

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JANUARY 6, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 1

HOUSE OF REPRESENTATIVES

The House convened at 12 m., e.s.t.

THE CHIEF CLERK (ROGER NICK) PRESIDING

CALL TO ORDER

The CHIEF CLERK. This being the day and the hour appointed by Article II, section 4, of the Constitution of Pennsylvania for the meeting of the General Assembly, the House of Representatives will now come to order.

The Sergeants at Arms will close the doors of the House.

The prayer will be offered by Rev. Msgr. John B. McCann of the Immaculate Conception Church, Douglassville, PA. Immediately after the prayer, we will recite the Pledge of Allegiance.

Members and all guests will please rise.

PRAYER

REV. MSGR. JOHN B. McCANN, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Mighty and eternal God, we gather today as a grateful people to enjoy the many blessings You have bestowed upon this nation and upon the Commonwealth of Pennsylvania. We are grateful for Your vision, which inspired the Founders of our nation to create this democratic experiment as one nation under God, indivisible, with liberty and justice for all.

Assist with Your spirit of counsel and fortitude the elected leaders of this Commonwealth. Let the light of Your divine wisdom direct the deliberations of the House of Representatives and shine forth in all the proceedings and laws framed for our rule in government. May our elected officials seek to preserve peace, promote happiness, and continue to bring us the blessings of liberty and equality.

We pray for the Governor of the Commonwealth of Pennsylvania, the Speaker-designate of this House, and all the members of the General Assembly. May they be enabled by Your powerful protection to discharge their duties with honesty and ability. Bless, too, their families and sustain them in Your merciful love.

Even as we celebrate this great moment, we remember before You the men and women of our Armed Forces. We commend them to Your care. Give them courage to carry out their duties and courage to face the perils that beset them, and grant them an abiding sense of Your presence in all that they do.

We likewise commend to Your unbounded mercy all our fellow citizens of the Commonwealth of Pennsylvania. May we, as your sons and daughters, always walk humbly in the paths of peace and justice.

All this we ask in Your most holy name. Amen.

PLEDGE OF ALLEGIANCE

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

The CHIEF CLERK. The Sergeants at Arms will open the doors of the House. Members and guests may be seated.

ELECTION RETURNS PRESENTED

The CHIEF CLERK. The Chair recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Chief Clerk, Tom Weaver, Executive Deputy Secretary, Department of State, Commonwealth of Pennsylvania.

The CHIEF CLERK. The Chair recognizes Mr. Weaver, Executive Deputy Secretary from the Secretary of the Commonwealth's Office.

Mr. WEAVER. Mr. Chief Clerk, good afternoon.

On behalf of the Secretary of the Commonwealth and the Pennsylvania Department of State, I have the privilege and honor of presenting the election returns for the members of the House of Representatives for the general election held on November 4, 2008, and the certifications of the election expenses for all members of the House.

The CHIEF CLERK. The Chair extends the thanks of the House to Mr. Weaver.

The clerk will proceed with the reading of the returns.

The following election returns were read:

COMMONWEALTH OF PENNSYLVANIA

TO THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES AND THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the returns of the General Election held November 4, 2008. The following, having received the highest number of votes in their respective districts, were duly elected Members of the House of Representatives in the General Assembly:

Name	District		
Patrick J. Harkins	First	Martin T. Causer	Sixty-seventh
Flo Fabrizio	Second	Matthew E. Baker	Sixty-eighth
John Hornaman	Third	Carl Walker Metzgar	Sixty-ninth
Curt Sonney	Fourth	Matthew D. Bradford	Seventieth
John R. Evans	Fifth	Bryan Barbin	Seventy-first
Brad Roae	Sixth	Frank Burns	Seventy-second
Mark Longietti	Seventh	Gary Haluska	Seventy-third
Dick Stevenson	Eighth	Camille George	Seventy-fourth
Chris Sainato	Ninth	Matt Gabler	Seventy-fifth
Jaret Gibbons	Tenth	Mike Hanna	Seventy-sixth
Brian L. Ellis	Eleventh	H. Scott Conklin	Seventy-seventh
Daryl Metcalfe	Twelfth	Dick L. Hess	Seventy-eighth
Tom Houghton	Thirteenth	Richard A. Geist	Seventy-ninth
Jim Marshall	Fourteenth	Jerry A. Stern	Eightieth
Jim Christiana	Fifteenth	Michael E. Fleck	Eighty-first
Robert F. Matzie	Sixteenth	C. Adam Harris	Eighty-second
Michele Brooks	Seventeenth	Richard Mirabito	Eighty-third
Gene DiGirolamo	Eighteenth	Garth D. Everett	Eighty-fourth
Jake Wheatley	Nineteenth	Russ Fairchild	Eighty-fifth
Don Walko	Twentieth	Mark K. Keller	Eighty-sixth
Dom Costa	Twenty-first	Glen R. Grell	Eighty-seventh
Chelsa Wagner	Twenty-second	Sheryl M. Delozier	Eighty-eighth
Dan B. Frankel	Twenty-third	Rob Kauffman	Eighty-ninth
Joseph Preston, Jr.	Twenty-fourth	Todd A. Rock	Ninetieth
Joseph F. Markosek	Twenty-fifth	Dan Moul	Ninety-first
Tim Hennessey	Twenty-sixth	Scott Perry	Ninety-second
Daniel J. Deasy, Jr.	Twenty-seventh	Ron Miller	Ninety-third
Mike Turzai	Twenty-eighth	Stanley E. Saylor	Ninety-fourth
Bernie O'Neill	Twenty-ninth	Eugene A. DePasquale	Ninety-fifth
Randy Vulakovich	Thirtieth	Mike Sturla	Ninety-sixth
Steve Santarsiero	Thirty-first	John C. Bear	Ninety-seventh
Anthony M. DeLuca	Thirty-second	David S. Hickernell	Ninety-eighth
Frank Dermody	Thirty-third	Gordon Denlinger	Ninety-ninth
Paul Costa	Thirty-fourth	Bryan Cutler	One hundredth
Marc J. Gergely	Thirty-fifth	Mauree Gingrich	One hundred first
Harry Readshaw	Thirty-sixth	RoseMarie Swanger	One hundred second
Thomas C. Creighton	Thirty-seventh	Ron Buxton	One hundred third
Bill Kortz	Thirty-eighth	Susan C. Sue Helm	One hundred fourth
David K. Levdansky	Thirty-ninth	Ron Marsico	One hundred fifth
John Maher	Fortieth	John D. Payne	One hundred sixth
Katie True	Forty-first	Robert E. Belfanti, Jr.	One hundred seventh
Matt Smith	Forty-second	Merle H. Phillips	One hundred eighth
Scott W. Boyd	Forty-third	David R. Millard	One hundred ninth
Mark Mustio	Forty-fourth	Tina Pickett	One hundred tenth
Nick Kotik	Forty-fifth	Sandra J. Major	One hundred eleventh
Jesse White	Forty-sixth	Ken Smith	One hundred twelfth
Keith Gillespie	Forty-seventh	Kevin Murphy	One hundred thirteenth
Timothy Joseph Solobay	Forty-eighth	Jim Wansacz	One hundred fourteenth
Peter J. Daley II	Forty-ninth	Edward G. Staback	One hundred fifteenth
Bill DeWeese	Fiftieth	Todd A. Eachus	One hundred sixteenth
Tim Mahoney	Fifty-first	Karen Boback	One hundred seventeenth
Deberah Kula	Fifty-second	Mike Carroll	One hundred eighteenth
Robert W. Godshall	Fifty-third	John T. Yudichak	One hundred nineteenth
John E. Pallone	Fifty-fourth	Phyllis Mundy	One hundred twentieth
Joseph A. Petrarca	Fifty-fifth	Eddie Day Pashinski	One hundred twenty-first
James E. Casorio, Jr.	Fifty-sixth	Keith McCall	One hundred twenty-second
Tim Krieger	Fifty-seventh	Neal P. Goodman	One hundred twenty-third
R. Ted Harhai	Fifty-eighth	David G. Argall	One hundred twenty-fourth
Mike Reese	Fifty-ninth	Tim Seip	One hundred twenty-fifth
Jeffrey Pyle	Sixtieth	Dante Santoni, Jr.	One hundred twenty-sixth
Kate M. Harper	Sixty-first	Thomas R. Caltagirone	One hundred twenty-seventh
Dave Reed	Sixty-second	Samuel E. Rohrer	One hundred twenty-eighth
Donna Oberlander	Sixty-third	Jim Cox	One hundred twenty-ninth
Scott E. Hutchinson	Sixty-fourth	David R. Kessler	One hundred thirtieth
Kathy L. Rapp	Sixty-fifth	Karen D. Beyer	One hundred thirty-first
Sam Smith	Sixty-sixth	Jennifer L. Mann	One hundred thirty-second
		Joseph F. Brennan	One hundred thirty-third
		Douglas G. Reichley	One hundred thirty-fourth

Steve Samuelson	One hundred thirty-fifth
Robert Freeman	One hundred thirty-sixth
Richard T. Grucela	One hundred thirty-seventh
Craig A. Dally	One hundred thirty-eighth
Michael T. Peifer	One hundred thirty-ninth
John T. Galloway	One hundred fortieth
Anthony J. Melio	One hundred forty-first
Frank Farry	One hundred forty-second
Marguerite Quinn	One hundred forty-third
Katharine M. Watson	One hundred forty-fourth
Paul I. Clymer	One hundred forty-fifth
Thomas J. Quigley	One hundred forty-sixth
Bob Mensch	One hundred forty-seventh
Mike Gerber	One hundred forty-eighth
Tim Briggs	One hundred forty-ninth
Mike Vereb	One hundred fiftieth
Rick Taylor	One hundred fifty-first
Thomas P. Murt	One hundred fifty-second
Josh Shapiro	One hundred fifty-third
Lawrence H. Curry	One hundred fifty-fourth
Curt Schroder	One hundred fifty-fifth
Barbara McIlvaine Smith	One hundred fifty-sixth
Paul J. Drucker	One hundred fifty-seventh
Chris Ross	One hundred fifty-eighth
Thaddeus Kirkland	One hundred fifty-ninth
Stephen Barrar	One hundred sixtieth
Bryan Lentz	One hundred sixty-first
Nick Miccarelli	One hundred sixty-second
Nicholas A. Micozzie	One hundred sixty-third
Mario J. Civera, Jr.	One hundred sixty-fourth
William F. Adolph, Jr.	One hundred sixty-fifth
Greg Vitali	One hundred sixty-sixth
Duane Milne	One hundred sixty-seventh
Thomas Killion	One hundred sixty-eighth
Dennis M. O'Brien	One hundred sixty-ninth
Brendan F. Boyle	One hundred seventieth
Kerry Benninghoff	One hundred seventy-first
John M. Perzel	One hundred seventy-second
Michael Patrick McGeehan	One hundred seventy-third
John P. Sabatina, Jr.	One hundred seventy-fourth
Michael H. O'Brien	One hundred seventy-fifth
Mario M. Scavello	One hundred seventy-sixth
John J. Taylor	One hundred seventy-seventh
Scott A. Petri	One hundred seventy-eighth
Tony J. Payton, Jr.	One hundred seventy-ninth
Angel L. Cruz	One hundred eightieth
W. Curtis Thomas	One hundred eighty-first
Babette Josephs	One hundred eighty-second
Julie Harhart	One hundred eighty-third
William F. Keller	One hundred eighty-fourth
Robert C. Donatucci	One hundred eighty-fifth
Kenyatta Johnson	One hundred eighty-sixth
Gary Day	One hundred eighty-seventh
James R. Roebuck	One hundred eighty-eighth
John J. Siptroth	One hundred eighty-ninth
Vanessa L. Brown	One hundred ninetieth
Ronald G. Waters	One hundred ninety-first
Louise Williams Bishop	One hundred ninety-second
Will Tallman	One hundred ninety-third
Kathy Manderino	One hundred ninety-fourth
Frank L. Oliver, Sr.	One hundred ninety-fifth
Seth Grove	One hundred ninety-sixth
Jewell Williams	One hundred ninety-seventh
Rosita C. Youngblood	One hundred ninety-eighth
Will Gabig	One hundred ninety-ninth
Cherelle L. Parker	Two hundredth
John Myers	Two hundred first

Mark B. Cohen	Two hundred second
Dwight Evans	Two hundred third

Witness my hand and the seal of my office this fifth day of January, 2009.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

CERTIFICATE ON ELECTION EXPENSES

COMMONWEALTH OF PENNSYLVANIA

TO THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES,
GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code, 25 P.S. § 3252(b), I do hereby certify that all duly elected members of the House of Representatives of the Commonwealth of Pennsylvania have filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

Witness my hand and the seal of my office this fifth day of January, 2009.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

The CHIEF CLERK. The election returns for all candidates for membership in the House of Representatives will be printed in the Journal of the House.

LEAVES OF ABSENCE

The CHIEF CLERK. Are there requests for leaves of absence on the Democratic side? The Chair recognizes the Democratic whip, Mr. DeWeese.

Are there requests for leaves of absence on the Republican side? The Chair recognizes the Republican whip, Mr. Turzai.

ROLL CALL

The CHIEF CLERK. The roll will now be taken. The members will signify their presence by pressing the "aye" button. The members will proceed to vote.

The roll was recorded, and the following members-elect were present:

PRESENT—203

Adolph	Evans, D.	Levdansky	Rapp
Argall	Evans, J.	Longietti	Readshaw
Baker	Everett	Maher	Reed
Barbin	Fabrizio	Mahoney	Reese
Barrar	Fairchild	Major	Reichley
Bear	Farry	Manderino	Roae
Belfanti	Fleck	Mann	Rock
Benninghoff	Frankel	Markosek	Roebuck
Beyer	Freeman	Marshall	Rohrer
Bishop	Gabig	Marsico	Ross
Boback	Gabler	Matzje	Sabatina
Boyd	Galloway	McCall	Sainato
Boyle	Geist	McGeehan	Samuelson

Bradford	George	McI. Smith	Santarsiero
Brennan	Gerber	Melio	Santoni
Briggs	Gergely	Mensch	Saylor
Brooks	Gibbons	Metcalfe	Scavello
Brown	Gillespie	Metzgar	Schroder
Burns	Gingrich	Miccarelli	Seip
Buxton	Godshall	Micozzie	Shapiro
Caltagirone	Goodman	Millard	Siptroth
Carroll	Grell	Miller	Smith, K.
Casorio	Grove	Milne	Smith, M.
Causar	Grucela	Mirabito	Smith, S.
Christiana	Haluska	Moul	Solobay
Civera	Hanna	Mundy	Sonney
Clymer	Harhai	Murphy	Staback
Cohen	Harhart	Murt	Stern
Conklin	Harkins	Mustio	Stevenson
Costa, D.	Harper	Myers	Sturla
Costa, P.	Harris	O'Brien, D.	Swanger
Cox	Helm	O'Brien, M.	Tallman
Creighton	Hennessey	O'Neill	Taylor, J.
Cruz	Hess	Oberlander	Taylor, R.
Curry	Hickernell	Oliver	Thomas
Cutler	Hornaman	Pallone	True
Daley	Houghton	Parker	Turzai
Dally	Hutchinson	Pashinski	Vereb
Day	Johnson	Payne	Vitali
Deasy	Josephs	Payton	Vulakovich
Delozier	Kauffman	Peifer	Wagner
DeLuca	Keller, M.K.	Perry	Walko
Denlinger	Keller, W.	Perzel	Wansacz
DePasquale	Kessler	Petrarca	Waters
Dermody	Killion	Petri	Watson
DeWeese	Kirkland	Phillips	Wheatley
DiGirolamo	Kortz	Pickett	White
Donatucci	Kotik	Preston	Williams
Drucker	Krieger	Pyle	Youngblood
Eachus	Kula	Quigley	Yudichak
Ellis	Lentz	Quinn	

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

The CHIEF CLERK. Two hundred and three members having indicated their presence, a quorum is present.

OATH OF OFFICE ADMINISTERED TO MEMBERS-ELECT

The CHIEF CLERK. We will now proceed to the oath of office.

A Bible has been placed on the desk of each member, for those who swear by the Bible.

Members will rise, place your left hand on the Bible, raise your right hand, and remain standing at your desks during the administration of the oath to which each member will swear or affirm.

The oath of office will be administered by the Honorable William E. Baldwin, President Judge, Court of Common Pleas of Schuylkill County.

(Members-elect stood.)

JUDGE BALDWIN. Do you solemnly swear that you will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that you will

discharge the duties of your office with fidelity? Please say "I do."

(Members asserted oath.)

JUDGE BALDWIN. Congratulations.

Will the members please be seated.

The CHIEF CLERK. Members may be seated.

REMARKS BY JUDGE BALDWIN

JUDGE BALDWIN. I would like to take a few minutes to congratulate the members upon your election. I cannot help but feeling in awe every time I walk into this chamber, and that feeling has not diminished since I first came here with the class of 1982.

To the new members out there, congratulations, you are now part of Pennsylvania history and you are about to embark on one of the most remarkable experiences that you will ever enjoy. It will last with you for the rest of your life. You are going to be tackling some of the biggest problems that face our society, and you are going to have the opportunity to work with and come to know some of the brightest, most dedicated and talented people that this Commonwealth has to offer. In the years ahead, you will be making friendships that will last you forever. They will always be part of you.

To the returning members, congratulations on yet again earning the respect and appreciation and trust of your constituents. Obviously, all those long hours and 7-day weeks that you have put in have been appreciated and acknowledged by those you serve.

The 2009-2010 session of the General Assembly will certainly not be without challenges, and I wish you all the greatest of luck and success in tackling those challenges as they arise.

Congratulations again, and thank you for letting me be part of this proceeding.

RESOLUTION ADOPTED

ELECTION OF SPEAKER

The CHIEF CLERK. We will now proceed to the election of Speaker.

The Chair recognizes the gentleman from Schuylkill County, Mr. Goodman, who presents a resolution, which the clerk will read.

Mr. GOODMAN offered the following resolution, which was read, considered, and adopted:

In the House of Representatives
January 6, 2009

RESOLVED,

That in accordance with the provisions of Article II, section 9 of the Constitution of Pennsylvania, the House do now proceed to the election of a Speaker.

NOMINATIONS FOR SPEAKER

The CHIEF CLERK. Nominations are now in order for the office of Speaker.

The Chair recognizes the gentleman from Allegheny and Westmoreland Counties, Mr. Markosek.

Mr. MARKOSEK. Mr. Chief Clerk; the Honorable Assistant Chief Clerks; Reverend Clergy; the Honorable Judge Baldwin; the honorable majority and minority leadership; the honorable newly sworn members, especially those sworn in for the first time; ladies and gentlemen and citizens of Pennsylvania:

As I rise today to nominate the new Speaker of the House, I would remind all Pennsylvanians that Benjamin Franklin served 1 year as Speaker of Pennsylvania's Provincial Assembly in 1764. His legacy continues today.

"Life Comes at You Fast." Many of you have heard that phrase in recent TV commercials, but there is a flip side to that slogan: Life can leave you just as fast. On December 24, 1981, State Representative Thomas J. McCall of the 122d District in Carbon County passed away very suddenly at the age of 46. It was a devastating and irreplaceable loss for the McCall family, but it also created a legislative and political vacancy in northeastern Pennsylvania.

Since Representative McCall's unexpected passing occurred in the middle of his 2-year term, the House leadership at the time decided to leave the seat open. However, for the remainder of that session, replacement candidates would have to file, run, and compete in the normal primary and general election cycle of 1982.

Keith R. McCall, Tom's son, threw his hat into the ring, won the primary and general elections and was sworn in as State Representative for the 122d District, together with approximately 33 other freshman legislators, including, now Judge, Bill Baldwin, and another highly bewildered young man by the name of Joe Markosek.

It did not take Keith McCall very long to pick up where his father left off and make his own very significant marks and footprints on the legislature and in his district in the Great Northeast. Keith quickly demonstrated an exuberance and enthusiasm that led to an early indication of his popularity and leadership skills.

Young McCall, as Bill DeWeese was fond of calling him, started working on the development of the Greenwood Industrial Park in his district. He also exerted himself to turn the Lehigh Gorge State Park into one of the jewels of Pennsylvania's State park system. He later authored legislation to provide over \$55 million to improve railroad infrastructure in Pennsylvania, which in turn allowed for the creation of over 20,000 new jobs in construction and transportation-related industries. Some of those new jobs materialized in my own legislative district as an aftermath of this legislation in the form of the Norfolk Southern Intermodal Center in Pitcairn. Keith was also very interested in bringing home funding for a visitor center in White Haven, Pennsylvania, for the Delaware and Lehigh Navigation Canal National Heritage Corridor.

That first year, 1983, also saw the fruition of a personal achievement for the McCall family. HB 550 was passed and became Act 15 of 1983. The measure, sponsored by then Majority Leader James Manderino – whose daughter now serves with us here, Kathy Manderino – designated the

Route 209 Lehighon-Weissport Bridge over the Lehigh River as the Thomas J. McCall Memorial Bridge.

It is also noteworthy to know that the original HB 550 was cosponsored by seven members who would subsequently become Speakers of the House: Speaker Leroy Irvis, Speaker James Manderino, Speaker Bobby O'Donnell – who I understand is here today – Speaker Matt Ryan, Speaker Bill DeWeese, Speaker John Perzel, and of course, Keith McCall. The present members who also cosponsored the bill are Representative Bob Belfanti, Representative Paul Clymer, Representative Dwight Evans, Representative Bob Freeman, Representative Bud George, Representative Frank Oliver, and Representative Joe Markosek. Two additional cosponsors of this legislation, the late Representatives Joe Petrarca and Ed Haluska, had sons of their own who are now members of this legislature: Representative Joey Petrarca and Representative Gary Haluska. Also, Minority Leader Sam Smith's father, Eugene, also served with Keith's dad as well as with Keith and me.

On June 30, 1983, I had the personal privilege of traveling to Lehighon for the formal naming ceremony of the Thomas J. McCall Bridge. Perhaps, even now, this event would be a candidate for the proudest moment in Representative McCall's legislative career, a happy yet bittersweet moment for the McCall family as they honored and bid farewell once again to their patriarch.

But Keith would endure and move forward with painstaking legislative business at hand. At the beginning of his ninth term in the legislature, he was appointed Democratic chairman of the House Consumer Affairs Committee, the important committee charged with the supervision of legislation dealing with consumers' well-being and the responsibility of providing utility service and oversight.

But the best was yet to come. Several years later, Representative McCall had finally reached the pinnacle of all pinnacles. He had earned and was appointed chairman of the most powerful and wonderful of all committees – the Transportation Committee. And oh, by the way, he also later served as majority caucus whip.

Now therefore, it is with great privilege and honor that I rise today to nominate a great leader for the highest office in the State House of Representatives – a friend of mine, a friend of yours, a friend of good government and the people of Pennsylvania, a successor to Speakers Manderino, Irvis, and O'Donnell, a successor to Speakers DeWeese, Perzel, and O'Brien, and a successor to Speaker Benjamin Franklin, and a son of Pennsylvania. I nominate Keith R. McCall for Speaker of the Pennsylvania House of Representatives.

Thank you, Mr. Chief Clerk.

The CHIEF CLERK. The gentleman from Allegheny and Westmoreland Counties, Mr. Markosek, places in nomination for office of Speaker the gentleman from Carbon County, the Honorable Keith R. McCall.

The Chair recognizes the gentleman from Armstrong and Westmoreland Counties, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Chief Clerk.

I first heard the name Keith McCall from my father, who was a member of this House of Representatives for over two decades. He had the privilege of serving with Keith's father, Tom, and then with Keith. Some of us who have the privilege to be legacies in this House not only owe a special responsibility to ourselves and to the constituents that we serve but also to the

family members who came here before us. I do not know if it gives us a special love for the institution, but it certainly gives us very big shoes to fill, and no one has done that better than Keith McCall, who, having arrived at a very young age, has dedicated his professional life to the Pennsylvania House of Representatives. In fact, I believe he came at such a young age that my mother still refers to him as "young Keith McCall" or "little Keith McCall," although I told her that she has to stop that now.

Any of you who remember my father may believe that he appreciated Keith most for the fact that Keith is of Italian heritage. In fact, Keith and I have relatives that came from the rugged Abruzzo Mountains area of Italy. But I also know that my father admired Keith, as I do, for his intelligence, dedication, and honesty. In my 14 years in the House of Representatives, I have watched Keith mature into the kind of problem solver who has that special ability to be a good leader, to look beyond his own interests for the good of the whole. These qualities and hard work have carried him so far that he is here today poised to be the next Speaker of the House.

I would like you new members of both parties to know that Keith McCall is a member and will be a Speaker that you can talk to and work with. We all know that this institution is under fire today, and I know that we face tough challenges, both fiscally and otherwise, and I trust that Keith McCall is the right person to steer us in the proper direction and add credibility to the process that we all work at every day.

My father would have been proud of him. I know that his father would have been proud of him. I am proud to call him my friend, and I enthusiastically second the nomination for the gentleman from Carbon, Representative Keith McCall, to be the next Speaker of this House of Representatives. Thank you.

The CHIEF CLERK. The gentleman from Armstrong and Westmoreland Counties, Mr. Petrarca, seconds the nomination of Mr. McCall for the office of Speaker.

The Chair recognizes the gentleman from Cambria County, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Chief Clerk.

Members of the House, I rise to second the nomination of the gentleman from Carbon County. Just like I did, he followed his father's footsteps here to the State House. My father was proud to serve with Keith McCall, just as I have been proud to serve with him for the past 14 years. We have a lot to accomplish this session, and we need a man who can bring together the entire membership to work for the common good. From freshman members to the most senior members, from urban to rural, from Democrat to Republican, we have to work together, and I know Keith McCall will be the man that can bring us together.

I second the nomination for Keith McCall for Speaker of the House.

Thank you, Mr. Chief Clerk.

The CHIEF CLERK. The gentleman from Cambria County, Mr. Haluska, seconds the nomination of Mr. McCall for the office of Speaker.

Are there any other nominations? The Chair recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Chief Clerk.

Happy new year to you. It is a pleasure to see you up there again this new session.

Mr. Chief Clerk, I stand to make a nomination, if my comments are in order.

Mr. Chief Clerk, the recent historymaking headlines of financial institution bailouts, automobile manufacturer bailouts, to the Governor's Boscov's Department Store bailout scheme have left Pennsylvania taxpayers legitimately perplexed and dismayed at the reality disconnect of their government.

The current budget-breaking economic tsunami has forced businesses and families to make difficult decisions to survive. The life-changing sacrifices being made by men, women, and children across the Commonwealth demand that the 2009-2010 State legislature put Pennsylvania taxpayers first by enabling them to keep more of their hard-earned money, Mr. Chief Clerk. Pennsylvanians deserve a representative government that is fiscally responsible.

One of our very first public votes is for Speaker of the House. Unlike the leaders of the individual caucuses who may win by slim margins in behind-closed-door leadership elections, the Speaker is the only leader in this chamber that we vote for publicly. We are facing the very real possibility of a \$1.6 billion deficit this year. Extraordinary times call for an end to business as usual by this chamber. On this first 2009-2010 voting session day, whether you have been here 20 years, 10 years, or if this is your very first year, whether you are a Democrat or a Republican, we are a newly constituted legislature and have an opportunity to choose a new direction during these extraordinary economic times. Today's vote for Speaker presents an opportunity to choose a leader who will help change our direction to a fiscally responsible legislature of the future. We need a Speaker who will be a consistent voice in the battle to reform and revitalize this legislature into a respected public servant that represents our citizens with integrity, a voice that will accept nothing less than fiscally responsible State government, and most important, a voice for the people against any and all proposed tax increases.

Mr. Chief Clerk, as the majority of the members, I am sure, are aware, I announced last Friday that I would be putting my name forward as a candidate for Speaker. Well, I took my candidacy to the Republican Caucus this morning, and during that Republican Caucus meeting we cast a vote for a Speaker candidate for our caucus. The two candidates were the gentleman, Mr. Smith, our minority leader from Punxsutawney, and myself. During that vote the gentleman, Mr. Smith, prevailed. And for that reason, Mr. Speaker, I would like to place the name of Mr. Smith, the gentleman, Mr. Smith, from Punxsutawney, on the ballot for Speaker.

The CHIEF CLERK. The Chair thanks the gentleman.

Mr. Metcalfe places in nomination for the office of Speaker the gentleman from Jefferson County, the Honorable Sam Smith.

The Chair recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Chief Clerk.

I rise despite my great personal respect and fondness for the Democratic choice for Speaker, and I also rise despite the fact that I can recognize the difference between 104 and 99. I have many nice things that I could say about my colleague from Punxsutawney, but I also recognize that there are lunches getting cold all over the Capitol right now, so let me simply state that I would like to second the nomination of Representative Sam Smith for Speaker.

The CHIEF CLERK. Mr. Ross seconds the nomination of Mr. Smith.

Are there any other nominations? Seeing none, the Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Chief Clerk.

It is a morning of sons and daughters of former members and a morning of lots of new members whom we are happy to have. I am pleased to move to close the nominations for the Speaker office at this time.

The CHIEF CLERK. Ms. Manderino moves that the nominations be closed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

TELLERS APPOINTED

The CHIEF CLERK. The Chair names as tellers for the purpose of tallying the votes for the office of Speaker, the gentleman from Philadelphia, Mr. Evans, and the gentleman from Delaware County, Mr. Civera. Will Mr. Evans and Mr. Civera please come to the podium at this time.

ELECTION OF SPEAKER

The CHIEF CLERK. The House will now proceed to elect the Speaker. Those voting for Mr. McCall will vote in the affirmative using the green buttons; those voting for Mr. Smith will use the red button. The votes will be tallied as follows: Every green vote will be tallied as a vote for Mr. McCall; every red vote will be tallied as a vote for Mr. Smith. Only those members in their seats will be permitted to vote.

The following roll call was recorded:

YEAS—104

Barbin	Drucker	Kula	Roebuck
Belfanti	Eachus	Lentz	Sabatina
Bishop	Evans, D.	Levdansky	Sainato
Boyle	Fabrizio	Longietti	Samuelson
Bradford	Frankel	Mahoney	Santarsiero
Brennan	Freeman	Manderino	Santoni
Briggs	Galloway	Mann	Seip
Brown	George	Markosek	Shapiro
Burns	Gerber	Matzie	Siptroth
Buxton	Gergely	McCall	Smith, K.
Caltagirone	Gibbons	McGeehan	Smith, M.
Carroll	Goodman	McI. Smith	Solobay
Casorio	Grucela	Melio	Staback
Cohen	Haluska	Mirabito	Sturla
Conklin	Hanna	Mundy	Taylor, R.
Costa, D.	Harhai	Murphy	Thomas
Costa, P.	Harkins	Myers	Vitali
Cruz	Hornaman	O'Brien, M.	Wagner
Curry	Houghton	Oliver	Walko
Daley	Johnson	Pallone	Wansacz
Deasy	Josephs	Parker	Waters
DeLuca	Keller, W.	Pashinski	Wheatley
DePasquale	Kessler	Payton	White
Dermody	Kirkland	Petrarca	Williams
DeWeese	Kortz	Preston	Youngblood
Donatucci	Kotik	Readshaw	Yudichak

NAYS—99

Adolph	Fairchild	Marshall	Quinn
Argall	Farry	Marsico	Rapp

Baker	Fleck	Mensch	Reed
Barrar	Gabig	Metcalfe	Reese
Bear	Gabler	Metzgar	Reichley
Benninghoff	Geist	Miccarelli	Roae
Beyer	Gillespie	Micozzie	Rock
Boback	Gingrich	Millard	Rohrer
Boyd	Godshall	Miller	Ross
Brooks	Grell	Milne	Saylor
Causar	Grove	Moul	Scavello
Christiana	Harhart	Murt	Schroder
Civera	Harper	Mustio	Smith, S.
Clymer	Harris	O'Brien, D.	Sonney
Cox	Helm	O'Neill	Stern
Creighton	Hennessey	Oberlander	Stevenson
Cutler	Hess	Payne	Swanger
Dally	Hickernell	Peifer	Tallman
Day	Hutchinson	Perry	Taylor, J.
Delozier	Kauffman	Perzel	True
Denlinger	Keller, M.K.	Petri	Turzai
DiGirolamo	Killion	Phillips	Vereb
Ellis	Krieger	Pickett	Vulakovich
Evans, J.	Maher	Pyle	Watson
Everett	Major	Quigley	

NOT VOTING—0

EXCUSED—0

The CHIEF CLERK. The tellers will confirm the recorded vote. The tellers agree in their count, and the vote is as follows: The Honorable Keith R. McCall received 104 votes; the Honorable Sam Smith received 99 votes.

The Honorable Keith R. McCall having received the majority of all the votes cast is hereby declared elected Speaker of the House of Representatives.

Congratulations, Mr. McCall.

The Chair recognizes the Republican leader, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Chief Clerk.

I rise to, with respect, move that we make it a unanimous ballot. Congratulations to Mr. McCall.

The CHIEF CLERK. The Chair thanks the gentleman.

Hearing no objection, the Chair will declare a unanimous vote for Mr. McCall.

COMMITTEE APPOINTED TO ESCORT SPEAKER-ELECT TO ROSTRUM

The CHIEF CLERK. The Chair appoints the gentleman from Luzerne County, Mr. Eachus, and the gentleman from Jefferson County, Mr. Smith, to escort Speaker-elect McCall to the rostrum.

The committee to escort the Speaker-elect will proceed with the performance of its duties.

The Chair recognizes the chairman of the committee, Mr. Eachus.

Mr. EACHUS. Mr. Chief Clerk, it is my distinct honor and privilege to present my friend from Carbon County, Speaker Keith McCall.

OATH OF OFFICE ADMINISTERED TO SPEAKER-ELECT McCALL

The CHIEF CLERK. The oath of office to the Speaker-elect will now be administered by the Honorable John P. Lavelle, Judge, Court of Common Pleas of Carbon County, Retired. All members will please rise.

JUDGE LAVELLE. Mr. Speaker-elect McCall, distinguished officers of this legislature, ladies and gentlemen, members of the Pennsylvania House of Representatives, your families and your friends gathered here today:

Before I take up my official duties, I just want to say that it is a great honor and singular privilege for me to swear in Speaker-elect McCall to begin his first term as Speaker of the Pennsylvania House of Representatives. It is a position he has achieved through his dedication, hard work, and extraordinary service to his constituents during 26 years as a member of this House.

I know today, Speaker-elect McCall, as I look out on this magnificent, historic room, that you have the affection, the admiration, and the good wishes of all who are assembled here. May I also express the joy and sense of pride that fills the hearts of all of us in Carbon County, Pennsylvania, in your elevation to this high office as leader. I have come out of retirement and stand before you today as a judge for a day to administer your oath of office. We look forward to your tenure as Speaker with confidence and high expectations, and I wish all of you and your colleagues a very successful session in 2009-2010.

And now if you would place your left hand on the Bible, raise your right hand, and repeat the solemn oath of office: I, Keith R. McCall, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

(Speaker-elect McCall asserted oath.)

JUDGE LAVELLE. Congratulations, Speaker McCall.
The CHIEF CLERK. Members may be seated.

PRESENTATION OF GAVEL

The CHIEF CLERK. The Chair requests the Honorable Robert W. O'Donnell, a former Speaker of this House, to take the Chair for the purpose of presenting the gavel to Speaker McCall.

Mr. O'DONNELL. It has been that long.
Thank you, Mr. Chief Clerk.

Ladies and gentlemen, I am very honored to be with you this morning, and I am particularly honored to have the opportunity to present the gavel to Keith McCall. Having served with his dad, I am sure he would have been overwhelmed by this moment today. On the way up, my wife and I were talking about this event and I told her how proud I was to be speaking on behalf of somebody who comes from that coal country, Molly Maguire tradition, and I happened to notice a smile creeping across her face as an allegation of Italian ancestry was made over here. I was unaware of that at the time of my invitation here.

On being Speaker, I got some advice from Tip O'Neill, who said that presiding over the U.S. House was nothing compared to presiding over a State legislature, such as in Massachusetts where he presided. In discussing the gavel, he mentioned that on more than one occasion he was shortly tempted to use it physically on the members. I know you have a fairly tough session ahead of you, but I would urge the new Speaker to constrain that impulse, which I am sure will come across his mind more than once. The gavel is a symbol of power, but the power that it has is really only the power of the respect that you give it, and Keith McCall has earned that respect, and I am sure he will use it well. I would invite him now to take the rostrum for the first time as Speaker McCall.

THE SPEAKER (KEITH R. McCALL) PRESIDING

ADDRESS BY SPEAKER

The SPEAKER. Thank you. Thank you.

I have been waiting a long time to do that.

I am certainly overwhelmed with emotion. As you heard from many of the speakers who nominated me, from Joe Petrarca, Joe Markosek, who was a class member – we were both elected in 1982 – Gary Haluska, and certainly Kathy Manderino, I think you saw the common thread. I served with all of their fathers. They were just terrific, outstanding individuals. Imagine, freshman members getting elected to this House and you are trying to figure out which way to turn and how to get to the House floor. Jim Manderino, as the leader, took me under his wing immediately as a 23-year-old freshman member of this General Assembly. I sat right in front of Joe Petrarca, Sr., and I can tell you that he was like a second father to me. Our offices were across the hall from each other. He always called to see if I needed any help or any assistance, had a great sense of humor, on the floor constantly tantalizing other people to keep levity in what we were doing on the House floor.

Tony DeLuca is now chairman of our Italian Caucus, but Joe is the one who really got it started. He would always bring some great Italian cooking into his office and invite all of the members over to enjoy cuisine of the Italian culture, and that is really what it was all about with our members. It was really all about camaraderie. So for that, Joseph, I thank you for making that nomination speech. The other side of McCall is Guardiani. I am going to talk a little bit about my mother. We are very proud of our Italian heritage, and certainly our common thread was that we were both Abruzzis with our ethnicity, ethnic background, and that is why the Italian— Although I like the green today on that board, Sam, and I appreciate, though, the fact that you made this nomination unanimous. I greatly appreciate that, and I want all the members to know that I will be working with all of you as one as we move forward in this House of Representatives. And again, Gary Haluska, thank you, and your father as well was one of those who took me under his wing from day one and helped guide me through this process.

Ladies and gentlemen of the House, family members and friends:

Welcome to the opening ceremonies of the 193d session of the Pennsylvania General Assembly. Like Judge Baldwin said, welcome to this magnificent chamber. I have been through – this is my 14th swearing-in ceremony. I was here with 4 of my father's, so 18 swearing-in ceremonies, and I am still in awe of this magnificent chamber. So welcome all and welcome family members today to the House of Representatives.

I want to express my most sincere thank-you to the members for giving me the honor and opportunity to serve as Speaker of this House. I am honored and I am privileged and I am humbled by this leadership position. To the former Speakers that are with us today – Denny O'Brien, John Perzel, Speaker DeWeese, and Robert O'Donnell – I want to thank all of you for your service and hope to continue your work.

I also want to note a special appreciation for my predecessor at this rostrum, Denny O'Brien. He came to this job suddenly, presiding during a very tough period in the House's history, and kept the House focused on its work. Denny, you have been nothing but helpful as I have prepared for this day today, and I thank you for your continued service and friendship.

I would also like to take a moment to recognize and congratulate our statewide row officers: Attorney General Tom Corbett, Auditor General Jack Wagner, and our State Treasurer, Rob McCord. Welcome to the hall of the House, and thank you very much for your attendance today.

To our freshman members, I offer you my most sincere welcome on this first day of your great journey. You have taken the road less traveled, and I assure you, it will make all the difference. My only regret, as you had heard earlier, is that my father, the late Representative Thomas McCall, is not here to share this moment with me and my family. He passed away on Christmas Eve 1981, and I was elected to replace him. I was so very proud of him, and I was honored to follow in his footsteps and I still am today. He loved this institution as I do.

However, today is a day for celebration. It is a day for fellowship, it is a day for friendship, but I think more importantly and especially, it is a day for family.

First, I want to thank my mother, Mary. Mom. She is a great mother and grandmother. I cannot say great-grandmother because she is not that, but she is a great mom and grandmother. She taught me that I could do anything with my life through honest hard work, compromise, patience, and respect for others. Without the guidance and influence of her and my father, I know I would never, never have achieved what I have achieved today, and I can never thank them enough. I am so glad that I get to share this very poignant moment with her and the rest of my family.

My brother, Tom, and my sister, Kelly, are here as well. My brother, Tom. As you can tell, he is the older brother. I cannot thank you enough, Tom, for everything that you have done for me, no matter what the task, large or small. All of you know in our political life there are a lot of things to do – put signs up and write speeches and do all those kinds of things. He is the jack-of-all-trades and did all of that for me, and I really appreciate that, Tom. To my beautiful sister, Kelly – I will make her stand up – her beauty is both inside and outside. I wish you would all know her. She is here with her husband, Andy, and my nephew, Drew – where is Drew? is he here? – and Marykate. Stand up, you two. We are very proud of Drew as well. He has a basketball game tonight. As you can see, he is about 6' 5" or 6' 6", and he starts for Marian Catholic. I am just pleased and delighted that he stayed here and came down for

this swearing-in ceremony. I do not know if the coach likes that, but I certainly am happy of the fact that he is here. And I could not have a better team and family around me than my family.

There are a lot of friends that I have here, from my Uncle Emmett, Uncle Jack, Mary Ellen McCall, Michael McCall, Francis Smell, Andy Snoha. Andy should stand up because he was a former Sergeant at Arms in this House. Gerry Scaran. All people that without their help, I would not be at this rostrum, and as all of you know, it is not just one person that can achieve success without having some very, very strong people behind them, and I have a lot of friends and family over here. Jeff Coy, who was a former member, has not been on this floor since 2004. Jeff, if you want to just stand up and say hello; his wife, JoAnne. You need sounding boards in this business, and he has been one of those great sounding boards, and I appreciate that, as well as Steve Wojdak, who now lobbies but was a former member, Appropriations chair, just a plethora of knowledge, and I always could use him as a sounding board as well. I appreciate your being here as well, Steve. Nancy Mason, Bill O'Gurek, Bob Crampsie, our row officers; Margaret Kozuch, who is 85 or 86 years old, she supported me in my very first election – Margaret – and she is still here and could not wait to come down here for this swearing-in ceremony today, and I thank her for that.

I would also like to recognize two good friends, the Honorable Bill Baldwin, who swore us all in today. He is a former House member from my freshman class, and he is currently serving as the President Judge in Schuylkill County. And another proud Irishman like me, the Honorable John Lavelle, President Judge of Carbon County, who has come to the Capitol to swear me in. I want to thank you both for coming down and doing that, and I am honored to call you both friends. Thank you, both Judge Lavelle and Judge Baldwin.

I am also delighted to welcome to the hall Msgr. John McCann, to the rostrum. Your thoughtful opening prayer set the stage today for today's ceremony and our work for the next 2 years. The Monsignor and I share a lot of history. We graduated from Marian Catholic High School together. He studied in Rome, and I think someday you will see him in some red cloaks. He will be one of our cardinals. I feel that strongly about Monsignor McCann. But thank you so very much, Monsignor McCann.

Lastly, I need to thank my wonderful wife, Betty, and my children, Courtney and Keith Robert. To Courtney and Keith Robert, I promise I will never forget that no matter where I stand here in Harrisburg, the most important title that I could ever have is "Dad." To my wife, Betty, the person whose infinite patience is going to be tested even more with my new schedule, I want to offer you my deepest affection, admiration, and appreciation. I have been coming to Harrisburg my entire adult life, and without your love and without your support, I would not be standing here today as the 138th Speaker of the Pennsylvania House of Representatives.

It was way back in 1682 when a group of Pennsylvanians gathered in Chester for the very first session of the Pennsylvania General Assembly, the Provincial Assembly. Back then, the great city of Philadelphia was a collection of farms and a few small buildings and had a population of about 300 people. The city of Pittsburgh did not exist. There was no United States of America, and the U.S. Constitution would not be written for another 105 years. For the past 327 years, this body has made laws just like our Founding Fathers made laws. We must honor

the rules of civility and follow Penn's Holy Experiment for Pennsylvania of orderly progress. The men and women in this chamber today come from a range of backgrounds that would astonish those lawmakers of the past, but for all of the differences, we share a great deal with those men of 1682. They came to this General Assembly with a dedication to public service and a determination to fight to improve their communities, just as all of you do today. They came to this General Assembly knowing that it would require sacrifice and time spent away from home, from family and friends, and from business, just as all of you do today.

As we walk in the footsteps of those lawmakers who came before us, I know we will not forget the responsibility that we have for the people who sent us here. They sent us here for our good judgment, for our minds, for our hearts, and for our courage. They depend on our courage to make the right decision, not the easy decision. Republicans and Democrats, whatever divides us, this much unites us: We care about one another, we care about Pennsylvania, and we want to make the right decisions.

Some people wait for things to happen. Those who work in this chamber make things happen. I am looking forward to the ideas and energy of our new colleagues as we work on legislation in this coming session. And just as I value the respect and wisdom and experience of our senior members, there are more than 12 million men, women, and children who are depending on our courage and centuries of history that stand for our inspiration.

As we conclude today's ceremony and celebration, we can and we will keep our minds on this important job ahead of us. We will restore the public's pride and confidence in government, stand up for the ideals of our Founders, and make all of our mothers and fathers proud.

Thank you all. And I know that 100, 200, even 300 years from now the Pennsylvania General Assembly will be meeting on yet another first Tuesday, taking the oath of office and talking about the giants of the past. Our work, beginning today, will determine if those lawmakers will be talking about us.

I thank you all, and I congratulate all of our new members to this General Assembly.

PRESENTATION OF COMMEMORATIVE GAVEL

The SPEAKER. The Chair recognizes the Chief Clerk for a presentation.

The CHIEF CLERK. Mr. Speaker, it is my honor and privilege to present you with this gavel commemorating this momentous occasion, your election as Speaker of this great body. Congratulations.

The SPEAKER. Thank you, Roger. It is greatly appreciated. The Chair thanks the Chief Clerk.

PLACING OF MACE

The SPEAKER. The oath of office having been taken by the members of the House and the Speaker elected, the Chair instructs the Sergeant at Arms to now place the mace on the rostrum.

The Speaker appoints Paul Wambach as the macebearer. The mace is the symbol of authority of the House, and when the mace is at the Speaker's right, the House is in session.

(Mace was placed on rostrum.)

The SPEAKER. Thank you, Paul.

PARLIAMENTARIAN APPOINTED

The SPEAKER. In compliance with the laws of the Commonwealth authorizing the Speaker to appoint a Parliamentarian, the Chair appoints Reizdan B. Moore as the Parliamentarian of the House of Representatives.

ANNOUNCEMENT OF MAJORITY LEADERSHIP

The SPEAKER. The Chair now recognizes the gentleman from Philadelphia, Mr. Cohen, the Democratic Caucus chairman, to introduce the Democratic Caucus officers.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it is my pleasure to report for the record that the House Democratic Caucus, meeting 2 weeks after the November election, in addition to giving Keith McCall the Democratic nomination for Speaker of the House, elected Todd Eachus as majority floor leader, H. William DeWeese as majority whip, myself as caucus chairman, Jennifer L. Mann as caucus secretary, P. Michael Sturla as policy chairman, Ronald I. Buxton as caucus administrator, and Dwight Evans as chairman of the Appropriations Committee.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT OF REPUBLICAN LEADERSHIP

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna, Wayne, and Wyoming Counties, Miss Major, the Republican Caucus chair, to introduce the officers of the Republican Caucus.

Miss MAJOR. Thank you, Mr. Speaker.

As caucus chairwoman of the Republican Caucus, it is my pleasure to announce, for the information of the members of the House and for the record, that the gentleman from Jefferson County, Mr. Smith, has been elected leader by the Republican Caucus, and that the gentleman from Allegheny County, Mr. Turzai, has been elected Republican whip. Furthermore, the gentleman from Blair County, Mr. Stern, has been elected caucus secretary; the gentleman from York County, Mr. Saylor, has been elected policy chairman; the gentleman from Northumberland and Snyder Counties, Mr. Phillips, has been elected caucus administrator; and the gentleman from Delaware County, Mr. Civera, has been elected Republican chairman of the Appropriations Committee.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

NEW MEMBERS INTRODUCED

The SPEAKER. The Chair recognizes the gentlelady from Lehigh County, Miss Mann, to introduce the freshman members of the Democratic Caucus.

Miss MANN. Thank you, Mr. Speaker.

It is certainly my privilege today to introduce the new members of the House Democratic Caucus. As I call their names, I ask that they each stand, and I ask you to please hold your applause until I have completed the introduction of all of our new members.

Bryan Barbin; Brendan Boyle; Matthew Bradford; Tim Briggs; Vanessa Brown; Frank Burns; Dom Costa; Daniel Deasy; Paul Drucker; Tom Houghton; Kenyatta Johnson; Robert Matzie; Richard Mirabito; Kevin Murphy; and Steve Santarsiero.

Congratulations.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Blair County, Mr. Stern, to introduce the freshman members of the Republican Caucus.

Mr. STERN. First of all, congratulations, Mr. Speaker, on your election as Speaker of the House.

Mr. Speaker, as I call the names of the new members of the Republican Caucus, I, too, would ask that they please stand, and please hold your applause until I have completed all of the introductions of all the members.

Jim Christiana; Gary Day; Sheryl Delozier; Frank Farry; Matt Gabler; Seth Grove; Tim Krieger; Carl Walker Metzgar; Nick Miccarelli; Donna Oberlander; Mike Reese; and Will Tallman.

Congratulations and welcome to the Republican Caucus.

The SPEAKER. The Chair thanks the gentleman, and congratulations, again, to all of our new members.

REMARKS BY MAJORITY LEADER

The SPEAKER. The Chair now recognizes the Democratic leader, Mr. Eachus, for some remarks.

Mr. EACHUS. Thank you, Mr. Speaker.

Good afternoon, esteemed guests, honored colleagues, all the families that have joined us today. Welcome to the hall of the House.

I thought I would just start off very quickly to tell you a little bit about myself. I grew up an only child of a single mother who worked very hard as a secretary in a small town in northeastern Pennsylvania. I am a product of Pennsylvania public schools – a graduate of James M. Coughlin High School in Wilkes-Barre, Pennsylvania – and the first college graduate in my family.

My family has a proud tradition, having settled in northeastern Pennsylvania, but we lost much in the floodwaters of the Susquehanna in 1972 during Hurricane Agnes. Today I reside in Drums, Pennsylvania, with my wife and three sons.

I stand before you, advanced by my Democratic colleagues to the office of majority leader of the Pennsylvania House of Representatives, a responsibility that I am proud to accept.

The fact that I was supported and mentored by wonderful people, coaches and teachers throughout my life, is a credit to my upbringing in Pennsylvania, but of all the mentors that I had, I owe the most to my mother, who is here with me today, Etta May McDade, if you would stand and be recognized.

I also would like to recognize my family. Without their support, I would not be here. My wife, Ellen, of 24 years – our anniversary was just this week. My sons, Anthony, Benjamin, and Nathan, are here with me today. I cannot thank you enough for your personal sacrifice of our time together that has allowed me to pursue my dream of public service. I love you. Thanks.

I want to thank my constituents of southern Luzerne County, who have advanced me to this office for seven consecutive terms. They have elected me here to represent their collective values, their hopes, and their dreams in the General Assembly. After 192 sessions of this Pennsylvania House of Representatives, I am the first member of the Luzerne County delegation to ever serve as majority leader. The significance of this historical precedent is not lost on me.

Today thousands of Pennsylvanians who elected us are now facing the most serious economic situation since the Great Depression. A global recession is striking all economic sectors. Nationally, all 50 States have budget deficits. For the upcoming fiscal year, Pennsylvania has a looming budget deficit of at least \$2 billion and counting, combined with job losses that have driven up unemployment to levels we have not seen since the 1970s. Pennsylvania families are facing layoffs and foreclosures. Consumer confidence is down, and our nation, it seems, has been teetering on the edge of economic disaster.

In Pennsylvania today, many parents in the same situation that my mother found herself in decades ago have to choose between whether they can afford a doctor's visit for their child or food for the kitchen table. Our retirees have seen their life savings vaporized by Washington's mismanagement and unbridled greed from Wall Street. Much of this was not our doing. Some of this is beyond our control, but some of it is not.

Let us ask ourselves a simple question: Why are we here? Yes, I am referring to us, the members of this General Assembly. I would argue that our purpose here, at this moment, during one of the most difficult times in the history of the Commonwealth, is to face these challenges head-on. Through our work as House members, we have a clear and up-close view into the personal lives of the constituents that we represent, much of which takes place in our district offices. Many of you will quickly recount the thousands of individual conversations you have had with your constituents about their hopes, their dreams, and their worries.

And I might also say that today we might also reflect on what drew us here to service as members. The crisis before us is an opportunity to stand and deliver when people are hurting and when they need us the most. The problems we face are not Republican or Democrat. The pain felt by our citizens is universal, no matter whether you live in Erie or Pittsburgh, Marcus Hook or Montrose. We can solve real problems for real people. And I want to invite you to join me in renewing our bonds with average Pennsylvanians, to measure ourselves to a higher standard and to work together beyond party lines and ideology to forge solutions within the walls of this chamber. We are going to judge ourselves by how well we perform for Pennsylvanians facing tough situations.

I want to tell you the stories of three people today that I have invited, three real citizens of the Commonwealth.

Jeanie Bruno, who is here in the chamber, if you would rise and be recognized. Thank you for coming, Jeanie. Jeanie is a wife and a mother who lives in northeastern Pennsylvania. For years she served her community as a nurse, until she was diagnosed with a chronic illness. When her health made it

impossible for her to continue her work, she discovered just how difficult it was for a private individual to gain health insurance, to purchase health insurance in Pennsylvania. After 2 years and multiple insurance company rejections, she finally received Medicare, which was a godsend to her family. I would make the argument today that it is our responsibility to make sure that hardworking people like Jeanie Bruno do not have to worry about whether they are able to pay for health insurance costs and that we should ensure that Pennsylvanians have access to affordable health care without having to deal with years of bureaucratic red tape.

Barbara Wydock is here with us today. Barbara, I appreciate your coming. She woke up early every morning of the 32 years of service to a manufacturing plant in northeastern Pennsylvania. She stayed late more days than not. She managed to earn her college degree while working full time. Then she was called into her supervisor's office just one afternoon and was told, after more than three decades of loyal service to this company, that she was out of a job and needed to be out by 5 o'clock.

Unfortunately, Barbara's story is not uncommon. Pennsylvania's economy is in peril, our workforce is suffering, and we must find ways to provoke new industry, such as alternative energy production and various entrepreneurial activities that allow for new jobs and new infrastructure for Pennsylvanians.

Doris Zindell is here with me today. Doris, if you could stand. Thank you for coming. Doris is a senior citizen who lives in a retirement community. With an active social schedule, good friends, she is trying to enjoy her golden years, but the cost of eight different prescription drugs has put her in a situation where it makes her daily life stressful. Thankfully, Doris has access to PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier). Without this great program, Doris's monthly prescription costs would be prohibitive, as they are for so many Pennsylvania senior citizens. We have made progress in providing this program and expanding it, but I would make the argument that we need to do more.

Solving problems like these is what our work is all about, and I affirm to you, my colleagues, to answer my own question, that this is precisely why we are here at this moment – to face real challenges of real people, head-on, together.

As it relates to the upcoming session, I do not care whether you are a seasoned legislative veteran, battle-worn by budget battles, or a first-term member, fresh off the campaign trail, this will be a session that will test our collective resolve. That is why we need to do more quickly and decisively to deliver. First and foremost, we need to help our working families make it through these tough times ahead.

The economy is one of the major issues on the minds of Pennsylvanians. Far too many have lost their jobs, their homes, their health care, and their retirement savings. Government must act boldly and quickly to protect our citizens and invest in our communities. In November the voters spoke and they chose to invest \$800 million in infrastructure in this Commonwealth. In light of the economic recession and in order to protect the progress we have made together here in the Commonwealth, States, the Federal government, and local governments must work together to boost our economies and put our communities and our citizens back to work. By matching billions into infrastructure spending, President-elect Obama in his economic

stimulus package, along with our investment, will put Pennsylvanians back to work, boost the economy, and lead to investments within our local communities.

The cost of health care is continuing to move on the rise. We must address reforming our health-care system to make it more accessible and affordable and improve the overall quality of our health-care system. You will no doubt agree that it is absolutely critical for our residents to have access to quality health-care coverage. Though we have passed significant legislation last session, we tackled much of this, but there is much more to do because the health-care costs in this Commonwealth continue to outpace any rate of inflation measure. Health-care reform, especially access to quality health care for the uninsured, will be a top priority during this legislative session.

Over the past 2 years, we have been successful in implementing several components that declare our energy independence and place Pennsylvania in the driver's seat to become a global leader in alternative energy production. We must continue this process of employing sensible conservation strategies, including further investment in alternative energy sources, controlling costs for our consumers and lowering their energy bills, attracting and offering support for the brightest entrepreneurs and creating high-wage jobs for our workers, advancing measures that will further reduce our energy consumption.

And finally, you might remember the pre-Enron promise of utility deregulation in the 1990s. The story went something like this: Take care of the utilities on stranded costs, and let market forces and competition keep utility rates down for all. That, my friends, was a promise never kept. Let me affirm, in the depths of the steepest recession in memory, we cannot allow electric utility executives to increase utility bills for Pennsylvania families beyond and sometimes measured and calculated by upwards of 75 percent. We must move swiftly and aggressively to keep utility rates fair and reasonable and pass rate control on electric utilities.

In order to achieve these important policies, we have to tell people clearly that we understand their problems and that we are going to go the extra mile to restore accountability and public trust to the Pennsylvania House of Representatives.

We have to be honest with ourselves. Public trust in this chamber has been shaken in recent years. We must strive to reestablish that trust by taking clear action. The good news is that we have the ability and the means to move this institution forward in a different direction and we are taking action on issues which have set us on the right path. In the last session we changed the rules to eliminate midnight and ghost voting. We passed Pennsylvania's historic open records law, allowing people access to public records, which started just last week, on January 1.

As many of you know, the Democratic Caucus has frozen out-of-State travel. Members this year have declined their cost-of-living allowances. I have also ordered a top-to-bottom review of the organization and structure of the Democratic Caucus, including all contracts and personnel. It will not be business as usual from this side of the aisle in the Pennsylvania House of Representatives. I am reviewing all internal Democratic operations and focusing on additional belt-tightening during this tough budget year. Regaining the public mandate and renewing public confidence in this institution will help us make tough decisions that will move the Commonwealth forward. I am confident of that.

My commitment to all of the members of the House is that I will honor the tone expressed by Speaker McCall and keep our debates orderly and businesslike.

To our colleagues on the other side of the aisle in the Republican Caucus: I look forward to putting our differences aside to deliver solutions for this great State.

To Sam Smith, the Republican minority leader: I respect you and I look forward to working on behalf of the Commonwealth of Pennsylvania, and I know that some days we will disagree, but, Sam, I think we can disagree without being disagreeable.

To the members of the Democratic Caucus who have placed their confidence in me: In 2006, with a slim one-vote majority in this House, we tackled a dynamic policy agenda, including alternative energy, access to affordable health care for the uninsured, open records, and policy changes in highway construction and transit. Be assured, these policies matter in average people's lives, and with a stronger majority, I know that we will take this opportunity to deliver sound initiatives for the working families of the Commonwealth.

Many observers 2 years ago felt that our caucus would be incapable of clear and concise action. They were wrong, and we stand here today with a stronger Democratic majority, the strongest since 1992.

I am proud to call myself a member of the Democratic Caucus. I look forward to working on behalf of the citizens of Pennsylvania, and I am honored to be with you today.

Thank you very much.

If I may just make one quick statement before we move on. I know; I apologize. But you see, I think my Republican colleagues are just being cynical.

But let me just say this: To Representative Scott Perry and Representative Nick Miccarelli, you are heading in harm's way, and we know that. We want to thank you for your commitment to our great nation. Godspeed to you, and please return safely to us.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

COMMITTEE ON PART OF SENATE RECOGNIZED

The SPEAKER. The Chair now recognizes the Sergeant at Arms.

The SERGEANT AT ARMS. Mr. Speaker, the chairman of the committee on the part of the Senate, Senator Pippy.

The SPEAKER. The Chair recognizes Senator Pippy, chairman of the Senate committee to notify the House.

Mr. PIPPY. Mr. Speaker, it is an honor to be here.

Members of the House of Representatives, distinguished guests, with me I have some of your alumni – Senator Leach and Senator Gordner.

It is my privilege to inform you that we are a committee from the Senate, organized to inform the House of Representatives that the Senate is convened and organized in regular session and ready to proceed with the business of the Commonwealth of Pennsylvania.

Good luck, ladies and gentlemen. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread upon the record.

The Chair will note that with the loss of the three Senators, the IQ (intelligence quotient) of the House increased as well as the IQ of the Senate.

REMARKS BY REPUBLICAN LEADER

The SPEAKER. The Chair now recognizes the Republican leader, Mr. Smith, for remarks.

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

Reverend Clergy, Judge Baldwin, Judge Lavelle, Speaker O'Donnell, members of the House, honored guests, and family and friends:

It is an honor to speak with you today on this beginning of the 193d legislative session of the Pennsylvania General Assembly.

As the Republican leader, it is my pleasure to extend a heartfelt welcome to each of our new members to this House and to their families. I know, as being here several years, I am still in awe of the presence and the glow in this room on this swearing-in day, and I hope that each of the newly seated legislators will savor some special memories that this day should be filled with. You all worked extremely hard to get here and are deserving of these enduring memories that will be coming forth throughout the day.

My thoughts today are not focused on the policies or the agenda per se. We will have many days to debate and discuss those. My thoughts today, Mr. Speaker, are focused on a simple four-letter word. That word is "time." We have all heard the common expressions "Time is money," "Time waits for no one," "Time is on my side," et cetera. But when you really stop to think about it, time is not a renewable resource. There are 86,400 seconds in this very day and in each and every other day, and these seconds must be used on this day. We cannot roll them over or use them tomorrow or next month.

So it is not really about how much time we have. What matters is how we use the time we are given. This is true in both our personal and professional lives. Here in the General Assembly, we are given opportunities and choices for how we use our time. The challenge is being good stewards of the opportunities and choices we are given.

Over the Christmas holidays, I attended the funeral of a man named Bernie Shuey, who happened to have been the preacher at my church for 10 years or so, and he had been retired a few years now. I think he was 70 years old, and he died suddenly. And one of the readings at the funeral got me to thinking about the importance of time and helped focus some of the thoughts I have here today, and it is from the third chapter of the book of Ecclesiastes. It is verses 1 through 8. I suspect that for many of you, you will be familiar with or would have heard these words before:

There is an appointed time for everything. And there is a time for every event under heaven—

A time to give birth and a time to die;

A time to plant and a time to uproot what is planted.

A time to kill and a time to heal;

A time to tear down and a time to build up.

A time to weep and a time to laugh;

A time to mourn and a time to dance.

A time to throw stones and a time to gather stones;

A time to embrace and a time to shun embracing.
 A time to search and a time to give up as lost;
 A time to keep and a time to throw away.
 A time to tear apart and a time to sew together;
 A time to be silent and a time to speak.
 A time to love and a time to hate;
 A time for war and a time for peace.

These words were written by King Solomon, who, during his rule, was widely regarded as the wisest man in the world. Many traveled great distances to hear him and hoped to duplicate the great wealth and fortune he had amassed.

Ironically, however, King Solomon penned the words in Ecclesiastes near the end of his life. He was an individual who came into authority by the hand of God, walked away from God, and at the end of his life came full circle back to it, and these were his reflections. He used this book of the Bible to take stock of the world as he had experienced it between birth and death. The writings are a summary, if you will, of the lessons he had learned throughout his life. Solomon reflects on the world as being full of enigmas, the greatest of which is man himself.

As I listened to these words at the funeral, it occurred to me that there is an analogy that could be made based upon the current issues confronting this General Assembly in the Commonwealth of Pennsylvania. For example, there is a time to raise taxes and there is a time to reduce taxes; there is a time to increase spending and there is a time to reduce spending; there is a time to borrow and there is a time to reduce debt; there is a time to reform and a time to stay the course. The list could go on into specific issues, but they get the point across.

In the list of events in Ecclesiastes, there are just two things which, generally speaking, God has complete control over – the time of birth and the time of death. All the other things that transpire in our lives are somewhat left to the option and the will of us as individual men and women. Likewise, here the Constitution prescribes the time to begin and the time to end. What we do in between is really left to us to decide.

In the coming year, each of us sitting in this chamber will be asked to make important decisions relative to some of the issues that I just alluded to. In most cases, we will have a certain amount of time to make these decisions. In each instance, however, our focus should not be solely on the amount of time we have, but also on how we are using that time and making the best use of our information and opportunities.

At the end of the day, it is the collective wisdom of this body that will make the decisions. We will decide whether it is time to raise taxes or time to reduce taxes. We will decide if it is time to increase spending or if it is time to decrease spending. We will decide if it is time to borrow more or if it is time to reduce our debt. We will decide if it is time for reform or time to stay the course.

When it comes right down to it, with each of these issues and perhaps mostly with reform, it is something that is instinctively in the hearts and the minds of those charged with making changes. It is not something that can be forced or taught. Government reform, or any type of reform for that matter, is most effective when people believe and want to do the right thing and then do the thing right.

As we move forward, I hope we will continue to respect the opinions of each other and the constituents that we represent. I hope that we will remember the words of King Solomon, a

wise man who experienced and learned a great deal about life and human nature throughout his lifetime.

Just as Solomon found out at the end of his life that the pursuit of happiness without God will leave one empty and unsatisfied, so it is with our jobs here. To achieve certain powers or authority within this body without the approval of the people who elected us will leave one empty and alone.

Faith taught King Solomon that God has ordered all things according to his own purpose and that man's role is to accept these, recognizing his own limitations. We should therefore be patient, enjoy life as God gives it, and always remember that there is a time and a season for everything.

Thank you and may God bless you.

The SPEAKER. The Chair thanks the gentleman and would certainly note that our guests are getting antsy as well as the children, so I would ask the next two speakers to be as brief as possible.

REMARKS BY MAJORITY WHIP

The SPEAKER. The Chair recognizes the Democratic whip, Mr. DeWeese, for remarks.

Mr. DeWEESE. Speaker McCall – you will no longer be Young Keith, unless it is just you, me, and Jeff Coy having dinner some night – I will take your admonition to heart.

Speaker McCall; Speaker O'Donnell; Speaker Perzel; Speaker O'Brien; elected officials, worthies all; citizens; Monsignor; and our potentates from the judiciary, who did not give back their cost-of-living adjustment:

The great rock 'n' roller Jerry Lee Lewis said, there will be a "Whole Lotta Shakin' Goin' On." And I only have one theme in my abbreviated remarks, since Speaker McCall, with his iron fist and heavy gavel, has already circumscribed my flexibility, but the theme of civility, which Speaker McCall touched upon and which Ecclesiastes is surfeited with, and I think that when I take my seat, I want you to remember that notwithstanding all the shake, rattle and roll, all the harum-scarum, all the higgledy-piggledy, we are going to have what Ted Sorensen said so often in his book about J.F.K. called "Counselor" – we are going to have fun.

Three quick anecdotes, and I mean very quick. I guess they are not anecdotes because I was not there. Virgil talked about two great characters of classical Greece, and other than John Maher, who went to Duke, maybe the rest of us would have to look this up. But I do not care if it is the man from Butler and the Honorable Mr. Eachus, the hardworking, dedicated, hard-charging Mr. Eachus, going at it later on in the season, it will not be quite as bad as when Achilles told Agamemnon that you have the forehead of a dog and the heart of a deer. Well, Bryan Barbin and Brendan Boyle and Matt Bradford, I am going to talk like that because of the civility that Speaker McCall will engender. Tim Briggs and Vanessa Brown and Frank Burns will not revert to the aggressions of the battlefields at Troy.

Number two – I told you this would move fast, Speaker McCall. Do not start clapping yet. That is for later on. When Andrew Jackson was censured by Henry Clay and John C. Calhoun – that is right; even those luminaries of yesterday had their enemies – there was a moment on the floor of the United States Senate when Thomas Hart Benton came to Jackson's rescue. Thomas Hart Benton and his brother, Jesse,

were in a fire fight – back then they just called them a gunslinging battle – in Nashville, Tennessee, and Andy Jackson still had lead in his body, being wounded by the Benton brothers. And Benton went to the floor of the United States Senate and tried to expunge the censure of his old nemesis, Andrew Jackson. The caucus meetings were over and the session was involved and the rancor on the floor was keen, and in the balconies there were a lot of Clay men and Calhoun men, and they appeared to be armed, and Thomas Hart Benton sent for his six-shooters; he sent for his guns. But Dom Costa and Dan Deasy and Paul Drucker are not going to have to send for their 7.62 caliber weapons. They are not going to have to send for their Glocks. We are just going to mix it up, and there will be a whole lot of shakin' goin' on, but it will be punctuated, ladies and gentlemen, as it has been since Benjamin Franklin's time and before, especially with our Quakers, with civility, with civility.

My last anecdote and I am taking my seat. Do not clap. You usually do. For the freshmen, every time I say I am about to take my seat, your senior compeers will start to applaud. Here they go.

This is the only thing that I do want to read, and it is only two sentences. In 1906 – and for all of the families here, you should go down to the rotunda and you will see an area about as big as this, and it says that Theodore Roosevelt stood here, and the enduring metaphor of Teddy Roosevelt is the enduring metaphor of today, punctuated again by civility. But those great words of Teddy Roosevelt, and I quote: "It is not the critic who counts.... The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly,...who spends himself for a worthy cause;...who,...if he fails, at least he fails while daring greatly, so that his place shall never be with those cold and timid souls who knew neither victory nor defeat."

Ladies and gentlemen, I am going to quit for now, but when we come back, we are all going to be in the arena. Thank you.

The SPEAKER. The Chair thanks the gentleman.

REMARKS BY REPUBLICAN WHIP

The SPEAKER. The Chair recognizes the Republican whip, Mr. Turzai, for remarks.

Mr. TURZAI. Thank you very much, Mr. Speaker, and congratulations to you today.

If I might just ask the Speaker and the majority leader, if you could please grace us with making sure that the gentleman from Greene County gets to speak early and often throughout the session. We all want to remain entertained. Thank you very much.

I might say, I want to start off first with just talking about the gentleman to my left, our Republican leader, Sam Smith, and why we as a caucus had decided to vote unanimously behind him. We understand that the caucus on the other side has the majority and that they have great admiration and affection for the new Speaker, Keith McCall, and Keith is a good man. Sam, too, is a good and honorable man, and he treats each and every individual in this hall with respect, and he is a wonderful family man, as his wife, Donna, and Alex and Zach, his children, would attest to. And in addition, he recognizes that we are fiduciaries of the hard-earned tax dollars of the citizens of Pennsylvania. And, Sam, on behalf of the Republican Caucus –

and we appreciated your gesture at the end – but as a group, we were proud to back you unanimously.

Also, I just wanted to point out to you my colleague from out west, Daryl Metcalfe. Geographically, our districts are side by side. He has been a stalwart for fiscal responsibility throughout his tenure, but he is also a team player, and we appreciate his efforts today.

How proud each of you and your families must be. It is a great honor to be a member of this House. There are going to be differences, there will be debates, and there will be battles. It is part of the political process. It is that marketplace of ideas, and that is how democracy functions. It gets a little messy here and there. It goes back to the Federalists and the Democratic Republicans, the Hamiltonians and Jeffersonians, but I would say to each and every member, particularly to the freshmen, you are here to be a part of that process. Jump in and try to make a difference.

And to take a shorter quote from Teddy Roosevelt than the gentleman from Greene County, Teddy said, "It is hard to fail, but it is worse never to have tried to succeed."

I would say to all of us, however, in going forward, we must as a body, as individual members, do better in this '09-'10 session than we have in the past. First of all, integrity in government. In terms of improving the stature and reputation of this body, we must do better. All of us, Republicans and Democrats, can be on the same page with regard to the issues of integrity and openness.

Second, with respect to fiscal responsibility, we have, over the past 6 years, increased spending by almost 40 percent when the rate of inflation is less than 20 percent. We have borrowed over \$6 billion that your kids and grandkids are going to have to pay back to the tune of \$10 billion. We have increased the personal income tax from 2.8 percent to 3.07 percent. And every middle-class Pennsylvania family keeps asking us, why are you increasing taxes on my income, why are you continuing to tax my electric bill, and why are you not helping employers in this State expand and grow by being fair to all of them by coming up with a reduced tax package for those employers so that they stay here and expand here?

We need, in these tough times, tightened belts just like families do. We need, during these times, to look and figure out how we are going to tighten our belts just like middle-class families do, and we are going to try, I think, very hard not only to curtail spending and to put a moratorium on borrowing but to think about how do we put hard-earned money back into the pockets of the people who earn it day in and day out in this Commonwealth of Pennsylvania.

I think that is really the message going forward. It is twofold: Integrity in government – we have all got to be on the same page about that. Second, fiscal responsibility. If we focus on those two themes, this will be an outstanding session for this House, this august House, and it will be for the entire State legislature as we move into the last 2 years of this Governor's tenure.

I would like to point out, if I might, my family, and if you guys could stand: my wife, Lidia, who is a kid's doctor; my sons, Andrew, Stephen, and Matthew, 10, 9, and 6 – stand up, guys – my sister, Becky, who is a nurse; and my mother-in-law, Lori, who is, Mr. Speaker, a great Italian cook, who was born in Italy herself.

I also noticed that there are quite a few— I know there are lots of young kids here today, and if all the young kids could

just stand up and stretch for a second, I think that would be great. Everybody, come on; you can all stand up. I just want to tell you, all of us politicians, we use you all the time. It is about the kids. So we are doing it again today.

I notice there are a couple of real little ones out there, and one I want to point out – and I do not know all of them on the opposite side of the aisle – but my colleague, Dave Reed, I know he has got his baby, Joshua Reed, here, and anybody else who has a baby, if you could stand up. We would like to point out the young babies in the hall today, too, because they are great. We really appreciate it.

On a final note, I just want to tell you that Scott Perry and Nick Miccarelli are two of the finest individuals – Nick, it is his first day – but two of the finest individuals I have had an opportunity to meet, and as was pointed out by the majority leader, they are going to be going off to Iraq to serve our country. We are going to miss them, and we wish them Godspeed. You are going to go do a great mission on behalf of this country, and please know that there is not a single person in this hall who does not want to see you back here, and we want you to do your mission successfully, but come home safe.

Thank you very much and God bless. Have a great and wonderful day. Thank you very, very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

COMMITTEE APPOINTED

The SPEAKER. The Chair now appoints as a committee to notify the Senate that the House is organized, the gentleman from Lackawanna and Wayne Counties, Mr. Staback; the gentleman from Chester County, Mr. Houghton; the gentelady from Columbia, Luzerne, and Wyoming Counties, Ms. Boback.

The committee will now proceed in the performance of its duties.

COMMITTEE APPOINTED

The SPEAKER. The Chair also appoints as a committee to wait upon the Governor and notify him the House is organized, the gentleman from Armstrong and Westmoreland Counties, Mr. Pallone; the gentelady from Philadelphia, Ms. Brown; the gentleman from Cumberland County, Mr. Glen R. Grell.

The committee will now proceed with the performance of its duties.

SENATE MESSAGE

JOINT SESSION

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

In the Senate,
January 6, 2009

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday,

January 6, 2009, in the Hall of the House of Representatives for the purpose of witnessing the opening, counting and computing the official returns of the election for Attorney General, Auditor General, and State Treasurer, held on Tuesday, November 4, 2008, in the several counties of the Commonwealth, and to elect a Director of the Legislative Reference Bureau.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION

APPOINTMENT OF TELLER

Mr. EACHUS offered the following resolution, which was read, considered, and adopted:

In the House of Representatives
January 6, 2009

RESOLVED,

That the gentleman from Northampton County, Mr. Grucela, be appointed Teller on the part of the House of Representatives to open and compute the vote for the Attorney General, Auditor General and Treasurer in a joint session of the Senate and House of Representatives at a time fixed by concurrent resolution.

The SPEAKER. The House will be at ease awaiting the arrival of the Senate. The individuals sitting in the well will have to find a seat on the side maybe or in the back of the House. On the side aisle there are some seats available.

The House will come to order. Will the House come to order. Will the House come to order.

ARRIVAL OF SENATE

The SPEAKER. The Senate is now entering the hall of the House. Members and guests will please rise.

The House will come to order. Will the members please take their seats. The House will come to order, and the members will please take their seats.

The Chair recognizes the Sergeant at Arms.

The SERGEANT AT ARMS. Mr. Speaker, the Senate is now present in the hall of the House.

The SPEAKER. The Chair thanks the gentleman, and the Chair requests that the Lieutenant Governor, the Honorable Joseph B. Scarnati III, preside over the proceedings of the joint session of this General Assembly.

Members and guests will please be seated.

Will the House come to order. The House will come to order.

It is with great pleasure that I now present to the joint session of the House and the Senate the Lieutenant Governor of the Commonwealth of Pennsylvania, the Honorable Joseph Scarnati.

**JOINT SESSION OF THE
GENERAL ASSEMBLY**

**THE LIEUTENANT GOVERNOR
(JOSEPH B. SCARNATI III) PRESIDING**

ELECTION RETURNS PRESENTED

The LIEUTENANT GOVERNOR. The joint session of the General Assembly will please come to order.

This being the day and the time agreed upon by a concurrent resolution of the Senate and the House of Representatives, and in accordance with the provisions of the Constitution and the laws of the Commonwealth for the opening and computing of the official returns of the election for the Treasurer, Auditor General, and Attorney General held on Tuesday, November 4, 2008, in the several counties of the Commonwealth, the returns will now be opened and read.

Please come to order.

The teller on the part of the Senate is the Senator from Westmoreland County, Senator Kim Ward, and the teller on the part of the House of Representatives is the Representative from Northampton County, Representative Richard "Richie" Grucela.

The tellers will come to the desk assigned to them by the Chief Clerk of the House and proceed in the performance of their duties.

The following election returns were read:

COMMONWEALTH OF PENNSYLVANIA

TO HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE MEMBERS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the General Election held November 4, 2008, for the Office of State Treasurer of the Commonwealth of Pennsylvania, wherein it was disclosed that:

Mr. Robert McCord, Democratic, received 3,104,242 votes,
Mr. Tom Ellis, Republican, received 2,422,608 votes,
Mr. Berlie Etzel, Libertarian, received 119,748 votes,
Write-in Votes, 1,789 (scattered),

as the same have been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the sixty-seven County Boards of Elections.

Witness my hand and the seal of my
office this fifth day of January, 2009.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

* * *

COMMONWEALTH OF PENNSYLVANIA

TO HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE MEMBERS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the General Election held November 4, 2008, for the office of Auditor General of the Commonwealth of Pennsylvania, wherein it was disclosed that:

Mr. Jack Wagner, Democratic, received 3,336,219 votes,
Mr. Chet Beiler, Republican, received 2,134,543 votes,
Ms. Betsy Summers, Libertarian, received 184,029 votes,
Write-in Votes, 1,608 (scattered),

as the same have been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the sixty-seven County Boards of Elections.

Witness my hand and the seal of my
office this fifth day of January, 2009.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

* * *

COMMONWEALTH OF PENNSYLVANIA

TO HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE MEMBERS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the General Election held November 4, 2008, for the office of Attorney General of the Commonwealth of Pennsylvania, wherein it was disclosed that:

Mr. John M. Morganelli, Democratic, received 2,619,791 votes,
Mr. Tom Corbett, Republican, received 3,002,927 votes,
Ms. Marakay J. Rogers, Green, received 109,856 votes,
Write-in Votes, 1,551 (scattered),

as the same have been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the sixty-seven County Boards of Elections.

Witness my hand and the seal of my
office this fifth day of January, 2009.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

CERTIFICATE ON ELECTION EXPENSES

COMMONWEALTH OF PENNSYLVANIA

TO HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, AND THE MEMBERS OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code [25 P.S. § 3252(b)], I do hereby certify that Tom Corbett, Attorney General, Jack Wagner, Auditor General, and Robert McCord, State Treasurer, have filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

Witness my hand and the seal of my
office this fifth day of January, 2009.

(SEAL)

Pedro A. Cortés
Secretary of the Commonwealth

TELLERS' REPORT

The LIEUTENANT GOVERNOR. The Chair recognizes the teller on the part of the Senate, the gentlewoman from Westmoreland County, Senator Ward.

Ms. WARD. Oh, it is hard to be short.

Mr. President, Mr. Speaker, and members of the General Assembly, the tellers agree in their count and submit their report of the votes cast for the offices of State Treasurer, Auditor General, and Attorney General.

FOR STATE TREASURER:

Robert McCord, Democrat, received 3,104,242 votes
Tom Ellis, Republican, received 2,422,608 votes
Berlie Etzel, Libertarian, received 119,748 votes
Scattered write in votes – 1,789

FOR AUDITOR GENERAL:

Jack Wagner, Democrat, received 3,336,219 votes
Chet Beiler, Republican, received 2,134,543 votes
Betsy Summers, Libertarian, received 184,029 votes
Scattered write in votes – 1,608

FOR ATTORNEY GENERAL:

Tom Corbett, Republican, received 3,002,927 votes
John M. Morganelli, Democrat, received 2,619,791 votes
Marakay J. Rogers, Green Party, received 109,856 votes
Scattered write in votes – 1,551

The LIEUTENANT GOVERNOR. Robert McCord, having received the highest number of votes, is duly elected State Treasurer of the Commonwealth of Pennsylvania for the term of 4 years from the third Tuesday of January 2009.

Jack Wagner, having received the highest number of votes, is duly elected Auditor General of the Commonwealth of Pennsylvania for the term of 4 years from the third Tuesday of January 2009.

Tom Corbett, having received the highest number of votes, is duly elected Attorney General of the Commonwealth of Pennsylvania for the term of 4 years from the third Tuesday of January 2009.

The General Assembly will now be at ease for several moments while we sign the certificates of election.

CERTIFICATES OF ELECTION FILED

The LIEUTENANT GOVERNOR. The certificates for the election for Treasurer, Auditor General, and Attorney General have been signed by the officers and tellers on the part of the Senate and the House of Representatives and will be filed.

The following signed certificates of election were filed:

The General Assembly of Pennsylvania
Main Capitol Building
Harrisburg, Pennsylvania 17120

January 6, 2009

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the sixth day of January, A.D., two thousand nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for State Treasurer of this Commonwealth, and publish the same in the presence of both houses of the General Assembly, conforming to the provisions of the Constitution and laws of said Commonwealth, and upon counting the votes by a Teller appointed on the part of each house, it appeared that The Honorable Robert McCord had the highest number of votes; where upon The Honorable Robert McCord was declared to have been duly elected State Treasurer of this Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year written above.

(SEAL) Joseph B. Scarnati III
President of the Senate

(SEAL) Keith R. McCall
Speaker of the House of Representatives

Kim L. Ward
Teller on the part of the Senate

Richard T. Grucela
Teller on the part of the House of
Representatives

* * *

The General Assembly of Pennsylvania
Main Capitol Building
Harrisburg, Pennsylvania 17120

January 6, 2009

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the sixth day of January, A.D., two thousand nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Auditor General of this Commonwealth, and publish the same in the presence of both houses of the General Assembly, conforming to the provisions of the Constitution and laws of said Commonwealth, and upon counting the votes by a Teller appointed on the part of each house, it appeared that The Honorable Jack Wagner had the highest number of votes; where upon The Honorable Jack Wagner was declared to have been duly elected Auditor General of this Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year written above.

(SEAL) Joseph B. Scarnati III
President of the Senate

(SEAL) Keith R. McCall
Speaker of the House of Representatives

Kim L. Ward
Teller on the part of the Senate

Richard T. Grucela
Teller on the part of the House of
Representatives

* * *

The General Assembly of Pennsylvania
Main Capitol Building
Harrisburg, Pennsylvania 17120

January 6, 2009

We, the President of the Senate and Speaker of the House of Representatives of the Commonwealth of Pennsylvania, do certify that the President of the Senate did, on the sixth day of January, A.D., two thousand nine, in the Hall of the House of Representatives at the State Capitol, open the returns of the election for Attorney General of this Commonwealth, and publish the same in the presence of both houses of the General Assembly, conforming to the provisions of the Constitution and laws of said Commonwealth, and upon counting the votes by a Teller appointed on the part of each house, it appeared that The Honorable Thomas W. Corbett, Jr., had the highest number of votes; where upon The Honorable Thomas W. Corbett, Jr., was declared to have been duly elected Attorney General of this Commonwealth.

In testimony whereof, we have hereunto set our hands and affixed our seals the day and year written above.

(SEAL) Joseph B. Scarnati III
President of the Senate

(SEAL) Keith R. McCall
Speaker of the House of Representatives

Kim L. Ward
Teller on the part of the Senate

Richard T. Grucela
Teller on the part of the House of
Representatives

NOMINATIONS FOR DIRECTOR OF LEGISLATIVE REFERENCE BUREAU

The LIEUTENANT GOVERNOR. The General Assembly will now proceed to the election of Director of the Legislative Reference Bureau. Nominations are now in order.

The Chair recognizes the gentleman from Delaware County, Senator Pileggi.

Mr. PILEGGI. Thank you, Mr. President.

Mr. President, I am pleased today to nominate Robert W. Zech, Jr., Esq., to continue serving in the position of Director of the Legislative Reference Bureau.

Since 2003, Bob has run the Legislative Reference Bureau with a steady hand, balancing the many demands put on his office by the members of this General Assembly. He has earned the respect of everyone who has worked with him.

Bob is a native of Scranton. He graduated from the University of Scranton and the Dickinson School of Law. In addition, he graduated from the United States Army Transportation School.

Bob has been on the staff of the Legislative Reference Bureau for nearly 36 years. He is a consummate professional.

Mr. President, it is a pleasure for me to nominate Robert W. Zech for another term as Director of the Legislative Reference Bureau.

Thank you, Mr. President.

The LIEUTENANT GOVERNOR. The gentleman from Delaware County, Senator Pileggi, places in nomination for the office of Director of the Legislative Reference Bureau Robert W. Zech, Jr., of Dauphin County.

The Chair now recognizes the gentleman from Luzerne County, Representative Eachus.

Mr. EACHUS. Thank you very much, Mr. President.

I rise to second the nomination of Robert Zech as the Director of the Legislative Reference Bureau for the 2009-2010 legislative session.

For more than 25 years, Mr. Zech has been part of the Legislative Reference Bureau. He was first elected to serve as Director in 2003 and has held the post for the past 6 years. The wealth of experience that Mr. Zech brings to the institution is immeasurable. Under his direction, the efforts and productivity of the LRB, not to mention the highly technical and sometimes tedious work that is put forth in that department, is an integral part of the things that happen in this chamber.

Mr. Speaker, it is my pleasure to second Mr. Zech's nomination.

The LIEUTENANT GOVERNOR. Are there any further nominations? The Chair hears none. The Chair declares the nominations closed.

The candidate for the office of Director of the Legislative Reference Bureau is Robert W. Zech, Jr., of Dauphin County. Those in favor of Robert W. Zech, Jr., for the office of Director of the Legislative Reference Bureau will say "aye"; those opposed, "no." The "ayes" have it. Robert W. Zech is declared unanimously elected Director of the Legislative Reference Bureau.

COMMITTEE TO ESCORT DIRECTOR-ELECT OF LEGISLATIVE REFERENCE BUREAU

The LIEUTENANT GOVERNOR. The gentleman from Delaware County, Senator Pileggi, and the gentleman from Luzerne County, Representative Eachus, will escort Robert W. Zech, Jr., to the front of the rostrum for the purpose of taking the oath of office.

OATH OF OFFICE ADMINISTERED

The LIEUTENANT GOVERNOR. Please rise for the administration of the oath of office by the Honorable William E. Baldwin, President Judge of the Court of Common Pleas of Schuylkill County.

JUDGE BALDWIN. Would you please place your left hand on the Bible and raise your right hand and repeat after me: I do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

(Mr. Zech asserted oath.)

JUDGE BALDWIN. Congratulations.

Mr. ZECH. Thank you very much, Your Honor.

JOINT SESSION ADJOURNED

The LIEUTENANT GOVERNOR. The Chair asks the members of the House and visitors to remain seated for just a moment while the members of the Senate leave the hall of the House.

The members of the Senate will please reassemble immediately in the Senate chamber upon adjournment of this meeting.

The business for which the joint session has been assembled having been transacted, the session is now adjourned.

**THE SPEAKER (KEITH R. McCALL)
PRESIDING**

The SPEAKER. The House will come to order.

**MOTION TO PRINT PROCEEDINGS
OF JOINT SESSION**

The SPEAKER. The Chair recognizes the majority leader, who moves that the proceedings of the joint session of the Senate and the House of Representatives held this 6th day of January 2009 be printed in full in the day's Legislative Journal.

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

The SPEAKER. Will the members please report to the floor.

ANNOUNCEMENT BY MR. FRANKEL

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Frankel, who would like to make an announcement.

Will the House come to order.

Mr. FRANKEL. Thank you, Mr. Speaker.

If I could have your attention for a very happy announcement, and this will be brief. But first of all, I want to congratulate you, Mr. Speaker.

I certainly want to congratulate all the members here today, and particularly our extended families – our spouses, our children, our friends. It is a wonderful day, and today it gives me great pleasure to announce that that extended legislative family in the last few weeks has grown by one, as a member of the Allegheny County delegation got married in the last several weeks since we last convened.

Our colleague, Chelsa Wagner, married Khari Mosely, who is with us in the hall today. I want to offer our congratulations – Khari, Chelsa. You know, coming in and joining this extended family brings us challenges, but Khari comes to us as an experienced politician. He also happens to be the national director of the League of Young Voters, and we welcome him to this extended family and we look forward to having him join us on many occasions. Thank you very much.

The SPEAKER. The Chair thanks the gentleman and also wishes to congratulate the Honorable Chelsa Wagner on her momentous occasion. You kept that a very good secret. Congratulations.

COMMEMORATIVE GAVELS PRESENTED

The SPEAKER. If the gentleman, Mr. Roger Nick, the Chief Clerk, would come forward, the Chair would like to present the Chief Clerk with a commemorative gavel for all of his work in bringing today to fruition.

The Chair would also like to recognize the Honorable Judge Bill Baldwin. Representative Baldwin, I would like to present you with a commemorative gavel for today's session and with our great gratitude and thanks for swearing in the members of the House.

The Chair would also like to recognize the Honorable Judge John P. Lavelle. Another attachment is I graduated with Judge Lavelle's daughter from Marian Catholic as well, but I certainly appreciate the time that you took, Judge Lavelle, to share in this very special day.

The Chair would like to recognize Monsignor McCann. Monsignor, it is truly a pleasure to have you here in offering the invocation to the members of the House. I know that someday, bigger and greater things are destined for you, and I appreciate the time that you have taken today to be here with us, and I would like to present you with this commemorative gavel.

The Chair would also like to present the House Parliamentarian, Reizdan Moore, with a commemorative gavel of today's proceedings, and thank you for all the work in preparation for today's proceedings.

Is Speaker O'Donnell in the hall of the House?

Will the members report to the floor.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. This is for the information of our new members as well as our returning members, that you have to stop in the Chief Clerk's Office and sign the oath book. And I have a commemorative gift for all of the members, a piece of anthracite coal that represents Carbon County. But make sure you go down and sign the oath book to make it all official. That is anthracite coal.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of 12 students in the Council Rock School District who recently participated in an essay contest on "Fire Safety in the Home."

Mr. Speaker, the contest was sponsored by the Society of Chartered Property and Casualty Underwriters and was cosponsored by the school district.

Whereas, Fire Safety in the home is an important subject for the entire family to discuss and practice. The knowledge of understanding what to do in case of a fire can help save a life or prevent serious injury from occurring.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of the outstanding students: Nikolaj Folmer, Alyssa Booth, Sarah Scott, Shane Britton, Anastasiya Koziychuk, Stephanie Andreoli, Corey Pinkas,

Alexandra Myers, Dorothy Vosik, Audrey Rubanich, Marina Salvatore, and Melissa Wallace.

* * *

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Christopher Andrew Stahmann, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of Christopher Andrew Stahmann.

Whereas, Christopher Andrew Stahmann has earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 29.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Christopher Andrew Stahmann.

RESOLUTION

The SPEAKER. The Chair recognizes the majority leader, Mr. Eachus, who offers a resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 1

A RESOLUTION

Adopting temporary rules for the House of Representatives, further providing for members' and employees' expenses, for electronic availability of reports, for standing committees and subcommittees and for powers and duties of standing committees and subcommittees.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the majority leader, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to offer HR 1, which offers some minor changes to our rules. It is a temporary rule, and I would like to offer that today.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Will the House come to order. Members will please take their seats, and the House will come to order. We have the business of adopting temporary rules of the House. Members will please take their seats.

The Chair recognizes the gentleman, Mr. Smith.

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

Mr. Speaker, the minor changes in the proposed temporary rules that are before us, the key thing, Mr. Speaker, that I think we should point out is that it proposes to reduce the size of the committees.

In the past session, the size of the committees was, the standing committees, not counting Rules and Appropriations, but all of the other 23 standing committees, the size of the committees last session was 16 majority members and 13 minority – 16 majority and 13 minority. The number of votes required to report a bill out was 15. These proposed temporary rules propose to reduce the size of the committees to 14 to 10, thereby reducing the majority membership by 2 and reducing

the minority membership by 3. In addition, Mr. Speaker, these proposed temporary rules would reduce the number of votes required to kick a bill out of committee from 15 to 11.

Those are significant changes, Mr. Speaker, that the Republican Caucus is not in agreement with, and while we respect the need to put rules in place to allow us to move forward in one manner or another, it does raise concerns, Mr. Speaker, that pauses me to present an amendment, Mr. Speaker, that I would ask for the House to consider, and the amendment is proposed to HR 1, and in effect, it would simply allow for the adoption of last year's rules to be in place temporarily until the permanent rules are adopted in the future.

So, Mr. Speaker, I have that amendment that I would like to put forth. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

So the gentleman, Mr. Smith, is offering amendment A01MSP to the resolution offered by the gentleman, Mr. Eachus.

Mr. S. SMITH. That is correct, Mr. Speaker.

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

Mr. S. SMITH offered the following amendment No. A01MSP:

Amend Resolution by striking all of the numbered lines on all of the pages and inserting

Adopting temporary rules for the House of Representatives.

RESOLVED, That the permanent Rules of the House of Representatives (2007-2008) be adopted as temporary rules for the 2009-2010 session of the House of Representatives; and be it further

RESOLVED, That this resolution expire in 60 days.

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

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

Mr. MAHER. Thank you, Mr. Speaker.

Oh, this microphone works again.

Today is certainly a cause of a great celebration, the peaceful transition of power, a hallmark in Pennsylvania for nearly 400 years and our nation for nearly a quarter of a millennium. And appreciating Minority Leader Smith's remarks about there is a time for everything, there is a time to celebrate and there is a time to fight. I believe that today really should be a time to celebrate and to gird this body to start its business.

The resolution before us, absent Mr. Smith's amendment, would be the source of considerable debate and the source of considerable other amendments, and I will remind the Speaker, whom I have great admiration for, truly – as an interlude – and had the good fortune to serve together with for many amiable years on the Transportation Committee, that he himself, 2 years ago in the well of this House, had reestablished the precedent that motions may be made in the absence of a formal resolution with respect to creating rules or amending resolutions about rules. It is my hope that we will not need to tread a similar path today.

Mr. Speaker, you personally referred to William Penn's encouragement of orderly process, orderly progress, and Mr. Eachus echoed that by talking about, in an orderly,

businesslike way, to improve public confidence in this body. I believe the right way to revise our rules is to do that in an orderly progress, and that orderly progress, a transparent process and open process, can help improve public confidence.

So I am definitely supporting Mr. Smith's amendment but would ask, because like all the other members, Mr. Eachus's resolution was only circulated moments ago, but to help ensure that I am understanding Mr. Eachus's resolution correctly, I would hope that he might answer a few questions.

The SPEAKER. Is the gentleman asking for interrogation?

Mr. MAHER. Yes, I am, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Eachus, are you willing to stand for interrogation?

Mr. EACHUS. Yes, Mr. Speaker.

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

Mr. MAHER. Thank you, Mr. Speaker.

In terms of the day-to-day operation of the House, on December 1 of 2008, what rules were we using?

Mr. EACHUS. Mr. Speaker, right now we need to adopt the rules so that this House can function. I have proposed, as you know, an amendment in HR 1 that would allow us to have a temporary rule, which we would revisit between now and the time we get back in the last week of January.

Mr. MAHER. And I am afraid, perhaps with the sound, the gentleman did not actually hear the question, which would be, in December, throughout December, yesterday, what rules provided for the operation of the House? What rules provided for there to be all that we are surrounded by in anticipation of today? Were they not the rules that were adopted last session?

Mr. EACHUS. Mr. Speaker, the House was not in session, so we had no rules.

Mr. MAHER. So we had no rules. So are you saying that all the disbursements made by the Chief Clerk were without any authority? It is my understanding, Mr. Speaker, that the rules for one session have, as custom, continued in place into a new session until something is otherwise adopted.

Mr. EACHUS. Well, let me see if we—

Mr. MAHER. And if you think that is mistaken, I think we need to get an investigation under way about everything that has happened since December 1. And I certainly do not think that is the right course, but I will defer to you as the majority leader.

Mr. EACHUS. Mr. Speaker, we operate under the traditions of the House, which allows the operational departments to function even when the House is in the intervening session — between the time the members were elected and today when they are sworn. It is the tradition of adopting rules on this day so that, going forward, we can begin the function of the House with new sworn members. That is the long tradition of this body, and we have conformed to it consistently.

Mr. MAHER. So other than tradition, there was nothing to govern the behavior of all the staff, all the accountants, all of the expenditures, since December 1 until today?

Mr. EACHUS. Mr. Speaker, these are the same guidelines that allow us to adhere to State law and allow for a reimbursement system here in the House.

Mr. MAHER. Thank you, Mr. Speaker.

Speaking of State law, I was cheered to hear your repeated references to the open records law. Seeing that you felt there were three areas that you needed to address in revising the rules, and again, since this—

The SPEAKER. Would the gentleman yield.

The gentleman, Mr. Maher, the question before the House is the Smith resolution.

Mr. MAHER. Correct.

The SPEAKER. Or amendment.

Mr. MAHER. Correct, and I am looking to consider this 21-page resolution, which was not available electronically, that was delivered on our desks just minutes ago, in light of Mr. Smith's resolution.

The SPEAKER. I understand, Mr. Maher. However, the reality is, the question before the House is the Smith amendment, not the resolution.

Mr. MAHER. Thank you, Mr. Speaker.

Mr. Speaker, if the Smith amendment were to be adopted temporarily, would the number of committee members needed to constitute a majority remain as an actual majority of the committee?

Mr. EACHUS. Mr. Speaker, could you please repeat the question? I apologize.

Mr. MAHER. Mr. Speaker, if the Smith amendment were adopted, would the number of members necessary to establish a majority vote in a committee still be a bona fide majority of the committee?

Mr. EACHUS. Yes.

Mr. MAHER. And if Mr. Smith's amendment is not adopted, is it correct that only 11 members out of 24 would be the new math that would constitute a majority? That in this new open era of doing things orderly, less than a majority is a majority?

Mr. EACHUS. No. It is the majority of the members voting.

Mr. MAHER. So less than a majority of the committee?

Mr. EACHUS. The members that would be present, and it would be the majority of the members present and voting.

Mr. MAHER. Thank you, Mr. Speaker.

Mr. Speaker, if the—

The SPEAKER. Does that end the gentleman's interrogation?

Mr. MAHER. You know, I think maybe for the sake of celebration it will, but I do have some remarks on the Smith proposal.

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

Mr. MAHER. Today is supposed to be a high-minded day. If there is one day in the entire term of a session where we can hope that the words that we heard on both sides of the aisle about coming together and doing things in a way that the people can be proud of, today is the day. Mr. Smith's amendment says, let us move forward for orderly progress. Let us establish the committees; let the committees get to their work. Let the Rules Committee review the rules and come back to this body.

Without the Smith amendment, what we have instead are rules that ignore the open records law, act as though the open records law did not come into effect January 1. The new math where 11 members out of 24 can be deemed to be a majority, try explaining that one to your friends at home. Most people in my district understand that 24 divided by 2 is 12, yet in these rules you are being asked to say that less than a majority is a majority.

Of course, you can always brag about the process that this proposal went through. This resolution, which so far as I know no committee ever considered, no ad hoc committee ever considered, and for that matter, I would challenge my friends across the aisle, raise your hand if you saw this before today. I see two hands.

I was very encouraged by all the happy talk about orderly progress and working collaboratively for the people of

Pennsylvania, but if you want to start off this session by going home and explaining to folks you voted for a resolution you never saw, you never read, that says 11 is greater than half of 24, that reduces the amount of work you will be asked to do, reduces your workload, that is something to brag to the people back home about. But again, you can say at least it was done in secret, at least it was done in the dark, and at least it was jammed through on swearing-in day with the hopes that no one would pay attention.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Smith amendment, the gentleman, Mr. Eachus.

Mr. EACHUS. Mr. Speaker, to the members of this body, I rise to oppose the Smith amendment. These are temporary rules which conform to the same proportional standards that the Republican majority operated under from 2001 until 2006. The proportionality is the same, the numbers are consistent, and I ask for the Democratic Caucus to support me in opposing the Smith amendment.

The SPEAKER. On that question, will the House adopt the Smith amendment, those in favor of the Smith amendment will vote "aye"; those opposed to the Smith amendment will vote "no."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—99

Adolph	Fairchild	Marshall	Quinn
Argall	Farry	Marsico	Rapp
Baker	Fleck	Mensch	Reed
Barrar	Gabig	Metcalfe	Reese
Bear	Gabler	Metzgar	Reichley
Benninghoff	Geist	Miccarelli	Roae
Beyer	Gillespie	Micozzie	Rock
Boback	Gingrich	Millard	Rohrer
Boyd	Godshall	Miller	Ross
Brooks	Grell	Milne	Saylor
Causar	Grove	Moul	Scavello
Christiana	Harhart	Murt	Schroder
Civera	Harper	Mustio	Smith, S.
Clymer	Harris	O'Brien, D.	Sonney
Cox	Helm	O'Neill	Stern
Creighton	Hennessey	Oberlander	Stevenson
Cutler	Hess	Payne	Swanger
Dally	Hickernell	Peifer	Tallman
Day	Hutchinson	Perry	Taylor, J.
Delozier	Kauffman	Perzel	True
Denlinger	Keller, M.K.	Petri	Turzai
DiGirolamo	Killion	Phillips	Vereb
Ellis	Krieger	Pickett	Vulakovich
Evans, J.	Maher	Pyle	Watson
Everett	Major	Quigley	

NAYS—104

Barbin	Eachus	Levdansky	Samuelson
Belfanti	Evans, D.	Longiotti	Santarsiero
Bishop	Fabrizio	Mahoney	Santoni
Boyle	Frankel	Manderino	Seip
Bradford	Freeman	Mann	Shapiro
Brennan	Galloway	Markosek	Siptroth
Briggs	George	Matzie	Smith, K.
Brown	Gerber	McGeehan	Smith, M.
Burns	Gergely	McI. Smith	Solobay

Buxton	Gibbons	Melio	Staback
Caltagirone	Goodman	Mirabito	Sturla
Carroll	Grucela	Mundy	Taylor, R.
Casorio	Haluska	Murphy	Thomas
Cohen	Hanna	Myers	Vitali
Conklin	Harhai	O'Brien, M.	Wagner
Costa, D.	Harkins	Oliver	Walko
Costa, P.	Hornaman	Pallone	Wansacz
Cruz	Houghton	Parker	Waters
Curry	Johnson	Pashinski	Wheatley
Daley	Josephs	Payton	White
Deasy	Keller, W.	Petrarca	Williams
DeLuca	Kessler	Preston	Youngblood
DePasquale	Kirkland	Readshaw	Yudichak
Dermody	Kortz	Roebuck	
DeWeese	Kotik	Sabatina	McCall,
Donatucci	Kula	Sainato	Speaker
Drucker	Lentz		

NOT VOTING—0

EXCUSED—0

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 adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Would the maker of the resolution submit to just brief interrogation?

Mr. EACHUS. Yes, Mr. Speaker, I will.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, as I read the temporary rule that apparently we will adopt shortly, it says that this resolution will expire in 30 days. Mr. Speaker, adopting a temporary rule suggests to me that there will be a process between now and that 30th day by which we will attempt to arrive at a set of permanent rules for the rest of the legislative session. Can you tell me what that process is and what you as the leader have in mind to establish the permanent rules?

Mr. EACHUS. Yes, Mr. Speaker, I am happy to do that.

In the spirit of the Reform Commission's work—Mr. Speaker, can I have some order, please?

The SPEAKER. The gentleman is correct.

Will the members please take their seats. The House will come to order. The House will come to order. The gentleman has the right to be heard.

Mr. EACHUS. Thank you, Mr. Speaker.

In the spirit of the 2006 Reform Commission's work, I met yesterday with the minority leader and his staff, with our staff in a bipartisan way, so that we could begin the process of building a dialogue between now and the end of January when we will be back in session. I am happy to continue to work toward that process.

Mr. SCHRODER. Mr. Speaker, if I could get a little more specific, I guess: Do you envision the rule that we vote on at the end of these 30 days to be a product of, say, the Rules Committee and the Rules Committee alone?

Mr. EACHUS. Well, what I recommend is that you talk to your minority leader, and I expect that my members will be talking to me. Those of you in the chamber and all of us should be concerned about the House rules because they do keep the order and the civility of this process that is necessary. So if you can continue to talk to Mr. Smith. Like-minded members on my side of the aisle who are concerned about rules and rules issues have already contacted me, and we are hoping we can put together a formal dialogue among leadership and the membership to reach a conclusion of the rules process so that we have a very smooth and orderly process when we come back in that last week in January.

Mr. SCHRODER. Mr. Speaker, one more question, I believe, and I will address it to you, although perhaps it is better addressed to the Speaker, but whatever protocol dictates is how I will address it.

Are you aware that the Common Cause organization I believe has contacted the Speaker and other members and suggested that a bipartisan commission be put together again during this legislative term, similar to the Speaker's bipartisan commission on reform that Speaker O'Brien established during the last legislative term, and as I understand it, the reason for the request was so that there would be a true bipartisan effort to arrive at permanent rules for the legislative session. So two questions: One, are you aware of that request; and two, will such a commission similar to the Speaker's Reform Commission of last session be established?

Mr. EACHUS. No, Mr. Speaker, I have not heard of this proposal. As a matter of fact, I am not aware of any correspondence that has come into my office. It is an interesting idea, and I am happy to consider it.

Mr. SCHRODER. Mr. Speaker, that ends my interrogation, and I would just like to make a quick comment on the resolution.

The SPEAKER. The Chair thanks the gentleman, and the gentleman is in order. The gentleman may proceed.

Mr. SCHRODER. Thank you.

Mr. Speaker, while on one level I am pleased that we are adopting only a temporary rule that hopefully will allow members, both sides of the aisle, to give input as to how we should proceed on a permanent basis for our rules for the legislative session, there are a couple of troubling aspects to this, some of which have already been pointed out.

First of all, the very fact that we are adopting a temporary rule I believe should have just followed over from the exact same rules from last session without any changes slipped in at this point. Mr. Speaker, if these changes are the right thing to do and are so desirable, they could have been accomplished when we adopted the permanent rules and once we had, you know, the type of robust debate, robust discussion, and bipartisan consideration that we really should have before adopting this.

And secondly, Mr. Speaker, while I appreciate the gentleman's suggestion that there will be input from both sides, it does sound like it is going to be more back to business as usual, back to the old ways, back to, say, pre-Speaker's Reform Commission under Speaker O'Brien, where rules will be adopted at the highest level of leadership and handed down to the members for a ratification vote, because at the end of 30 days, we will not have any rules; therefore, hey, we have to adopt them. That is how I am afraid this process might unfold.

So, Mr. Speaker, it is troubling in a couple of ways, and I certainly intend to vote "no" on this temporary rule. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Would the majority leader stand for very brief interrogation?

Mr. EACHUS. Yes, Mr. Speaker.

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

Ms. HARPER. Thank you very much, Mr. Speaker.

It appears from a quick review of the rules that the only change from last session's rules is to reduce the number of members of committees. Is that accurate?

Mr. EACHUS. No, Mr. Speaker. There is also an anomaly inside the rules regarding reimbursement that we are rectifying. It was not within the spirit of the Reform Commission and the rules implementation. It was an anomaly within the rules, and we are correcting that.

Ms. HARPER. All right. Thank you, Mr. Speaker. One more question.

Why, since this is Representative Eachus's own resolution, why is the change in the rules being proposed? Why are we changing what we have done for the last session? Can I ask that question?

Mr. EACHUS. Mr. Speaker, the rules change, particularly as it relates to the committee numbers, the number of members on committee, conforms to the standards prior to the bipartisan coalition, the interesting bipartisan coalition we formed last session.

If you look back to the 2001 session, these numbers are exactly the same as the Republican majority had in that time period. In '95 and '96, it was 14 to 10; 2001-2002, it was 15 to 11; in 2003-2004, it was 15 to 11; in 2005-2006, as I said, it, once again, kept a four-vote majority. So this meets the historical equation of proportionality here in the House of our committee assignments.

Ms. HARPER. Mr. Speaker, one moment on the resolution.

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

Ms. HARPER. Thank you. Thank you for the explanation from the majority leader.

I am voting "no" on the resolution of temporary rules. I believe that the changes in the rules serve to disenfranchise the minority party from having meaningful participation in the committee process. It presents no benefit to the majority party, which already has a majority on every committee, other than that I guess they can afford to have members not show up for work on the committees.

I believe that the rules that we used in the last session worked very well. We do most of our work in committee, and I will be voting "no" today with the hope that the rules that we enact permanently will not contain the change.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Allegheny and Washington, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Now that we are specifically on the resolution, I am hoping that the gentleman who offered the resolution will now be more comfortable responding to inquiries.

Mr. EACHUS. Yes, I am happy to accept interrogation.

Mr. MAHER. Thank you.

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

Mr. MAHER. On page 2, line 11, it talks about "These expenses shall be paid by the Chief Clerk from appropriation accounts under the Chief Clerk's exclusive control...upon a written request approved by the Speaker...or the Majority or the Minority Leader..." So am I understanding that correctly, that that would mean these expenses shall be paid, not that they will not be paid or they are kept in abeyance? It is not a decision, that is; it is a requirement?

Mr. EACHUS. No, there is no change in that line, Mr. Speaker. It conforms with the rules of last session.

Mr. MAHER. And so does that mean "shall" or does that mean there is a prerogative of somebody to decide whether or not to pay these?

Mr. EACHUS. Once again, I will allow the attorneys in the caucus to interpret it, but the rules conform to the rules of last session.

Mr. MAHER. Well, you are offering it; I would hope you would understand it.

Mr. EACHUS. I am sorry; I could not hear him, Mr. Speaker. Pardon me?

Mr. MAHER. I said given that you are offering it, I would hope that you would understand it enough to convey whether or not you believe that "shall" means "shall" or does "shall" mean "may"? And if that is too complicated, I will move on to another question.

On page 6—

The SPEAKER. The House will come to order.

We would like to get this debate finished. The quicker we get this debate heard, we can get out of the chamber. So would members please take their seats. Will the Sergeants at Arms clear the aisles.

The gentleman is in order.

Mr. MAHER. Thank you.

On page 6, line 18, the rules provide for the payment of telemarketing activities. Are you now offering, as your new and improved rules, rules that would allow telemarketing to be paid for with taxpayer expenses?

Mr. EACHUS. Mr. Speaker, there is no change from last year's rule, which we all adopted in the last session, in that section.

Mr. MAHER. And so the answer is that you intend to permit the payment for telemarketing activities.

Mr. EACHUS. Let me say to you again, Mr. Speaker, the rule is exactly as it was crafted last term, with no change in that line.

Mr. MAHER. Very good.

In terms of this section generally, can you point out the changes to me that would make this section conform with the statutory obligations of the open records law?

Mr. EACHUS. I do not believe there to be any.

Mr. MAHER. So this very important "must rush to a vote today" draft has not contemplated the open records law that I heard people heralding earlier today?

Mr. EACHUS. Mr. Speaker, let me be clear: This caucus and its members embrace and support transparency in government and support the open records law—

Mr. MAHER. As long as it is not in the rules.

Mr. EACHUS. Mr. Speaker, I am being interrupted by the gentleman.

Mr. MAHER. I do not mean to interrupt. Is there anything further?

The SPEAKER. The gentleman is correct. The gentleman should wait for the response to be heard.

Mr. MAHER. Thank you.

Mr. EACHUS. I have given my answer, Mr. Speaker.

Mr. MAHER. Thank you.

On page 10 where it talks about the retention of records by the Chief Clerk just for the period of time necessary for the Legislative Audit Advisory Commission to do its work, so under the rule as you are presenting it to us today for approval, it would seem that every financial record prior to June 30 of 2008, that voting for your resolution is a vote for allowing the destruction of every financial record prior to June 30 of 2008?

Mr. EACHUS. Mr. Speaker, I think you are completely misinterpreting these rules. This is a temporary rule that allows us to do business between now and the end of the month.

Mr. MAHER. So between now and the end of the month, under this rule, every financial record prior to June 30 of 2008 could be destroyed?

Mr. EACHUS. That is your interpretation, and I think you are wrong.

Mr. MAHER. Well, then show me. That is why I am asking. I am open to education.

Mr. EACHUS. Once again, Mr. Speaker, it is your interpretation, and I believe you are wrong.

Mr. MAHER. And then I would be happy to ask once again, can you show me what provides for retention of records prior to June 30 of 2008 under this rule?

Mr. EACHUS. I have answered your question, Mr. Speaker.

Mr. MAHER. No, you said you believe I am wrong but you cannot show me in the black-and-white ink. And again I confess that since no one had this until minutes ago, I may have missed something in these 21 pages, but I would be happy for you to point it out. What provides for record retention beyond records of June 30 of last year?

Mr. EACHUS. Mr. Speaker, the statute always trumps our House rules, so we have to conform with the open records law. That is State law.

Mr. MAHER. Oh; that is good to hear.

Let us focus on the one point in these many pages where you did make a change. On page 9, line 20, "[at any time from the adoption of this rule]" is in brackets. Now, I need to ask you just a very simple fact question: Do you know if this provides that vouchers that have been in process with our comptroller since last session may now be voided?

Mr. EACHUS. Mr. Speaker, may I ask a question of you? Do you have anything pending before the clerk's office that this body should be aware of today?

Mr. MAHER. Mr. Speaker, I would be—

Mr. EACHUS. Because if so, I am happy to have an open conversation about that.

Mr. MAHER. Oh, I am very happy—

Mr. EACHUS. Mr. Speaker, do you have a pending— Let me finish. If you have a pending request before the clerk's office that has anything to do with reimbursements, I am happy to address it openly on the House floor today, if you would like to.

Mr. MAHER. I am, too, sir, but I am delighted, I am delighted there is finally a subject here that you are not hiding in the shrubbery about.

My question is simple: Are there vouchers, other than those due to me, are there vouchers due to any person or entity

pending from last session other than those due to me? And I need the fact question so I can present the concern I have about a conflict of interest, that if we have a rule that is being written here specifically about John Maher, then I probably need to recuse myself from voting, and if it is a rule that affects a class of people, that is a different thing. So I am trying to determine, is this rule change being done in my honor or is this rule change affecting a class of people greater than one?

Mr. EACHUS. Of course not, Mr. Speaker; you are not that important. But notwithstanding that, this rule affects all of our members today, and in the end, I think that what we have got before us is an anomaly in this rule that really usurps the integrity of the reform efforts that took place.

The intention was to allow for any member of the House to be reimbursed for a 90-day period. That was the intention under the rules reform commission that the Speaker put in place last year. This rule simply adopts the real essence of what that reform was about and makes sure we codify it in this intervening period.

Mr. MAHER. So to be clear, you believe there are other individuals, other entities beyond me, that you intend to void vouchers for as a result of this rule, or is it just me? I am looking for that, because I think that is an important characteristic of whether or not I need to recuse from voting.

Mr. EACHUS. These rules will be maintained uniformly for all members of this body with consistency and continuity and respect for the process within the rules.

Mr. MAHER. Well, thank you, Mr. Speaker. I have concluded my interrogation, and I would like to speak on the resolution.

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

Mr. MAHER. Thank you, Mr. Speaker.

As many of you know, I have had a reputation over the years as being rather frugal with the public purse, and as a result, for about, oh, 80 percent of my days in Harrisburg, probably 8 days out of 10 across the years, I had not sought reimbursement for per diems, although those of us who live more than 200 miles away from the Capitol face the very real prospect of providing housing. In fact, I have not even asked for a reimbursement for mileage.

Two years ago when we took up the rules, there was an amendment offered and agreed to that this 90-day provision would apply to amounts incurred after the adoption of the rule. I think it was unanimously adopted by this body.

Now, I reached a point last November where, like many of you who have had it up to here with the surplus – and if you leave your money, if you do not spend it, it just sits there, it does not go back to the taxpayers – I decided to do something about it. What I decided to do about it was go ahead and seek, by submitting vouchers, to pull the funds out of the legislative surplus so that they could be contributed to the Property Tax Relief Fund. In this fashion, the funds which I had paid for out of my own pocket over the years could go to the benefit of real taxpayers instead of just sitting around and not benefiting those who were intended by the frugality. Now, those vouchers have been sitting there. The rules are pretty clear, the Chief Clerk shall pay. The Chief Clerk tells me – I learned of this yesterday – it is not his job. The rule seems pretty clear it is.

But then the interesting question came up, who else is affected by this rule? And so far as I can tell, it coincides exactly with what was referred to in a conversation from a staff member on the Democratic side to a staff member on the

Republican side, that they are cooking up something in the rules to, quote, "pay back John Maher." So I am honored, and although Mr. Eachus now says I am not that important, apparently I am important enough that he is willing to force through a rule that would preclude apparently the Chief Clerk from doing his job, but at the same time ignores the open records law, allows for telemarketing to be paid for, allows for the destruction of public records, all of this so that money cannot go from the legislative surplus account to the Property Tax Relief Fund.

Now, when we are talking about the little guy, whom are we talking about? Well, certainly that is not on their agenda.

REQUEST FOR A RULING

Mr. MAHER. I will now ask the Chair for a ruling because I am left with this quandary that if I am being so honored here as to have a rule tailored specifically to address me, then I would seem to be precluded from voting on it. However, the gentleman, Mr. Eachus, says he certainly intends that this does not only affect me. So I will seek a ruling of the Chair as to whether or not I am conflicted from voting on this.

The SPEAKER. The gentleman does not have a conflict. The fact that it affects an entire class and not just a specific person, but an entire class, my ruling would be that it is not a conflict for you to vote on this measure.

Mr. MAHER. Thank you, Mr. Speaker.

I would hope that – and I respect that ruling – I would hope you might be able to identify for me another member of this entire class. It seems pretty clear that the only pending vouchers that will not be paid are those which were submitted by me.

The SPEAKER. The answer would still be the same, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

With all due respect to that response, I will be recusing myself. I recognize our rules require members on the floor to vote, but for the interest of doing the right thing, I will recuse myself from voting. If you need for me to exit the floor at the time of the vote, I will do so; otherwise, just expect not to see a light.

Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Metcalfe, from Butler County.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, these new rules that are being put before us with the changes in the number of members from each caucus that are allowed to serve on committees, I think as the light of day shines on these, Mr. Speaker, I think, Mr. Speaker, that the civility, that the working together that we all might have hoped for this session that was extended by you and your remarks earlier, I think those remarks, Mr. Speaker, unfortunately, will be seen as ringing very hollow, very hollow, Mr. Speaker, as people look to see that the Democratic majority, who has the power of the majority, is seeking to reduce the number of votes that Republican members will have on a committee by one more than they are their own members – reducing your own votes from 17 to 14; reducing the minority from 14 down to 10. Mr. Speaker, it would have been a fair change if the Republican minority would have been changed to 11, that both caucuses would have lost 2 members rather than 3 for the Republicans and 2 for the Democrats.

Mr. Speaker, I think that if any one of your members, including yourself, would read this, I would think you would have to come to the conclusion that this is really not fair; on the very first day of session, something put forward by the majority that is strikingly unfair to this body, to the minority, as far as representation to represent their constituents in the committee process, Mr. Speaker.

Mr. Speaker, I am going to be voting against these proposed rules for that very clear reason, and I think that the majority of our members should vote "no," and I would hope there would be a few fair-minded Democratic colleagues, as I know there are. I would just hope that their consciences would ring true to being fair, and that as we all find ourselves in our seats casting votes, even on this very important day of celebration with our family and friends, with all of us that have remained here in this chamber to continue the debate, to cast this very important vote on these rules that are proposed, I would hope that as each one of our 203 members are sitting in their seats considering these rules, that as each of us sits here in these seats and considers the fairness of reducing the numbers by 2 from the Democratic Caucus and by 3 from the Republican Caucus, at the same time creating a very odd formulation of 24 members on the standing committee that would allow for additional tie votes, which I do not know if it was a mistake or maybe you meant to give us 11 members on a committee and you just accidentally put 10, so we could maybe correct that before we vote them, but with all 203 of us sitting here in our seats and considering the fairness, I would hope that there would just be maybe 3 out of the 104 of my Democratic colleagues, just 3, just a mere 3 percent – actually, a little bit less than 3 percent. The gentleman from Greene County might be one of those fair-minded individuals. I know he knows what it is like to be gone after in an unfair manner. We could appreciate his joining with the minority to make this fair, because I did not see anything under his leadership as the majority leader that would have done this to us. So I would hope that that new whip from Greene County might join together with the rest of his 104 members who are in their seats, all of us being in our seats on this very prolonged day of rules debate, and I know the Speaker will make sure that we are all here in our seats to vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—103

Barbin	Eachus	Lentz	Samuelson
Belfanti	Evans, D.	Levdansky	Santarsiero
Bishop	Fabrizio	Longietti	Santoni
Boyle	Frankel	Mahoney	Seip
Bradford	Freeman	Manderino	Shapiro
Brennan	Galloway	Mann	Siptroth
Briggs	George	Markosek	Smith, K.
Brown	Gerber	Matzie	Smith, M.
Burns	Gergely	McGeehan	Solobay
Buxton	Gibbons	Melio	Staback
Caltagirone	Goodman	Mirabito	Sturla
Carroll	Grucela	Mundy	Taylor, R.
Casorio	Haluska	Murphy	Thomas
Cohen	Hanna	Myers	Vitali
Conklin	Harhai	O'Brien, M.	Wagner

Costa, D.	Harkins	Oliver	Walko
Costa, P.	Hornaman	Pallone	Wansacz
Cruz	Houghton	Parker	Waters
Curry	Johnson	Pashinski	Wheatley
Daley	Josephs	Payton	White
Deasy	Keller, W.	Petrarca	Williams
DeLuca	Kessler	Preston	Youngblood
DePasquale	Kirkland	Readshaw	Yudichak
Dermody	Kortz	Roebuck	
DeWeese	Kotik	Sabatina	McCall,
Donatucci	Kula	Sainato	Speaker
Drucker			

NAYS—99

Adolph	Fairchild	Marsico	Quinn
Argall	Farry	McI. Smith	Rapp
Baker	Fleck	Mensch	Reed
Barrar	Gabig	Metcalfe	Reese
Bear	Gabler	Metzgar	Reichley
Benninghoff	Geist	Miccarelli	Roae
Beyer	Gillespie	Micozzie	Rock
Boback	Gingrich	Millard	Rohrer
Boyd	Godshall	Miller	Ross
Brooks	Grell	Milne	Saylor
Causer	Grove	Moul	Scavello
Christiana	Harhart	Murt	Schroder
Civera	Harper	Mustio	Smith, S.
Clymer	Harris	O'Brien, D.	Sonney
Cox	Helm	O'Neill	Stern
Creighton	Hennessey	Oberlander	Stevenson
Cutler	Hess	Payne	Swanger
Dally	Hickernell	Peifer	Tallman
Day	Hutchinson	Perry	Taylor, J.
Delozier	Kauffman	Perzel	True
Denlinger	Keller, M.K.	Petri	Turzai
DiGirolamo	Killion	Phillips	Vereb
Ellis	Krieger	Pickett	Vulakovich
Evans, J.	Major	Pyle	Watson
Everett	Marshall	Quigley	

NOT VOTING—1

Maher

EXCUSED—0

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House Austin and William Lamac. Austin is a member of the National Guard and has recently returned from active duty overseas. They are the guests of Representatives Peifer and Siptroth, and they are in the balcony. Will the guests please rise.

COMMITTEE ON COMMITTEES
APPOINTED

The SPEAKER. The following members have been selected to serve on the Committee on Committees: Representative Lawrence Curry, chairman; Representative Todd Eachus;

Representative H. William DeWeese; Representative Mark Cohen; Representative Dwight Evans; Representative Jennifer Mann; Representative Ron Buxton; Representative Frank Oliver; Representative Camille "Bud" George; Representative Robert Donatucci; Representative Richard Geist; Representative Tina Pickett; Representative Dick Hess; Representative Russell Fairchild; Representative David Reed; and the Speaker.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,
January 6, 2009

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Tuesday, January 20, 2009, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses the week of January 20th, it reconvene on Monday, January 26, 2009, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, January 26, 2009, unless sooner recalled by the Speaker of the House of Representatives.

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

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

COMMUNICATION FROM GOVERNOR

REQUEST FOR JOINT SESSION

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

January 5, 2009

To the Honorable, The House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I would like to address the Members in Joint Session for the annual budget address on Tuesday, February 3, 2009, at a time convenient to the General Assembly.

Sincerely,
Edward G. Rendell
Governor

MOTION TO SUSPEND RULES

The SPEAKER. For what purpose does the gentleman, Mr. MAHER, stand?

Mr. MAHER. Thank you, Mr. Speaker.

I rise with a motion to suspend the rules for the immediate consideration of the avenue provided under the newly adopted rules that any voucher voided as a result— Excuse me. My motion would be to suspend the rules so that any voucher currently in process which is voided as a result of this rule adoption shall be paid pursuant to the provisions of the same rule so that those funds can be moved from the legislative surplus to the Property Tax Relief Fund.

Thank you, Mr. Speaker. And I am relying on your ruling that there is a class out here, so this would apply to any and all pending vouchers that were just voided.

The SPEAKER. Will the gentleman approach the Chair.
The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.
The question before the House is the suspension of rules.

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

The SPEAKER. We will ask the gentleman, Mr. MAHER, to restate his motion.

Mr. MAHER. Thank you, Mr. Speaker.

The rule that was just adopted served to void payments of vouchers that had been in process, in process, since last session. The rule also provides that "any such void request for reimbursement may not be paid except pursuant to a motion to suspend this rule for good cause specific to the voided request for reimbursement."

I am making a motion to suspend the rule so that vouchers in process before the adoption of this rule, which were voided by the adoption of this rule, can be paid so that I can accomplish the good cause of delivering, contributing said funds to the Property Tax Relief Fund, so that they can go from the legislative surplus accounts and go into the Property Tax Relief Fund. It seems to me that is a good cause, and whether you want to do it or not, here is a chance, Mr. Speaker, to talk, to do what you say you want to do. If you actually want to deliver property tax relief, here is an easy opportunity.

I hope you will join me in suspending the rules for that purpose.

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

Mr. EACHUS. Mr. Speaker, I simply rise to oppose the gentleman's amendment. I am asking for a "no" vote.

The SPEAKER. On the question, the gentleman, Mr. MAHER.

Mr. MAHER. Thank you again, Mr. Speaker.

Just to be very brief because it gets to be pretty complicated. This is basically saying that when you save money for your taxpayers by not claiming per diems or mileage for yourself, that if you claim those so that you can deliver them to the

Property Tax Relief Fund and they do not just sit in this legislative surplus fund – and I know the young man from Montgomery County has spoken frequently about the importance of drawing down the legislative reserve funds – well, here is an opportunity to put my money where your mouths are. It does not hurt one of you, except for it hurts people at home. If you cannot even put my money where your mouths are, how can they ever expect you to put your money? It is an easy opportunity to show your commitment to property tax relief. If you are not prepared to let me have the opportunity to really help send these funds to property tax relief, then shame on you.

Thank you.

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

The following roll call was recorded:

YEAS–99

Adolph	Fairchild	Marshall	Quinn
Argall	Farry	Marsico	Rapp
Baker	Fleck	Mensch	Reed
Barrar	Gabig	Metcalf	Reese
Bear	Gabler	Metzgar	Reichley
Benninghoff	Geist	Miccarelli	Roae
Beyer	Gillespie	Micozzie	Rock
Boback	Gingrich	Millard	Rohrer
Boyd	Godshall	Miller	Ross
Brooks	Grell	Milne	Saylor
Causar	Grove	Moul	Scavello
Christiana	Harhart	Murt	Schroder
Civera	Harper	Mustio	Smith, S.
Clymer	Harris	O'Brien, D.	Sonney
Cox	Helm	O'Neill	Stern
Creighton	Hennessey	Oberlander	Stevenson
Cutler	Hess	Payne	Swanger
Dally	Hickernell	Peifer	Tallman
Day	Hutchinson	Perry	Taylor, J.
Delozier	Kauffman	Perzel	True
Denlinger	Keller, M.K.	Petri	Turzai
DiGirolamo	Killion	Phillips	Verbe
Ellis	Krieger	Pickett	Vulakovich
Evans, J.	Maher	Pyle	Watson
Everett	Major	Quigley	

NAYS–104

Barbin	Eachus	Levdansky	Samuelson
Belfanti	Evans, D.	Longiatti	Santarsiero
Bishop	Fabrizio	Mahoney	Santoni
Boyle	Frankel	Manderino	Seip
Bradford	Freeman	Mann	Shapiro
Brennan	Galloway	Markosek	Siptroth
Briggs	George	Matzie	Smith, K.
Brown	Gerber	McGeehan	Smith, M.
Burns	Gergely	McI. Smith	Solobay
Buxton	Gibbons	Melio	Staback
Caltagirone	Goodman	Mirabito	Sturla
Carroll	Grucela	Mundy	Taylor, R.
Casorio	Haluska	Murphy	Thomas
Cohen	Hanna	Myers	Vitali
Conklin	Harhai	O'Brien, M.	Wagner
Costa, D.	Harkins	Oliver	Walko
Costa, P.	Hornaman	Pallone	Wansacz
Cruz	Houghton	Parker	Waters
Curry	Johnson	Pashinski	Wheatley
Daley	Josephs	Payton	White
Deasy	Keller, W.	Petrarca	Williams
DeLuca	Kessler	Preston	Youngblood

DePasquale	Kirkland	Readshaw	Yudichak
Dermody	Kortz	Roebuck	
DeWeese	Kotik	Sabatina	McCall,
Donatucci	Kula	Sainato	Speaker
Drucker	Lentz		

NOT VOTING–0

EXCUSED–0

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

VOTE CORRECTION

The SPEAKER. Any further business? The Chair recognizes the gentlelady, Ms. McIlvaine Smith.

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

I have reconsidered my vote on HR 1, and I would like to have my vote changed to be a "yes."

The SPEAKER. The lady's remarks will be spread upon the record.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman, Mr. Barbin, from Cambria County, who moves that this House do now adjourn until Monday, January 26, 2009, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:50 p.m., e.s.t., the House adjourned.