (Department of Community and Economic Development).

Mr. LEVDANSKY. Mr. Speaker, before you move on, just let me, just for the record, this is what qualifies for the opt-out: "The political subdivision has suffered loss in income tax revenues that is directly and primarily attributable to the willful and continued failure of the tax officer or tax collection committee to comply with the provisions of this act."

"The tax collection committee has failed to take reasonable measures to correct the deficiencies in the performance of the tax officer and otherwise assure compliance with the requirements of this act." That is the standard which enables a municipality to opt out.

Mr. KOTIK. But I also understand, Mr. Speaker, there are further requirements if agreements cannot be reached, where you have to get in front of a master and you have to seek legal action in common pleas court in order to opt out also. So I regard those as quite onerous, but I will move on.

My final question deals with section 508, powers and duties of DCED, and I am looking at a section that is entitled "Departmental Study," and one of the bullet points under the "Departmental Study" says, "Part of the study shall include a feasibility examination of contracting on a statewide basis for the development of appropriate collection software systems."

Now, I am wondering, is this something that the study will require all the tax collection districts to participate in, and will DCED end up paying for this software or will it be competitively bid?

Mr. LEVDANSKY. Mr. Speaker, that section basically lays out that the Department of Community and Economic Development will provide information to the new wage tax collectors on where they can purchase software and other programming to be used by the third-party wage tax collector.

Mr. KOTIK. Well, Mr. Speaker, the language I am looking for, it says "...a feasibility examination of contracting on a statewide basis for the development of appropriate collection software systems." My reading of that section and the summary that I have before me, which is the summary from the Senate that I was able to obtain, seems to indicate that the software will be purchased on a statewide basis rather than an individual basis or rather as a decision of the individual tax collection districts throughout the Commonwealth.

Mr. LEVDANSKY. Mr. Speaker, the department will purchase the software and make it available to the countywide tax collection entity. They will not force it or require it; they are simply purchasing it and making it available to the countywide wage tax collection entities, and it is their choice whether or not they want to use it or not.

Mr. KOTIK. Thank you.

Mr. Speaker, I would like to offer remarks on third consideration.

The SPEAKER pro tempore. The gentleman has concluded his interrogation and is in order and may proceed.

Mr. KOTIK. Yes.

Mr. Speaker, at this time and in this hall, all of us are being asked to render judgment on an important piece of legislation that deserves a thorough public discourse and debate. In my view, this has not happened – not for the people that I represent in local government. This legislation will have lasting implications far into the future for governance and timely receipt of municipal revenue.

How much time do we spend explaining what lies in the minutiae of SB 1063? Sadly, very little – an hour in our respective caucuses and maybe 2 to 3 hours on the floor of this House. This bill has been in the House Finance Committee for a number of weeks, yet we spent the last 5 or 6 weeks coming to Harrisburg on a Monday and sitting through resolutions ad nauseam and inconsequential bills meant to occupy our time. And then on Wednesdays we are sent home on recess and told we will be back in school at 1 p.m. on Monday. It feels like I am back in elementary school.

So now we are in the bottom of the ninth inning and the game is tied. We are near the end of the legislative session. We are told by the proponents of this legislation that it is do or die and if we do not go along with amendments offered by the House of Lords, hail and brimstone will fall from the sky.

We had a chance yesterday to do the right thing and pass an amendment authored by a long-time stalwart of good government and reform. To their credit, my colleagues on the other side of the aisle took political risk by compromising on the issue of local control for the right reason.

We were told that the Senate would declare this dead on arrival. It seems to me that there is this selective enforcement on the dead-on-arrival rule here in this House, yet I have sat in our caucus on numerous occasions when the argument was made to put the Senate's feet to the fire. On vote after vote, the mantra of our leadership has been, stay strong; let them know that we will not be bullied by their threats.

The world will not end if we take the time to do this legislation the right way. We got burned with the emergency services tax, and it took three or four legislative ping-pong bangs to get it right.

My purpose in this debate is to get it right the first time by encouraging vigorous public debate by all the stakeholders in the process, not just a few who walk the halls of this Capitol.

I am not convinced that we have gotten the viewpoints and the inputs of all of the people that deserve to be heard; most specifically, the municipalities that I represent in my legislative district.

### MOTION TO RECOMMIT

Mr. KOTIK. So as a consequence of this feeling, I would like to move that the bill be referred to the Finance Committee with the request that at least three public hearings be held during the summer recess, and we take this bill back up in the fall. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman makes a motion to recommit the bill to the Finance Committee.

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

The SPEAKER pro tempore. On that motion, the gentleman, Mr. Maher, is recognized – on the motion to recommit.

Mr. MAHER. Thank you, Mr. Speaker.

I think the gentleman from Allegheny County is exactly correct. The DCED report that has been talked about earlier today ended with a very clear recommendation: State collection of local earned income tax. Nowhere in that report, that study, did they talk about 69 new tax-collecting centers, in addition to the Philadelphia arrangement. So that would be 70. That study is about 2-inches thick, and 69 and 70 do not appear.

I think the public input on whether it makes sense to create 69 new units of government versus going to one versus staying with the status quo is a conversation that we owe the public. This will affect every community, every resident of the State. Their lives can be made simpler, or they can be made horribly more complex.

I think Mr. Kotik is exactly right, and I support his motion to recommit this bill to the Finance Committee, with the request that hearings be held in each corner of the State before we return in the fall.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

Sometimes you get to live again. On Monday I could not be here because of a family matter in the Midwest, and I thought I had lost it, and thanks to the gentleman, we have an opportunity to correct the amendment and to adopt the amendment that we might have offered on Monday that did not quite make it.

There are two good reasons why we need to do this: Number one, in this year's budget, there is a \$10 million line item for the Department of Revenue to begin the rewrite of all of their software, and that is necessary because the Department of Revenue is still using software written in COBOL (Common Business-Oriented Language), an ancient computer language, and as a result, their software and the software of the Federal government are growing more and more divergent.

So if we are going to rewrite all of the software – and over the next 5 years that is going to happen and we are going to spend \$100 million, \$80 to \$100 million, maybe a little bit more, to rewrite all of this software – to do that and not include a local tax collection option by the Department of Revenue is wrong, because we will never have a better opportunity to write that protocol into the software at a very nominal cost. If we decide to do this – that is, statewide collection – after this software has been rewritten, it will cost us huge amounts of money.

The second reason is that even if we adopt 1063 in the format that it is now, it will not be implemented until 2012. The amendment that I attempted to offer on Monday required the same thing: adoption of statewide collection by 2012. We can accomplish the same goal; we can accomplish a statewide collection system, which will ease the burdens on our employers.

Think about why we should have a statewide collection system. You can name any reasons, but the biggest reason is, we must ease the burden on our employers, because an employer that has employees from multiple school districts and multiple municipalities is forced to file tax returns for every one of those collecting districts.

With a statewide collection system, that employer can make one payment in the month to the State Department of Revenue and then have those funds disbursed. One payment, one check, and the money goes to the proper jurisdictions. That cannot happen under this proposal, under the 1063 proposal, or under what we are doing now.

Vote to support the motion to recommit. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Levdansky.

It is the motion of Mr. Kotik, who has the prerogative of going last. If he desires to be recognized on the second— He is shaking his head in the affirmative, so it is the prerogative of Mr. Kotik to go last.

Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, a vote in support of the motion to recommit the bill is, in essence, a motion to kill this effort. This effort began 4 years ago in August of 2008 when a report was issued by the department outlining how we need to streamline and consolidate the collection of the wage tax.

I hear that some want to adopt a statewide collection model and have the Department of Revenue collect it, but the same people that are saying that this bill has not been vetted appropriately ought to then have concerns about vetting an idea that has not even been introduced as a bill, and certainly has not been vetted through the public hearing process.

So the option of a statewide collection entity in the Department of Revenue is not a real option. It is not a bill that has been introduced this session, or I believe last session, and it is certainly not something that has had public hearings. So those that are concerned about not having enough public input relative to this process on this bill certainly ought to have grave concerns about not having any public input on a bill that has not even been introduced.

So in essence, let me point out that this bill has been vetted over the course of two sessions. The prior majority chairman, Representative Dennis Leh, took this issue out on public hearings. There have been countless meetings with a number of

organizations and stakeholder groups that have an interest in this. The Pennsylvania Chamber of Business and Industry, the League of Cities and Municipalities, the Boroughs Association, the Township Supervisors Association, the Pennsylvania Business Council, the Retailers' Association, the Pennsylvania Institute of C.P.A.s (certified public accountants), the National Federation of Independent Business: All of these organizations and others representing local governments and the business community have all worked together to craft the compromise piece of legislation that is embodied in SB 1063.

I venture to say that nobody that really has wanted to have input into this has been excluded. This bill has been vetted last session and this session, and the product that we have before us is a product that we can all be proud of. It is a product that will work in the best interests of our taxpayers, our local governments, our school districts, and the employers across the Commonwealth.

Mr. Speaker, let me again sum up by using a quote from former Governor Tom Ridge: "Never let your quest for the perfect be an enemy of the good." This is not just a good bill, this is a very good bill. This is an excellent bill, a really excellent work product. We need to pass this, put it into law, and streamline the collection of the wage tax system in the Commonwealth, in the interest of our taxpayers.

The SPEAKER pro tempore. Has the gentleman concluded his remarks?

Mr. LEVDANSKY. Mr. Speaker, just two quick points.

I have been reminded, not only have there been hearings on this bill this session and last session, but in the prior session when Representative Bob Flick was the majority chairman of the Finance Committee, he held public hearings on this matter as well.

One final thing: This bill was reported from the Finance Committee by a vote of 26 to 1. The Finance Committee, all the members take great pride in working on the intricacies and the details of legislation before we report something to the floor of the House. I think that overwhelming bipartisan support in the Finance Committee is reflective of the support for the legislation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I also rise to support the motion to recommit SB 1063.

You know, ironically, this bill was introduced in September of 2007 – 6 1/2 months ago. All of a sudden it is important and necessary that it run this week.

It was referred to the House Finance Committee in May of 2008, and it was not referred out until the 16th of this month, and now all of a sudden, a week later, we have to rush it through.

And no, it has not been vetted, and while there may have been hearings, and I participated in some of those hearings as a former member of the Finance Committee, it has not been fully vetted by the municipalities and the communities that are going to be affected by it.

All of a sudden, it is a rush. We have to do it now. It sat in the Senate for 6 1/2 months. Now all of a sudden we have to do it now; we cannot wait. We cannot let the local communities respond to us and let us see what is on the agenda.

It was not on our voting calendar a month ago, 2 months ago, 5 months ago, or 6 1/2 months ago. The local communities had no idea that this particular piece of legislation was suddenly

going to be placed on the fast track to be passed before we concluded for the summer session.

I encourage all of you to recommit this and allow the communities and the people that we represent to have the opportunity to share with us their concerns and their thoughts about what this type of legislation is going to mean in their local community.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Maher, who waives off for the second time. Thank you, Mr. Maher.

Mr. Levdansky, are you seeking recognition for a second time? Thank you; Mr. Levdansky waives off.

For the second time, Mr. Kotik on his motion.

Mr. KOTIK. Thank you, Mr. Speaker.

The gentleman from Westmoreland reiterated many of my former arguments. This is a momentous step, and I concur with his assessment. We sat and waited. Sometimes I think this is a deliberate strategy. Sometimes I think we were brought this bill at the very last minute and we are going to ram it through this House and we are going to hope that everybody forgets about it over the summer. But I can guarantee you, the response that I have gotten from many of the communities that I represent, they were very upset that they were not involved.

I am not asking for a lot; I am asking for public vetting of this bill. We do this on a lot of bills regularly throughout this Commonwealth and throughout this Pennsylvania House of Representatives, and we need to hear from these people. There is a lot made of the fact that the Pennsylvania Boroughs Association, the Pennsylvania Township Supervisors Association – and oftentimes the people they deal with are the heads of these organizations. They are not the rank-and-file member municipalities of these organizations. So if one member, one president of the Boroughs Association, says, oh, I am all for this, that is automatically, you make the assumption that all the member municipalities are for this? I do not think so.

And I think it applies for all the associations, because the feedback I have gotten from it is many of these communities are not ready for this yet. Many of these communities want their input taken into account. That is all I am asking for. I am not seeking to derail this legislation. Like I spoke on the floor the other day, there are good ideas, there are better ideas, there are superior ideas, and the gentleman, Mr. Steil, had a superior idea. We almost had the votes to sustain his idea, and we have got to look at all the options.

I am not in a mood for a rush to judgment. Please support me. Please support the motion to recommit.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Seeing no other members seeking recognition— My apologies; the gentleman, Mr. DeWeese, is recognized.

Mr. DEWEESE. Thank you very much.

I regret taking a position contrary to my honorable colleague from Allegheny County; he is a worthy brother, and we vote in alignment on so many cases. But this issue has been around for 6 years. It has been fully vetted in both the House and the Senate. And the Democratic leadership team would like to ask the Republican leadership team and the rank and file to vote with us on what we consider to be a preeminent pro-business – one more time – vote with us on a preeminent pro-business piece of legislation. The efficiencies realized in this proposal



will help Pennsylvania business, and for that reason I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. DeWEESE. An affirmative vote on the measure when it is finally up for a vote. I apologize, Mr. Speaker; a negative vote on the measure to recommit.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority leader, Mr. Smith.

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

I was not sure if I really was going to weigh in on this issue so much. If you look at the record of the vote on this the other day when we did the amendments on second consideration, I personally was one of those people that thought that the single source of collection was much better than either 501 school districts or 67 counties and Allegheny County divided four ways, or whatever that amounts to, to do the collections.

So I guess my comments are really, to be brutally honest about it, are couched by my overriding position. I know that many people did not support that because they were afraid that the Senate would not adopt that single collection source. So to be honest, I will put it out in that vein.

I frankly think, Mr. Speaker, that that is the direction to go. If reporting this bill back to committee, recommitting this bill back to committee to allow for hearings is a way to better vet out that concept, I think it is a worthwhile thing to do, and I will certainly— I am supportive of the motion to recommit.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the majority leader, Mr. DeWeese.

Mr. DeWEESE. I want to be as unequivocal as I possibly can be.

It is always helpful when our party, our Democratic Party in the House, can be in alignment with our friends in the business community. I think this is a chance to realize efficiencies. I think that with a couple of exceptions notwithstanding – and my honorable colleague from Allegheny County does describe an exception and it gives him duress, and I certainly accept that – but this is a group of 203. In my view, this vote to recommit is an antibusiness vote, and I cannot quite figure out how my very dear friend from Jefferson County cannot help me embrace the business community on this procedural vote.

I want you, friends of mine on the back benches, all the way, and I am not supposed to mention names, but my honorable colleagues that are smiling, former police officers, the gentlelady from the Lehigh Valley, this is a chance to vote with the Democratic leader on a pro-business vote, and I invite your support. Thank you.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER pro tempore. The Chair thanks the gentleman and returns to the minority leader, Mr. Smith.

Mr. S. SMITH. I would note – thank you, Mr. Speaker – I would note that if what the majority leader just said is true, it is a rare, rare moment when you will be able to vote with him on a pro-business issue. After 20 years of antibusiness activities, if he thinks that one pro-business vote might change the world, well, so be it.

To be serious, Mr. Speaker, while I will concede that the bill, as it is, may be supported by the business community, I can assure you that if the people of this House really want to be pro-business, going to a single collection is the optimum. It is

the way to make the tax collections – the simplest way to do it, Mr. Speaker.

So while the business community may be willing to go for this, the fact is, if you ask them in all honesty, you go to a single collection, that is the simplest way to do it. So clearly a vote to recommit is in no way antibusiness. It is actually supporting the simplest form of collecting the local earned income tax, and that, I think, is what this legislature should truly be about, is trying to run this government in the most efficient and simple, cost-effective manner as possible. To me, that is the solution.

So I grant you that the lobbyists for the business community have expressed their support for this bill as it is. The fact is, this can be better, and they will not deny that moment either. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question recurs, shall the House adopt the motion to recommit SB 1063 to the Finance Committee?

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS–92

Adolph	Geist	McI. Smith	Reichley
Argall	George	Mensch	Roae
Baker	Gillespie	Micozzie	Rock
Barrar	Gingrich	Miller	Rohrer
Bastian	Godshall	Milne	Ross
Benninghoff	Goodman	Moul	Sabatina
Boback	Grell	Moyer	Saylor
Brooks	Gruclera	Murt	Siptroth
Cappelli	Harhart	Mustio	Smith, M.
Civera	Harper	Nailor	Smith, S.
Clymer	Helm	O'Neill	Sonney
Cox	Hennessey	Pallone	Stairs
Cruz	Hershey	Payne	Steil
Dally	Hess	Perry	Stern
DiGirolamo	Kauffman	Perzel	Stevenson
Donatucci	Kenney	Petrarca	Taylor, J.
Ellis	Killion	Petri	Turzai
Evans, J.	Kotik	Phillips	Vereb
Everett	Mackereth	Pickett	Vulakovich
Fairchild	Maher	Pyle	Watson
Fleck	Major	Quigley	White
Gabig	Marshall	Quinn	Yewcic
Galloway	Marsico	Raymond	Youngblood

#### NAYS–108

Bear	Frankel	Mann	Scavello
Belfanti	Freeman	Mantz	Schroder
Bennington	Gerber	Markosek	Seip
Beyer	Gergely	McCall	Shapiro
Biancucci	Gibbons	McGeehan	Shimkus
Bishop	Haluska	McIlhatten	Smith, K.
Blackwell	Hanna	Melio	Solobay
Boyd	Harhai	Metcalf	Staback
Brennan	Harkins	Millard	Sturla
Buxton	Harris	Mundy	Surra
Caltagirone	Hickernell	Myers	Swanger
Carroll	Hornaman	Nickol	Tangretti
Casorio	Hutchinson	O'Brien, M.	Taylor, R.
Causar	James	Oliver	Thomas
Cohen	Josephs	Parker	True
Conklin	Keller, M.K.	Pashinski	Vitali
Costa	Keller, W.	Payton	Wagner
Creighton	Kessler	Peifer	Walko

Cutler	King	Preston	Wansacz
Daley	Kirkland	Ramaley	Waters
DeLuca	Kortz	Rapp	Wheatley
Denlinger	Kula	Readshaw	Williams
DePasquale	Leach	Reed	Wojnaroski
Dermody	Lentz	Roebuck	Yudichak
DeWeese	Levdansky	Sainato	
Eachus	Longietti	Samuelson	O'Brien, D.,
Evans, D.	Mahoney	Santoni	Speaker
Fabrizio	Manderino		

NOT VOTING—0

EXCUSED—3

Curry                      Petrone                      Rubley

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

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

The SPEAKER pro tempore. Just to remind the members, this bill is on third.

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

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

(Bill analysis was read.)

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

On that question, the gentleman, Mr. Readshaw, is recognized.

Mr. READSHAW. Thank you, Mr. Speaker.

I would like to interrogate the chairman of the Finance Committee.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. READSHAW. Thank you, Mr. Speaker.

I just have a concern which I need addressed: Could you please tell me, under this legislation, is there any guarantee or prohibition against the private collectors that ultimately might be selected from outsourcing their services?

Mr. LEVDANSKY. Mr. Speaker, under this legislation, the local wage tax collection committee will advertise an RFP (request for proposal), and when they advertise that RFP, they can put whatever qualifications or criteria that they so choose in that RFP. So it will be a local determination by the local municipalities and school districts that are in the countywide wage tax collection committee. They will make the decision as to what criteria and qualifications will be put in the RFP. They could write an RFP that requires the payment of living wages or health-care benefits to the entity that will be selected, so it is up to the discretion of the locals.

Mr. READSHAW. Okay. Thank you.

Just to sort of critique what you said then, the answer is no; there is nothing in the legislation which would affect the outsourcing, and whoever the local districts and municipalities, they would have to, in fact, include that in the RFP if that was their so desire. Is that correct?

Mr. LEVDANSKY. Mr. Speaker, under present law, there is nothing in present law that prohibits any local wage tax collector from contracting out or outsourcing the existing system. There is nothing in this bill that prohibits or requires that. But again, that can be a criteria that is put into the RFP at the local countywide committee level.

Mr. READSHAW. Okay. Thank you, Mr. Speaker, for addressing those questions. I appreciate it.

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

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

There is an old maxim, and somebody repeated it to me earlier today, "First, do no harm." And I keep asking myself, if the Governor's study recommended a single statewide collector, in lieu of these 2900, and if those who have toiled on this streamlining for many years and at the various steps had always had this goal of one, but were told, for some reason, that it is politically impossible – not that it is not the right answer, but it is politically impossible – then I am having difficulty identifying who is this force, this force which is preventing this chamber from doing what is obviously the right answer and instead is offering something which I believe is very much the wrong answer. How do you go home and explain to folks that in the name of streamlining government, you have not eliminated a single job, but you have created 69 new units of government – 69 new units of government – all of which will cost money? They could have had one collector.

I think that maybe the answer has, perhaps, occurred to me, since it has been characterized that politically it is impossible to go to one. Mark my word, if this bill is embraced in its current form, and it seems that that is inevitable, mark my word, county income taxes will be inevitable. This is, I expect, the reason for county-by-county collection, is to create a mechanism where your constituents can face yet another level of taxation.

Now, it is not part of the bill today, but we have had a number of proposals for county income taxes in recent years, and they have fallen by the wayside because of the absence of any mechanism to collect a county income tax. You are being asked today to create that mechanism, and we are told that the right answer, the answer from the Governor's own study commission of going to one, the status quo or one, that that is politically impossible.

What is the impediment? Well, some say, offer the notion that the Department of Revenue is not up to the job, that the Department of Revenue cannot write the computer code necessary to do this. Well, if the Department of Revenue cannot write the computer code necessary to do this, why should we expect that Greene County can? Why should we expect Fayette County can? Why should we expect Washington County or Allegheny County or, excuse me, the four fractions of Allegheny County? That does not really make a lot of sense.

The Department of Revenue is already in the business of collecting taxes. We had the opportunity to do away with local tax returns altogether but were told that that is politically impossible – politically impossible. I think it is politically impossible because the objective is, one, county level income taxes; two, ultimately setting the table to just make your towns and municipalities consolidated with their neighbors.

I do not know, I do not know these things to be true, but I have to ask myself, when there seems to be no good reason to go to 69, status quo or 1, creating 69 new units of government, 69 units of government which are not accountable to the people except for in some indirect fashion. Imagine the happy day when 2700 or so delegates are dispatched for meetings; 2700 delegates across the State will go to 69 different meetings to try to figure out what it is they are about to do.

I do not know about you, but I think the people I represent will find that a tad confusing when I explain to them that the people in this building foisted this system upon them in the name of streamlining. They removed accountability, they made government bigger, they made it less responsive to the public, less accountable to the public, and it is done in the name of streamlining, but not streamlining the way that we all know makes sense.

This is a vote – it is a masquerade. It is a masquerade to create a mechanism for collecting countywide income taxes. And I hope I am mistaken, but time will tell, and you will have the opportunity to reflect back on the day when you either enabled a new level of taxation or you stood against it. In this case, this cure is worse than the disease. The cure will have a total cost far more than the status quo, and it is obviously the wrong answer.

Thank you, Mr. Speaker.

The SPEAKER. Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Again, I rise in opposition to SB 1063 for a number of reasons, and particularly that by taking the counties and limiting it to 1 collector per county, when you look in the more rural and suburban district areas, we have particular issues where I represent, for example, in my legislative district, 12 communities. I have 7 school districts, and I have about 25 ZIP Codes (Zone Improvement Plan Codes). But at the same time, I have ZIP Codes that cross over municipality boundaries; I have ZIP Codes that cross over county boundaries. We already have, in many cases, a confusion as to where a particular wage tax should be sent – what school district should get it, what community should get it – because of that convoluted postal ZIP Code number that is not specific to one community. And each and every one of the local tax collectors in those 12 communities can tell you by street and by address whether or not a particular resident lives in their community or within their school district.

When you bring in one single tax collector for Westmoreland County and one single tax collector for Armstrong County, that one single tax collector is not going to have the local knowledge to be able to know that a tax has been collected or sent to the wrong community or the wrong school district.

While it may appear by the Economy League study and the Boroughs' study and whoever else's study is on the shelf – and I am sure we have spent, probably, more money than we are ever going to save in studies to see how good this is going to be – those studies do not factor in the effectiveness of collection at the local level, that we enjoy in most of these communities an

87- to 95-percent collection ratio because they know the people and they know who did not have withheld income last year and the year before or the next year. They know what families to contact and what households have multiple income earners in them, what households have new income wage earners in them. The local tax collection system is efficient, and it is helpful for the local taxpayer.

One of the things that we are charged with as elected officials, not only at the State level but also at the municipality's level, is to provide public service, and one single tax collector in a given county is not going to provide the same local service that a local tax collector is. What are you going to do about the wage earner who does not have the vehicle to be able to drive to wherever that one single tax collector is located in Westmoreland County, for example, which is 100 miles by 100 miles square? Or the one single tax collector in Armstrong County, who has no public transportation at all, how are they going to be able to transport and get their payments in with any other mechanism?

People want to go see their tax collector. They want to talk to a live body. They do not want answering machines. They do not want voice mail. They do not want, "Press 1 if you live in New Kensington, press 2 if you live in Arnold, press 7 if you live in Hyde Park." They do not want to hear that; they do not want to see that. They want local service from a local tax collector who has an 85- to a 95-percent efficiency ratio in collecting the local taxes.

Again, all of a sudden we have to rush, rush, rush to get this done. We have an opportunity to vote SB 1063 down and enact proper legislation that will, in fact, result in effective, efficient, and convenient tax collection for all of the residents in Pennsylvania, not just for the 69 residential communities that house these 69 proposed tax collection agencies.

Again, I encourage you all and implore you all to vote "no." Thank you, Mr. Speaker.

The SPEAKER. Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I am rising to support SB 1063 on final passage. This is a business-climate issue of great significance. The companies I talked to tell us that it takes more time and effort for them to deal with the local earned income tax in many areas – for example, some of the counties in the State with more than 27 local collectors, where they have to divide up the holdings between those 27 collectors – it takes them more time and effort with the earned income tax than it does with the very complicated Federal income tax returns that they have to do.

This bill will reduce the number of agencies in this State from 560 down to 69. I agree, we could have gone to one, and that is something I supported yesterday, but there was not support on this floor to go to one. But 69 is surely a great reduction from 560. We cannot allow the perfect to be the enemy of the possible.

This bill has been considered for several different sessions. Again, it is a business-climate issue of great significance, and I urge the members' support. Thank you, Mr. Speaker.

The SPEAKER. Representative Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise also in support of SB 1063, and I do so because of the very positive experience in countywide collection that Lancaster County has enjoyed for 50 years.

You know, I have heard the prior gentleman talk about some concerns that he has, what might develop, but I will tell you

what can develop, and that is very efficient, low-cost tax collection with enough local presence that people still have someone in their county that they can go to as a contact point to resolve issues and to get things cleared up.

Mr. Speaker, the experience of Lancaster County has been very, very positive, and it can be a positive all across this State. Beyond this, Mr. Speaker, taking our total collection points down is good for the Commonwealth of Pennsylvania. In this area of earned income tax collection, we currently have over 560 points of collection. We are taking that down to 69, a major move in the right direction. We are going to have standardized forms, standardized collection procedures.

This is a great vote, and it is going to move us in the right direction. So I encourage my colleagues to be a "yes" vote on SB 1063. Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—171

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

#### NAYS—29

Barrar	Harhart	Marshall	Roae
Brooks	Harper	Murt	Siptroth
Casorio	Hennessey	Pallone	Smith, M.
Clymer	Hutchinson	Petrarca	Stevenson
Conklin	Kotik	Pyle	Watson
Dally	Maher	Quinn	White
Everett	Markosek	Readshaw	Yewcic
Harhai			

#### NOT VOTING—0

#### EXCUSED—3

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

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

### EDUCATION COMMITTEE MEETING

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

If I might just make a brief announcement?

Because of the change in the session start time tomorrow to 10:30, the Education Committee will meet at 9 rather than 9:30 in 205 Ryan – 9 o'clock tomorrow morning.

The SPEAKER. The Chair thanks the gentleman.

The Education Committee will meet tomorrow morning at 9 in room 205 of the Ryan Building.

Mr. ROEBUCK. Thank you.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1086, PN 4039**, entitled:

An Act providing for divestiture by the State Treasurer, the State Employees' Retirement System and the Public School Employees' Retirement System of investments in companies doing business in Iran and Sudan.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(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—185

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

## NAYS—15

Creighton	Hutchinson	Nickol	Ross
Everett	Kotik	O'Neill	Saylor
Gillespie	McIlhatten	Perry	Steil
Harris	Mensch	Pyle	

## NOT VOTING—0

## EXCUSED—3

Curry	Petrone	Rubley
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## RESOLUTION

Mr. R. TAYLOR called up **HR 699, PN 3562**, entitled:

A Resolution recommending to the Congress of the United States that the cap on the Crime Victims Fund be eliminated and that the entire amount of funds deposited into the fund be distributed annually.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—200

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

## NAYS—0

## NOT VOTING—0

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.

## EXCUSED—3

Curry                      Petrone                      Rubley

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2458, PN 4034**, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

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

Mr. **D. EVANS** offered the following amendment No. **A08038**:

Amend Sec. 503, page 3, line 22, by striking out "1720-I" and inserting

(Upon enactment, the Legislative Reference Bureau shall replace this blank with the appropriate citation).

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

The **SPEAKER**. The Chair recognizes Representative Evans on the amendment.

Mr. **D. EVANS**. Mr. Speaker, this is basically a technical amendment to just make sure that it is consistent with the Fiscal Code.

Thank you, Mr. Speaker.  
I ask that members support this amendment. Thank you.

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

The following roll call was recorded:

## YEAS—144

Adolph	Galloway	McCall	Sainato
Argall	Geist	McGeehan	Samuelson
Baker	George	McI. Smith	Santoni
Barrar	Gerber	McIlhattan	Seip
Bastian	Gergely	Melio	Shapiro
Belfanti	Gibbons	Micozzie	Shimkus
Bennington	Goodman	Millard	Siptroth
Beyer	Grucela	Miller	Smith, K.
Biancucci	Haluska	Milne	Smith, M.
Bishop	Hanna	Moyer	Smith, S.
Blackwell	Harhai	Mundy	Solobay
Brennan	Harkins	Murt	Staback
Buxton	Helm	Mustio	Stairs
Caltagirone	Hennessey	Myers	Steil

Carroll	Hess	O'Brien, M.	Sturla
Casorio	Hornaman	O'Neill	Surra
Civera	James	Oliver	Tangretti
Clymer	Josephs	Pallone	Taylor, J.
Cohen	Keller, W.	Parker	Taylor, R.
Conklin	Kenney	Pashinski	Thomas
Costa	Kessler	Payne	Vitali
Cruz	Killion	Payton	Wagner
Daley	King	Perzel	Walko
DeLuca	Kirkland	Petrarca	Wansacz
DePasquale	Kortz	Petri	Waters
Dermody	Kotik	Phillips	Watson
DeWeese	Kula	Pickett	Wheatley
DiGirolamo	Leach	Preston	White
Donatucci	Lentz	Quigley	Williams
Eachus	Levdansky	Quinn	Wojnarowski
Evans, D.	Longietti	Ramaley	Yewcic
Evans, J.	Mahoney	Raymond	Youngblood
Everett	Manderino	Readshaw	Yudichak
Fabrizio	Mann	Roebuck	
Fairchild	Mantz	Ross	O'Brien, D., Speaker
Frankel	Markosek	Sabatina	
Freeman	Marshall		

## NAYS—56

Bear	Gabig	Maher	Roae
Benninghoff	Gillespie	Major	Rock
Boback	Gingrich	Marsico	Rohrer
Boyd	Godshall	Mensch	Saylor
Brooks	Grell	Metcalfe	Scavello
Cappelli	Harhart	Moul	Schroder
Causer	Harper	Nailor	Sonney
Cox	Harris	Nickol	Stern
Creighton	Hershey	Peifer	Stevenson
Cutler	Hickernell	Perry	Swanger
Dally	Hutchinson	Pyle	True
Denlinger	Kauffman	Rapp	Turzai
Ellis	Keller, M.K.	Reed	Vereb
Fleck	Mackereth	Reichley	Vulakovich

## NOT VOTING—0

## EXCUSED—3

Curry                      Petrone                      Rubley

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

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

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

(Bill analysis was read.)

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

Representative Clymer.

Mr. **CLYMER**. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if I could interrogate the maker of the bill?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, when we were debating this bill yesterday, there was some confusion as to where this \$25.5 million was being borrowed from. So my question to you is that is this money, \$25.5 million, is that being borrowed from the Property Tax Relief Fund?

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

Mr. CLYMER. Thank you.

Mr. Speaker, what is the amount necessary in the Property Tax Relief Fund that has to be certified by the Department of Revenue April 15, 2009, for property tax relief to Pennsylvania homeowners? What is the amount that must be certified in there for property tax relief in April of 2009?

Mr. D. EVANS. Mr. Speaker, I think maybe you are a little incorrect. This is the reserve fund. It has nothing to do with the property tax checks that will go out, Mr. Speaker.

Mr. CLYMER. Well, but my question that I just asked you was, did this money not come from the Property Tax Relief Fund, this \$25 million that we had discussed the other day?

Mr. D. EVANS. Mr. Speaker, it comes from the reserve fund, not the relief fund, Mr. Speaker.

Mr. CLYMER. Well, the legislation that I have before me indicates that the money is not coming from the reserve fund, it is coming from the relief fund.

The SPEAKER. The House will be at ease.

The House will come to order.

The Chair recognizes Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker. I appreciate the opportunity to speak with the majority Appropriations chairman and our own staff.

Mr. Speaker, what we have before us is that we are borrowing the money in order to pay for the dollars that are required to fund the services of revenue, the Pennsylvania Gaming Control Board, the Attorney General, and the State Police. And really, the people, the organizations that are responsible are those casinos that are up and running, who have obligated themselves through an assessment to pay this money into a fund so that in turn that money can be used to pay for these expenses. Mr. Speaker, I think that it is just wrong for us to have a different fiscal note, a fiscal revenue in a borrowing to let these existing casinos off the hook.

Now, the question that arises is that they claim that they do not have the funds or that they are limited in their funds, that is the casinos, to pay for these services. I just remind the members, as I did the other night, that their cash flow is far above expectations, that these expanding casino facilities have revenues that indeed are making them so profitable that they want to expand and put more slot machines into their facilities. Again, these casinos have a monopoly; they are located in strategic locations in the Commonwealth of Pennsylvania, and so that almost guarantees them profitability.

Mr. Speaker, another reason why these casinos should be held accountable and should be paying the money that they are required to pay to fund these four agencies is that they are open 24 hours a day, 7 days a week, 365 days a year, so it is not as though that is a problem. Mr. Speaker, they are the ones that should be borrowing on their licenses because they got a bargain price for their casino licenses; as I mentioned the other

day, \$50 million for a \$550 million license. That to me is almost like corporate welfare, and, Mr. Speaker, they certainly have the financial wherewithal to pay into the restricted fund those dollars that they are required to.

And then, Mr. Speaker, we know that they provide perks for the high rollers. They have carved out in their own casinos the ability for people to go in there and smoke and gamble, free drinks and gamble. Mr. Speaker, they have the deep pockets. These are not small mom-and-pop operations, but international organizations that can well afford to handle their responsibility that they agreed to.

And so, Mr. Speaker, I ask the members to vote "no" on this bill simply because these casinos, the ones that are up and running, international corporations, some of them, worth hundreds of millions of dollars, certainly have the ability to pay. We do not want, at any time, to at all have the senior citizens of Pennsylvania and other citizens not get their promised tax relief as promised by this Governor.

And again, Mr. Speaker, I would urge a "no" vote on HB 2458. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—123

Adolph	George	Markosek	Seip
Argall	Gerber	Marshall	Shapiro
Belfanti	Gergely	Marsico	Shimkus
Bennington	Gibbons	McCall	Siptroth
Beyer	Goodman	McGeehan	Smith, K.
Biancucci	Grucela	McI. Smith	Smith, M.
Bishop	Haluska	Melio	Smith, S.
Blackwell	Hanna	Micozzie	Solobay
Brennan	Harhai	Mundy	Sonney
Buxton	Harkins	Mustio	Staback
Caltagirone	Helm	Myers	Stairs
Carroll	Hornaman	Nailor	Sturla
Casorio	James	O'Brien, M.	Surra
Civera	Josephs	Oliver	Tangretti
Cohen	Keller, W.	Pallone	Taylor, R.
Conklin	Kenney	Parker	Thomas
Costa	Kessler	Pashinski	Vitali
Cruz	Killion	Payne	Wagner
Daley	King	Payton	Walko
DeLuca	Kirkland	Perzel	Wansacz
DePasquale	Kortz	Petrarca	Waters
Dermody	Kotik	Petri	Wheatley
DeWeese	Kula	Preston	White
DiGirolamo	Leach	Ramaley	Williams
Donatucci	Lentz	Raymond	Wojnaroski
Eachus	Levdansky	Readshaw	Yewcic
Evans, D.	Longietti	Roebuck	Youngblood
Evans, J.	Mahoney	Ross	Yudichak
Fabrizio	Major	Sabatina	
Frankel	Manderino	Sainato	O'Brien, D., Speaker
Freeman	Mann	Santoni	
Galloway			

#### NAYS—77

Baker	Gabig	McIlhattan	Reed
Barrar	Geist	Mensch	Reichley
Bastian	Gillespie	Metcalfe	Roae
Bear	Gingrich	Millard	Rock

Benninghoff	Godshall	Miller	Rohrer
Boback	Grell	Milne	Samuelson
Boyd	Harhart	Moul	Saylor
Brooks	Harper	Moyer	Scavello
Cappelli	Harris	Murt	Schroder
Causar	Hennessey	Nickol	Steil
Clymer	Hershey	O'Neill	Stern
Cox	Hess	Peifer	Stevenson
Creighton	Hickernell	Perry	Swanger
Cutler	Hutchinson	Phillips	Taylor, J.
Dally	Kauffman	Pickett	True
Denlinger	Keller, M.K.	Pyle	Turzai
Ellis	Mackereth	Quigley	Vereb
Everett	Maher	Quinn	Vulakovich
Fairchild	Mantz	Rapp	Watson
Fleck			

NOT VOTING—0

EXCUSED—3

Curry                      Petrone                      Rubley

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.

### AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER. Are there any announcements?  
Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

The House Agriculture Committee will immediately reconvene at the call of the recess in room 60, East Wing. We have one amendment remaining. We will reconvene immediately at the call of the recess in 60 East Wing, House Agriculture Committee.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Agriculture and Rural Affairs Committee will meet immediately in room 60, East Wing.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Representative Josephs.

Before the lady makes her announcement, before the members leave the floor, the Chair would like to remind the members session will begin at 10:30 a.m.; 10:30, not 11.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The House State Government Committee will meet tomorrow morning; that is the 26th, room 60, East Wing, at 9:30.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On Thursday, June 26, at 9:30 a.m., the State Government Committee will meet in 60 East Wing.

Are there any other announcements? Any further business?

### 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 Bennington of Allegheny County, who moves this House do now adjourn until Thursday, June 26, 2008, at 10:30 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:03 p.m., e.d.t., the House adjourned.