

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 4, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 7

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.s.t.

THE SPEAKER (KEITH R. McCALL) PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Representative Matt Baker.

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

Almighty God, divine master, You are a stronghold and the pioneer of our future. Teach us to work with greater faithfulness. May pleasing You become our primary focus as You place a song in our hearts and wisdom in our minds for each burden on our shoulders.

Lord, we have a budget challenge before us. Grant us wisdom, direction, and guidance to fulfill our duties with fairness and grace.

Guide our lawmakers and staff today. Lead them to Your fortress of love, patience, and kindness. Remind them that any success alien to Your way is worse than failure, and that any failure in Your spirit is better than gold. Let Your benediction rest upon our staff, Representatives, Senators, and Governor, and may they bring their stewardship in line with the destiny You desire for their lives.

Make us channels of Your grace and coworkers in the building of Your kingdom, and may our decisions be Your decisions based on truth, justice, and moral fortitude.

We pray in Your wonderful name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, February 3, 2009, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who moves that Representative William KELLER from Philadelphia be placed on leave for the day. Without objection, the leave will be granted.

The Chair recognizes the minority whip for leaves of absence. The whip requests leaves of absence for Representative GODSHALL from Montgomery County for the day; Representative FARRY from Bucks County for the day. Without objection, these people will be placed on leave.

Members will report to the floor of the House. The Chair is about to take the master roll. The members will report to the floor. Members, please report to the floor.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Adolph	Ellis	Longietti	Reese
Argall	Evans, D.	Maher	Reichley
Baker	Evans, J.	Mahoney	Roae
Barbin	Everett	Major	Rock
Barrar	Fabrizio	Manderino	Roebuck
Bear	Fairchild	Mann	Rohrer
Belfanti	Fleck	Markosek	Ross
Benninghoff	Frankel	Marshall	Sabatina
Beyer	Freeman	Marsico	Sainato
Bishop	Gabig	Matzie	Samuelson
Boback	Gabler	McGeehan	Santarsiero
Boyd	Galloway	McI. Smith	Santoni
Boyle	Geist	Melio	Saylor
Bradford	George	Mensch	Scavello
Brennan	Gerber	Metcalfe	Schroder
Briggs	Gergely	Metzgar	Seip
Brooks	Gibbons	Micozzie	Shapiro
Brown	Gillespie	Millard	Siptroth
Burns	Gingrich	Miller	Smith, K.
Buxton	Goodman	Milne	Smith, M.
Caltagirone	Grell	Mirabito	Smith, S.
Carroll	Grove	Moul	Solobay
Casorio	Grucela	Mundy	Sonney
Causer	Haluska	Murphy	Staback
Christiana	Hanna	Murt	Stern
Civera	Harhai	Mustio	Stevenson
Clymer	Harhart	Myers	Sturla
Cohen	Harkins	O'Brien, D.	Swanger
Conklin	Harper	O'Brien, M.	Tallman
Costa, D.	Harris	O'Neill	Taylor, J.

Costa, P.	Helm	Oberlander	Taylor, R.
Cox	Hennessey	Oliver	Thomas
Creighton	Hess	Pallone	True
Cruz	Hickernell	Parker	Turzai
Curry	Hornaman	Pashinski	Vereb
Cutler	Houghton	Payne	Vitali
Daley	Hutchinson	Payton	Vulakovich
Dally	Johnson	Peifer	Wagner
Day	Josephs	Perzel	Walko
Deasy	Kauffman	Petrarca	Wansacz
Delozier	Keller, M.K.	Petri	Waters
DeLuca	Kessler	Phillips	Watson
Denlinger	Killion	Pickett	Wheatley
DePasquale	Kirkland	Preston	White
Dermody	Kortz	Pyle	Williams
DeWeese	Kotik	Quigley	Youngblood
DiGirolamo	Krieger	Quinn	Yudichak
Donatucci	Kula	Rapp	
Drucker	Lentz	Readshaw	McCall,
Eachus	Levdansky	Reed	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Farry	Keller, W.	Miccarelli	Perry
Godshall			

LEAVES ADDED—1

Micozzie

LEAVES CANCELED—1

Keller, W.

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

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 44 By Representatives WATSON, QUINN, PICKETT, MUNDY, MAJOR, RAPP, ADOLPH, BEAR, BEYER, BISHOP, BOYD, BROWN, CALTAGIRONE, CLYMER, CREIGHTON, CUTLER, DIGIROLAMO, FAIRCHILD, FLECK, FRANKEL, GEORGE, GIBBONS, GINGRICH, GROVE, GRUCELA, HORNAMAN, JOSEPHS, KORTZ, KOTIK, KULA, MANDERINO, MANN, MELIO, MOUL, M. O'BRIEN, O'NEILL, PETRARCA, PETRI, SANTONI, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, STABACK, THOMAS, TRUE, VULAKOVICH, WHEATLEY, YUDICHAK and GOODMAN

A Concurrent Resolution directing the Joint State Government Commission to study the issue of workplace pay disparity, to reexamine existing Federal and State laws relating to that issue and to make recommendations to the General Assembly.

Referred to Committee on LABOR RELATIONS, February 4, 2009.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 229 By Representatives PICKETT, ARGALL, BAKER, BARRAR, BEAR, BEYER, BOYD, CALTAGIRONE, CAUSER, CLYMER, CREIGHTON, ELLIS, FAIRCHILD, FLECK, GEIST, GIBBONS, GINGRICH, GOODMAN, GRELL, GROVE, HALUSKA, HARRIS, HENNESSEY, HESS, HICKERNELL, HUTCHINSON, KORTZ, MAJOR, MILLARD, MILLER, MUSTIO, O'NEILL, PERRY, PHILLIPS, RAPP, READSHAW, REED, REICHLEY, SAYLOR, SCAVELLO, SIPTROTH, S. H. SMITH, STERN, STEVENSON, SWANGER, TRUE, VULAKOVICH, WANSACZ, WATSON, YOUNGBLOOD and ROAE

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for legislative intent, for definitions and for proposed regulations and procedure for review.

Referred to Committee on STATE GOVERNMENT, February 4, 2009.

No. 230 By Representatives PICKETT, BAKER, BOYD, CALTAGIRONE, CLYMER, CUTLER, FLECK, GEIST, GIBBONS, GINGRICH, GRELL, GROVE, HARRIS, HORNAMAN, M. KELLER, KILLION, KORTZ, MILLARD, MILLER, PERRY, PHILLIPS, READSHAW, REICHLEY, ROHRER, SCAVELLO, SIPTROTH, STERN, STEVENSON, SWANGER, TURZAI, VULAKOVICH, WANSACZ, WATSON, YOUNGBLOOD and MOUL

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in State Workers' Insurance Fund, providing for hybrid policies for certain business entities.

Referred to Committee on INSURANCE, February 4, 2009.

No. 231 By Representatives PICKETT, ARGALL, BAKER, BARRAR, BEAR, BOYD, CALTAGIRONE, CAUSER, CLYMER, CREIGHTON, CUTLER, ELLIS, EVERETT, FAIRCHILD, FLECK, GEIST, GIBBONS, GODSHALL, GOODMAN, GROVE, HALUSKA, HARRIS, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KORTZ, MAJOR, MARSICO, MILLARD, MILLER, MUSTIO, O'NEILL, PAYNE, PEIFER, PERRY, PETRI, PHILLIPS, PYLE, RAPP, READSHAW, REED, REICHLEY, ROHRER, SCAVELLO, K. SMITH, S. H. SMITH, STABACK, STERN, STEVENSON, SWANGER, TRUE, TURZAI, VULAKOVICH, WATSON, MOUL and ROAE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for eligibility for public assistance.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 4, 2009.

No. 232 By Representatives PICKETT, FABRIZIO, FLECK, GEIST, GINGRICH, HENNESSEY, PHILLIPS, RAPP, ROHRER, SCAVELLO, SIPTROTH and STERN

An Act selecting, designating and adopting celestite, more commonly known as celestine, as the official State mineral of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, February 4, 2009.

No. 233 By Representatives PICKETT, ELLIS, FLECK, GEIST, GINGRICH, HENNESSEY, HESS, KORTZ, MAJOR, MILLARD, PEIFER, PHILLIPS, RAPP, SCAVELLO, SIPTROTH, SWANGER, WANSACZ and YOUNGBLOOD

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in marriage ceremony, further providing for persons qualified to solemnize marriages.

Referred to Committee on JUDICIARY, February 4, 2009.

No. 234 By Representatives PICKETT, BELFANTI, BEYER, CALTAGIRONE, FABRIZIO, GEIST, GINGRICH, HENNESSEY, HESS, KILLION, MILLER, O'NEILL, PEIFER, PHILLIPS, RAPP, SIPTROTH, STERN, SWANGER, THOMAS, VULAKOVICH and MOUL

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in local organizations and services, further providing for local coordinator of emergency management.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 4, 2009.

No. 235 By Representatives PICKETT, BAKER, BEAR, BOYD, CALTAGIRONE, CAUSER, CLYMER, CREIGHTON, CUTLER, ELLIS, FABRIZIO, FLECK, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GROVE, GRUCELA, HENNESSEY, HESS, M. KELLER, LONGIETTI, MELIO, MILLARD, MILNE, MUSTIO, PHILLIPS, PYLE, RAPP, READSHAW, REICHLEY, ROHRER, SCAVELLO, SIPTROTH, STABACK, STERN, STEVENSON, SWANGER, VULAKOVICH, WALKO, WANSACZ, WATSON, YOUNGBLOOD and MOUL

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, providing for professional and trade association rate protection.

Referred to Committee on INSURANCE, February 4, 2009.

No. 236 By Representatives PICKETT, CALTAGIRONE, CREIGHTON, GEIST, GINGRICH, HENNESSEY, HESS, MILLER, PHILLIPS, RAPP, ROHRER, SCAVELLO, SIPTROTH, STEVENSON and YOUNGBLOOD

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for statement of financial interests to be filed.

Referred to Committee on STATE GOVERNMENT, February 4, 2009.

No. 237 By Representatives PICKETT, BAKER, BOYD, CALTAGIRONE, CARROLL, CAUSER, CLYMER, EVERETT, FABRIZIO, FAIRCHILD, FLECK, GEIST, GEORGE, GIBBONS, GINGRICH, HENNESSEY, HESS, M. KELLER, MAJOR, MILLARD, MILLER, PAYNE, PEIFER, PERRY, PHILLIPS, RAPP, ROHRER, SCAVELLO,

SIPTROTH, STABACK, STERN, STEVENSON, TRUE, VULAKOVICH, WANSACZ, WATSON and YOUNGBLOOD

An Act providing for determination of a rural area in certain laws, programs and studies.

Referred to Committee on LOCAL GOVERNMENT, February 4, 2009.

No. 238 By Representatives DePASQUALE, McGEEHAN, BELFANTI, BEYER, BRIGGS, CONKLIN, CURRY, DONATUCCI, FRANKEL, FREEMAN, GIBBONS, GOODMAN, HALUSKA, HORNAMAN, JOSEPHS, KIRKLAND, LONGIETTI, MANN, McILVAINE SMITH, MELIO, MUNDY, MURT, M. O'BRIEN, PARKER, PASHINSKI, QUINN, SANTONI, SIPTROTH, THOMAS, WALKO, WANSACZ, WHEATLEY and WHITE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for early voting in primaries and elections.

Referred to Committee on STATE GOVERNMENT, February 4, 2009.

No. 239 By Representatives REED, EVERETT, HENNESSEY, HUTCHINSON, M. KELLER, RAPP, REICHLEY, ROCK, ROHRER, SCAVELLO, SIPTROTH and SONNEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the definition of "safety zone."

Referred to Committee on GAME AND FISHERIES, February 4, 2009.

No. 240 By Representatives CONKLIN, SIPTROTH, KIRKLAND, K. SMITH, DePASQUALE, KORTZ, BRENNAN, McGEEHAN, CASORIO, BELFANTI, SWANGER, CREIGHTON, VULAKOVICH, MANN, REICHLEY, MELIO, KULA, BOYLE, MURT, O'NEILL, DONATUCCI, M. O'BRIEN, YOUNGBLOOD, CRUZ, WALKO, READSHAW, SONNEY, STURLA, McILVAINE SMITH, McCALL, GIBBONS, MAHONEY, GEIST, FREEMAN and THOMAS

An Act providing for sexual violence awareness education programs for new students matriculating to institutions of higher education or private licensed schools that receive public funding and for duties of the Department of Education.

Referred to Committee on EDUCATION, February 4, 2009.

No. 241 By Representatives CONKLIN, BELFANTI, KIRKLAND, K. SMITH, SOLOBAY, KORTZ, BRENNAN, McGEEHAN, HARKINS, SIPTROTH, D. COSTA, YOUNGBLOOD, COHEN, CRUZ, MANN, PASHINSKI and READSHAW

An Act requiring persons convicted of arson and related offenses to register with local authorities; providing for duties of the Pennsylvania State Police and the Pennsylvania Board of Probation and Parole; and imposing a penalty.

Referred to Committee on STATE GOVERNMENT, February 4, 2009.

No. 242 By Representatives FRANKEL, BELFANTI, BEYER, BRENNAN, DePASQUALE, FREEMAN, GEORGE, HARKINS, HENNESSEY, HORNAMAN, KORTZ, McGEEHAN, McILVAINE SMITH, M. O'BRIEN, PASHINSKI, PAYTON, PETRARCA, QUINN, REICHLEY, ROSS, SANTONI, SIPTROTH, K. SMITH, M. SMITH, STABACK, WATSON, BEAR, WALKO, FABRIZIO, MILNE, JOSEPHS and DALEY

An Act amending the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act, including biotechnology enterprises and small business incubators within the scope of the act; and further regulating loans to industrial development agencies.

Referred to Committee on COMMERCE, February 4, 2009.

No. 243 By Representatives McCALL, BARBIN, BELFANTI, BEYER, BRENNAN, BUXTON, CALTAGIRONE, CAUSER, CONKLIN, D. COSTA, DALEY, DEASY, DeLUCA, DONATUCCI, J. EVANS, FABRIZIO, FRANKEL, GROVE, GRUCELA, HALUSKA, HANNA, KORTZ, KULA, LONGIETTI, MANN, MARSHALL, MATZIE, MELIO, MILLARD, MOUL, PALLONE, PAYNE, PICKETT, PRESTON, PYLE, READSHAW, REICHLEY, ROAE, SAINATO, SIPTROTH, SOLOBAY, THOMAS, WANSACZ, WHITE, YOUNGBLOOD, YUDICHAK, GOODMAN and BENNINGHOFF

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, providing for Texas Hold'em tournaments.

Referred to Committee on GAMING OVERSIGHT, February 4, 2009.

No. 244 By Representatives J. EVANS, BEAR, BENNINGHOFF, BEYER, FAIRCHILD, FLECK, GEIST, GIBBONS, HARKINS, HARRIS, HENNESSEY, HESS, HUTCHINSON, M. KELLER, KORTZ, KOTIK, MANN, MARSHALL, MILLARD, MILLER, MOUL, PAYNE, PHILLIPS, PYLE, READSHAW, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, SONNEY and VULAKOVICH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special registration plates generally.

Referred to Committee on TRANSPORTATION, February 4, 2009.

No. 245 By Representatives MUNDY, WATSON, BELFANTI, BRENNAN, BRIGGS, CARROLL, COHEN, DeLUCA, DONATUCCI, EACHUS, FABRIZIO, FRANKEL, GEORGE, GIBBONS, GINGRICH, GOODMAN, GROVE, HALUSKA, W. KELLER, KORTZ, KULA, LONGIETTI, MANDERINO, MANN, McGEEHAN, McILVAINE SMITH, MELIO, MILLARD, M. O'BRIEN, PALLONE, READSHAW, REICHLEY, ROSS, SEIP, SIPTROTH, K. SMITH, SOLOBAY, STABACK, VULAKOVICH, WALKO, WANSACZ, WHITE and THOMAS

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for intent, for definitions, for caregiver support program, for reimbursements and for entitlement.

Referred to Committee on AGING AND OLDER ADULT SERVICES, February 4, 2009.

No. 246 By Representatives MUNDY, BOYD, BRENNAN, CALTAGIRONE, CARROLL, COHEN, DeLUCA, FABRIZIO, FRANKEL, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HENNESSEY, W. KELLER, KORTZ, KULA, MANDERINO, MANN, McILVAINE SMITH, MELIO, PALLONE, READSHAW, SANTONI, SIPTROTH, STABACK, STURLA, VULAKOVICH, WANSACZ and THOMAS

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for declaration of policy, for the Medical Care Availability and Reduction of Error Fund, for medical professional liability insurance by the joint underwriting association, for approval of medical professional liability insurers and for administrative definitions; and providing for functions of the Department of Health.

Referred to Committee on INSURANCE, February 4, 2009.

No. 247 By Representatives MUNDY, DeLUCA, EACHUS, BELFANTI, BISHOP, BRENNAN, BUXTON, CALTAGIRONE, CARROLL, COHEN, DePASQUALE, FRANKEL, FREEMAN, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HARKINS, HESS, HORNAMAN, JOSEPHS, KIRKLAND, KORTZ, KULA, MANDERINO, MANN, McGEEHAN, McILVAINE SMITH, PALLONE, PASHINSKI, SANTONI, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, WALKO, WANSACZ and WHEATLEY

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, reenacting and amending provisions relating to definitions, powers and duties of Department of Health and State health services plan; reenacting provisions relating to regulations; reenacting and amending provisions relating to certificates of need and issuance of license; prohibiting certain referrals and claims of payment; and repealing sunset provisions.

Referred to Committee on INSURANCE, February 4, 2009.

No. 248 By Representatives HORNAMAN, BARRAR, BELFANTI, BISHOP, BRENNAN, CAUSER, D. COSTA, FLECK, GEIST, GIBBONS, GOODMAN, GROVE, GRUCELA, HARHAI, HESS, HUTCHINSON, KORTZ, KULA, MAHONEY, McILVAINE SMITH, MICOZZIE, M. O'BRIEN, O'NEILL, PASHINSKI, PAYNE, PERZEL, PETRARCA, PYLE, RAPP, READSHAW, SAINATO, SIPTROTH, K. SMITH, SOLOBAY, STEVENSON, SWANGER, THOMAS and VULAKOVICH

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in veterans' pensions and benefits, further providing for paralyzed veteran's pension.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 4, 2009.

No. 249 By Representatives HORNAMAN, BARRAR, BEAR, BRENNAN, CARROLL, CAUSER, CLYMER, FABRIZIO, FLECK, GEIST, GIBBONS, GOODMAN, GROVE, GRUCELA, HARHAI, HUTCHINSON, KORTZ, KULA, MAHONEY, MARSHALL, McILVAINE SMITH, MICOZZIE, M. O'BRIEN, O'NEILL, PASHINSKI, PEIFER, PERZEL, PETRARCA, PHILLIPS, RAPP, READSHAW, SAINATO, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, STEVENSON, VULAKOVICH, WALKO and WHITE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for persons with military service-connected disabilities to receive vehicle sales tax exemptions.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 4, 2009.

No. 250 By Representatives HORNAMAN, SOLOBAY, BARRAR, BEAR, BEYER, BRENNAN, CARROLL, CASORIO, CAUSER, CURRY, CUTLER, DeLUCA, DePASQUALE, DONATUCCI, FABRIZIO, FLECK, GALLOWAY, GIBBONS, GOODMAN, GROVE, GRUCELA, HARHAI, HARPER, HESS, KORTZ, KULA, LEVDANSKY, LONGIETTI, MAHONEY, MARKOSEK, MARSHALL, McILVAINE SMITH, MICOZZIE, MILLER, MUSTIO, O'NEILL, PASHINSKI, PERZEL, READSHAW, REED, SAINATO, SCAVELLO, SIPTROTH, K. SMITH, STABACK, STEVENSON, STURLA, SWANGER, TALLMAN, VULAKOVICH, WALKO and WHITE

An Act providing for municipal volunteer fire service incentives.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 4, 2009.

No. 251 By Representatives PICKETT, TURZAI, BAKER, BEAR, BELFANTI, BEYER, BOYD, BRENNAN, CALTAGIRONE, CARROLL, CLYMER, CREIGHTON, DeWEESE, ELLIS, EVERETT, FABRIZIO, FAIRCHILD, FLECK, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRELL, GROVE, HARRIS, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KORTZ, LONGIETTI, MAJOR, MANN, MARSICO, MELIO, MILLARD, MILLER, MILNE, MUSTIO, O'NEILL, PALLONE, PAYNE, PEIFER, PERRY, PETRI, PHILLIPS, PYLE, RAPP, READSHAW, REICHLEY, ROAE, ROHRER, SAYLOR, SCAVELLO, SIPTROTH, S. H. SMITH, SOLOBAY, STABACK, STERN, STEVENSON, SWANGER, TRUE, VULAKOVICH, WALKO, WANSACZ, WHITE, YOUNGBLOOD and PETRARCA

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exemption certificates.

Referred to Committee on FINANCE, February 4, 2009.

No. 252 By Representatives PEIFER, FLECK, MAJOR, BAKER, BARRAR, BEAR, BELFANTI, BEYER, BOYD, CARROLL, CASORIO, CREIGHTON, FAIRCHILD, GEIST,

GEORGE, GIBBONS, GOODMAN, GRELL, GROVE, HALUSKA, HESS, HUTCHINSON, KILLION, KOTIK, MANN, MARSHALL, MARSICO, MICCARELLI, MILLER, MILNE, MOUL, MURT, O'NEILL, PAYNE, PICKETT, RAPP, READSHAW, REICHLEY, ROAE, ROCK, ROSS, SAYLOR, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, SONNEY, STABACK, STERN, STEVENSON, SWANGER, TRUE, TURZAI, VULAKOVICH and WANSACZ

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

Referred to Committee on JUDICIARY, February 4, 2009.

No. 253 By Representatives FAIRCHILD, ADOLPH, ARGALL, BARRAR, BEAR, BEYER, BOYD, BRENNAN, BROWN, CAUSER, COHEN, CONKLIN, CREIGHTON, DENLINGER, EVERETT, FLECK, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HARKINS, HARPER, HARRIS, HESS, HUTCHINSON, KORTZ, MARSICO, McGEEHAN, McILVAINE SMITH, MICCARELLI, MICOZZIE, MILLER, M. O'BRIEN, O'NEILL, PHILLIPS, PYLE, RAPP, READSHAW, ROHRER, SIPTROTH, K. SMITH, SOLOBAY, STERN, STEVENSON, THOMAS, VULAKOVICH, WALKO, WATSON and WHITE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the Office of Veteran Advocate; assigning duties to the Office of Attorney General; and authorizing an appropriation.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 4, 2009.

No. 254 By Representatives FAIRCHILD, ADOLPH, BAKER, BARRAR, BEAR, BEYER, BOYD, BRENNAN, CIVERA, CLYMER, COHEN, CONKLIN, DENLINGER, EACHUS, EVERETT, FLECK, FRANKEL, GEIST, GEORGE, GINGRICH, GOODMAN, GRELL, GROVE, GRUCELA, HARKINS, HARRIS, HELM, HESS, KIRKLAND, KORTZ, McGEEHAN, McILVAINE SMITH, MICCARELLI, MILLER, MOUL, O'NEILL, PAYNE, PHILLIPS, PICKETT, RAPP, REICHLEY, SAYLOR, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, STERN, VULAKOVICH, WANSACZ and YUDICHAK

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for veterans.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 4, 2009.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 42, PN 265 (Amended)

By Rep. FREEMAN

An Act providing for the establishment of the Historic Preservation Incentive Program for historic commercial and residential sites, for grants and for tax credits.

LOCAL GOVERNMENT.

HB 60, PN 161

By Rep. DALEY

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, providing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program.

COMMERCE.

HB 102, PN 95

By Rep. FREEMAN

An Act amending the act of April 23, 2002 (P.L.298, No.39), known as the Main Street Act, further providing for the duration of grants.

LOCAL GOVERNMENT.

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 name of James Wertz, 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 merit honoring James Wertz.

Whereas, James Wertz 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 280.

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 James Wertz.

COMMUNICATION FROM GOVERNOR

The SPEAKER. A communication from the Governor, which the clerk will read.

The following communication was read:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

January 26, 2009

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

Following consultation with the Speaker of the House and the President Pro Tempore of the Senate, and in consideration of potential scheduling difficulties for those traveling out of state during the days immediately preceding February 1st, I am respectfully submitting this amended request regarding the budget address.

If it meets with the approval of the General Assembly, I would like to address the Members in Joint Session on Wednesday, February 4, 2009 at a time convenient to the General Assembly.

Sincerely,
Edward G. Rendell
Governor

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,
February 2, 2009

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Wednesday, February 4, 2009, at 10:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Edward G. Rendell; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee, on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall 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.

RESOLUTION**COMMITTEE TO ESCORT GOVERNOR**

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

RESOLVED, That the Speaker appoint a committee of three to escort the Governor to the Hall of the House for the purpose of attending a Joint Session of the General Assembly.

COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to escort the Governor, the gentleman from Allegheny and Beaver Counties, Mr. Matzie; the gentleman from Bucks County, Mr. Santarsiero; and the gentlelady from Lehigh and Northampton Counties, Mrs. Beyer.

The committee will proceed with the performance of its duties.

The House will come to order.

GUESTS INTRODUCED

The SPEAKER. Just for some introductions, in the well of the House in front of the rostrum, the Chair would like to introduce Morgan Miller and Michael Klecker, who will be serving as guest pages for Representative Ron Miller today. Morgan is a sophomore at Dallastown High School. Michael is a sophomore at South Western High School. Representative Miller serves as Michael's mentor for the Future Leaders of

York Program. Welcome to the hall of the House. Will the students please rise.

Also in the well, in front of the rostrum, serving as guest pages, are Andy Dessel and Kacy Straub. Andy and Kacy are in the 11th grade at Chambersburg Area Senior High School. Andy is president of the class of 2010, and Kacy is the treasurer of the class of 2010. They are the guests of Representative Rob Kauffman, and they are, again, located in the well of the House. Would the guests please rise. Welcome to the hall of the House.

ARRIVAL OF SENATE

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

The Chair recognizes the Sergeant at Arms of the House of Representatives.

The SERGEANT AT ARMS. Mr. Speaker, the Senate has entered the chamber.

The SPEAKER. The Chair requests the Lieutenant Governor, the Honorable Joseph B. Scarnati, to preside over the proceedings of the joint session of the General Assembly.

The members of the House and Senate and guests will please be seated.

JOINT SESSION OF THE GENERAL ASSEMBLY

THE LIEUTENANT GOVERNOR (JOSEPH B. SCARNATI III) PRESIDING

The LIEUTENANT GOVERNOR. The House will come to order.

This being the day and hour agreed upon by a concurrent resolution of the Senate and the House of Representatives to hear an address by His Excellency, the Governor, the Honorable Edward G. Rendell, this joint session will please come to order.

REPORT OF COMMITTEE ESCORTING GOVERNOR

The LIEUTENANT GOVERNOR. The General Assembly will please come to order.

The Governor is entering the hall of the House. Members and guests will please rise.

The Chair recognizes the chair of the committee to escort the Governor, the gentlewoman from Luzerne County, Senator Baker.

Mrs. BAKER. Mr. President, Mr. Speaker, members of the General Assembly, as chair of the committee to escort the Governor, I wish to report that the Governor is present and prepared to address the joint session.

The LIEUTENANT GOVERNOR. The Chair thanks the gentledady, Lisa Baker, and the committee.

Members of the General Assembly, I now have the honor and privilege of presenting His Excellency, the Governor, the Honorable Edward G. Rendell, who will now address the joint session.

FISCAL YEAR 2009-2010 BUDGET ADDRESS OF GOV. EDWARD G. RENDELL

The GOVERNOR. Thank you. Thank you, and good morning.

Good morning. I am pleased to be with you today to present my proposed FY (fiscal year) 2009-2010 State budget.

But before we do so, let us all take a moment to pay tribute to the Pittsburgh Steelers, the team who embodied the true spirit of Pennsylvania by refusing to lose this year's Super Bowl and whose thrilling last-minute victory incontrovertibly established them as the premier franchise in the history of the National Football League. I also note for the record that the Steelers helped exact a measure of revenge for our once-beloved Pottsville Maroons, who in 1925 were robbed of their rightful NFL (National Football League) championship by the then-Chicago Cardinals.

Each year as we gather to begin the budget process, I stress that the crafting of the budget is the single most important thing that we do for our fellow citizens. It is the fundamental task of governing: setting priorities, making choices that are often difficult but necessary, and allocating resources to keep Pennsylvania moving forward.

This year, however, the FY 2009-2010 budget presents challenges, the likes of which Pennsylvania and the nation have not seen since the Great Depression. The worst economic crisis of our lifetime has dramatically reordered priorities in Washington, in Harrisburg, and most importantly, around the kitchen tables in homes all across the Commonwealth, where families are asking themselves questions that were unthinkable 6 months ago:

What happens next? Will I keep my job? Seventy-six thousand Pennsylvanians lost their jobs last year. That is more people than in the city of Bethlehem. They are asking themselves: Will I be able to find a new job now? How will I pay for my mortgage or heat my home? How will I pay for my children's college? What happens if I get sick? How will we survive?

For far too many of our fellow citizens, what has happened in the last year has shaken their faith in our economic system, because they are losing their grip on their own piece of the American dream.

Here in Harrisburg, we have engaged in rigorous debate over the last 6 years about the priorities we set in our budget. We have made tremendous progress on many issues, and we have fought hard on others. It has not always been easy, and it surely has not always been pretty.

But the truth is, our work together has put us in a position to weather this economic storm far better than most. Since 2003, we have invested more than \$3.2 billion in an unprecedented effort to stimulate Pennsylvania's economy, attracting at least \$8.6 billion in new private capital investment. It has paid enormous dividends with the retention and creation of 288,000 jobs throughout the Commonwealth, and its 2800 projects have helped businesses across the State survive and thrive. It is remarkable that just a few short years after we started our economic stimulus program, IBM Business Consulting Services recognized Pennsylvania as the number one destination for new projects and named the Commonwealth as the top location for manufacturing projects in all of North America, surpassing even

the powerhouse Sun Belt States. We wisely directed State funds to fix our bridges, our dams, our highways, and thanks to Growing Greener II, we invested to protect our dams and water systems and to preserve and enhance our open space so that our children and their children can enjoy Pennsylvania's natural treasures for years to come.

These and other strategic investments in our future, including the additional \$2.7 billion we spent on public education since 2003 so that our children will be able to compete for the better jobs and brighter futures, were made at the same time that we began the hard work of putting our own financial house in order. Today, nearly 30 percent more of our students are at grade level than just 6 years ago, and we are only one of nine States in the nation that have made significant progress in elementary school reading and math.

At the same time, since 2003 we have greatly reduced the cost of operating our State government. In the Department of Public Welfare alone, fiscal discipline, performance-based contracting, and mandated efficiencies will have generated \$5 billion in savings by the end of the next fiscal year. Overall, by the end of next year, due to new business practices and cuts to wasteful spending, we will have reduced the cost of operating the government by \$1 3/4 billion annually, and we have eliminated more than 4,700 government positions. To date, we have not had to impose any State layoffs to reduce our complement. In the last 6 months, to address the current year deficit, which we project could reach as high as \$2.3 billion, we cut spending by a half-billion dollars, tapped our unspent funds, suspended raises for all management and nonunion employees, and before the end of this year, I have directed that our State fleet should shrink by 1,000 cars. Let there be no doubt, here in Pennsylvania, we are learning to do more with less. As a result of these measures, the cost of administering the State government next year will be the same as it was in the FY 2002-2003 budget. When adjusted for inflation, we will be spending 18 percent less on administrative expenses than we did 6 years ago, a reduction almost unrivaled across the nation.

Notwithstanding all of these efforts, we are now faced with the worst recession since the Great Depression. But we are not alone. All across America, States are struggling to close gaping holes in their budgets – a cumulative deficit of \$200 billion over the next 2 years. Many States have deficits that are far worse than the one we face in Pennsylvania. In New York State, for example, the deficit is \$14 billion and climbing – a staggering total that is equivalent to 50 percent of Pennsylvania's entire General Fund budget. Yet even this figure pales in comparison to California, which faces a projected deficit of \$41 billion over the next 18 months, or 58 percent larger than our entire General Fund budget.

In Massachusetts, the deficit is projected at \$3.1 billion; Ohio faces a deficit of \$3.5 billion; and our New Jersey neighbors are wrestling with a deficit that projects over \$4 billion. These are numbers that radically change the game for State governments all across the nation. They are forcing every State to find new revenues, increase cost-containment strategies, and enact massive budget cuts across the board, even in the very safety net programs that we have been able to protect in Pennsylvania.

Let me give you an example. While nursing homes, medical care, and most other critical social service providers have been held harmless in the budget I am submitting today, in California my friend and colleague, Governor Schwarzenegger, has

proposed a 10-percent cut in all payments to hospitals, nursing homes, and managed-care providers. New York is considering a \$256-million cut in payments to nursing homes and a cut of a half-billion dollars for their hospitals.

Many other States have followed suit, and in some cases they have had to make very painful decisions about which of their most vulnerable citizens they must abandon when it comes to providing the medical or social services that are the very fabric of our social safety net.

And that is in addition to a host of draconian cuts in other basic services. Massachusetts and Maryland, for example, have eliminated more than \$300 million in aid to counties and cities from their budgets, while in our budget we are doing all we can to hold our counties at level funding. In fact, I believe that we should do even more to help our cities and counties address the budget challenges that they also face, and that is why I am proposing to give counties the ability to broaden their tax base by allowing them to impose a sales tax increase of up to 1 percent on top of the State sales tax and share 50 percent of those proceeds with our hard-pressed cities.

Several States, including Maryland, Ohio, and New York, are cutting funding to local libraries at a much deeper level than the 2.3-percent cut that we are proposing in next year's budget. This cut follows the record-high level of State funding for libraries in last year's budget, and it is far less drastic than the reductions being imposed in States all across the nation.

And nearly every State with a budget deficit is cutting funds for higher education. New York will cut \$233 million from its State university system funding; Maryland cut community college funding by \$50 million; Indiana required its public colleges to cut their spending by 4 percent and imposed even deeper cuts in State appropriations. However, we recognize that the long-term growth of our economy is tied to the success of our students and that our State institutions of higher learning are among Pennsylvania's largest employers. Therefore, this budget holds these schools to the same level of funding that they currently receive. I am also proposing that we increase funds for our community colleges, which serve as the important training ground for Pennsylvanians seeking new skills to help them reenter the job market.

While we may be in better shape than many other States, we should not for a moment underestimate the enormity of the challenge that we face this year. And I know that we can all agree on this much: We must address these challenges together, knowing that our fellow citizens need our help. We must act now to adopt a budget that recognizes the pain we all must share, provides critically needed emergency relief, and continues to make the strategic investments that can spell the difference between productivity and panic for Pennsylvanians all across our great Commonwealth.

Before we begin to look ahead, however, let us take a moment to honor those whose dedication to our freedom and our Commonwealth set an example for all of us in 2008. First, let us remember that as we gather here today, many heroic Pennsylvanians are on duty in the service of freedom in Iraq, Afghanistan, and throughout the world. Twenty-four of these courageous Pennsylvanians died this past year, and since 9/11, 217 Pennsylvanians have died in that dangerous corner of the world. We all strongly support our fellow citizens who serve in the military, and none more than the 4,177 members of the Pennsylvania National Guard's 56th Stryker Brigade and Air Guard, who are currently deployed there, and the 2,000

more from the 28th Combat Aviation Brigade, who are about to be deployed to Iraq. Since 9/11, 43 members of the Guard have lost their lives in freedom's cause, including 5 who perished in 2008. Tragically, Pennsylvania ranks first among the States for guardsmen lost.

Their devotion to duty is an example for all of us, and I ask you to keep these outstanding women and men, and their families, in your prayers.

I also ask that in addition to our veterans, we pause for a moment to remember two other Pennsylvania heroes who are no longer with us: Lt. Gov. Catherine Baker Knoll, a kind, caring, and generous public servant who was an inspiration to women all across this State. She died in November after a valiant struggle against cancer. And Senator Jim Rhoades, our champion for public education who was killed in a tragic car accident last October. Both of these distinguished public servants left us far too soon, and I ask that we pause for a moment of silence to pay homage to all of these heroes – our veterans, our soldiers, to Lieutenant Governor Knoll, and Senator Rhoades. Will you please rise and observe a moment of silence.

(A moment of silence was observed.)

The GOVERNOR. Thank you.

As we begin the budget process, it is critically important for all of us to understand the magnitude of the problem. Ladies and gentlemen, despite all of the work that we have done together to squeeze every nickel of waste from the operation of government; despite the tremendous savings that we have identified in almost every department of State government, as well as the painful cuts to numerous State programs; and despite our dedicated work in making the kinds of strategic investments over the last 6 years that have left us in better shape than many other States, we face a current projected budget deficit of \$2.3 billion as a direct result of the national economic recession.

In many ways it is a staggering number, and despite the fact that our problems are largely not of our own making, we nevertheless have to act now to put our financial house in order. Because if we fail to act, if we fail to make the difficult decisions to close the gap through cuts in spending and enhancements in our revenue, we run the risk of creating a deficit in the near future that would be truly catastrophic for the State budget and the citizens that we serve.

We must confront our problems, and this year's budget that I propose is designed to do just that. I want to start by telling you one thing this budget does not do. It does not require a tax increase on hard-working Pennsylvania families. It does not require a personal income tax, State sales tax, or any business tax increase. In fact, while I recognize that inequities still exist in our business tax system, I believe it is vital to protect the \$1.6 billion in business tax cuts that we have enacted since 2003. And that is why I propose to continue the phaseout of the capital stock and franchise tax for this year, which will boost our total business tax reductions to \$2 billion in the last 6 years. We do not do this to gain political advantage with the voters or the business community; we do it because to raise these taxes at this time could cause a reduction in much-needed spending and business investment.

While this budget does not rely on any broad-based tax increases, it does require targeted revenue increases. First, I once again propose a tax on smokeless tobacco. Pennsylvania is the only State in the nation that does not tax chewing tobacco,

or cigars, and our citizens overwhelmingly support a tax on smokeless tobacco, just as they strongly support increases in the State's cigarette tax. Together, they will generate more than \$100 million in additional State revenues.

Pennsylvanians also believe that just like other resource-rich States like Texas and Alaska, the minerals under our soil should be taxed when extracted. We have a Pennsylvania gold rush going on in the form of drilling for natural gas along what is known as the Marcellus Shale. Scientists now estimate that if we can extract just 10 percent of the natural gas that exists below the grounds in the Marcellus, it would be enough to supply the natural gas needs of the entire United States for 2 years. Experts believe that much of the most potentially productive portions of the Marcellus formation exist right here in Pennsylvania.

Given the tremendous potential value of the Marcellus Shale, the FY 2010 budget proposes to impose a tax on this natural gas extraction in the same exact manner as used by our neighbor, West Virginia. Now, some have suggested that exacting such a tax would hinder development of this important resource. However, I recently spoke with West Virginia Governor Joe Manchin, who told me that their approach did not inhibit gas extraction and that it is continuing at a record pace, and it is reaping critically needed revenues for the State so it can provide services to its citizens.

To help close our deficit this year and next, we will need to tap some of our Rainy Day reserves. The Rainy Day Fund was created to help us bridge the gap when economic circumstances demand it, and without question, these are the most extraordinary economic circumstances of our lifetime. I would point out that the budget leaves \$125 million in the Rainy Day Fund for future use.

To reduce the deficit in the current year, we are also counting on the return of surpluses in the legislature's own accounts. And as I outlined in the midyear budget update, it also requires a cut in current year legislative spending by 4 1/4 percent. The executive branch has made these cuts and the House Democrats have informed me that they would do the same. As this budget makes clear, all of us in government must share the pain to close the deficit that we face. I was very pleased last week to receive a letter from Lieutenant Governor Scarnati which said, "The legislative caucuses agreed that the final budget package must include a significant portion of the legislative account surpluses." I thank the Lieutenant Governor for his leadership and all of the caucuses for understanding this dilemma and their willingness to share responsibility for addressing it. We are making progress in this regard, and we will need to continue to work together to bring this budget into balance.

To that end, many members of the legislature have already suggested looking at other revenue enhancement options. Just as I have been open and will remain open to discussions about cutting other expenditures, I will welcome any revenue enhancement proposal made by any member of the legislature. Among some of the ideas that have been shared with me are, for example, amendments that close the enormous tax loopholes that exist for companies located outside the State who do business here. It has also been suggested that we enact an assessment on municipalities who rely on the State Police for their local policing needs. In the last year alone, 18 more municipalities have shifted their tax burden for policing to the State. These are good ideas, and if the legislature puts them or others on the table, I will consider them.

To put the proposed budget in perspective, even with the revenue enhancements that I propose, General Fund revenues are projected to shrink by \$193 million compared with last year. Keep in mind that our personal income, sales, and corporate tax collections continue to fall each month and that we expect that to continue for many, many months ahead. In fact, this budget is based on our projection that there will be negative growth in State revenues. To put that in context, our average growth in the revenues over the last 5 years was 5.6 percent. After factoring in the budget relief we hope will accrue to Pennsylvania from the American Economic Recovery and Reinvestment Act, the stimulus program, General Fund expenditures will be \$65 million less than what we are spending in the current year. But we cannot get starry-eyed about the billions in Federal relief that may come our way. This recession requires that we make the difficult decisions ourselves, even with the Federal funds, to end this year and next year in balance.

So the budget I propose requires considerable sacrifice and pain so that we can close the deficit and put our fiscal house in order, while at the same time continuing the kinds of strategic investments that strengthen Pennsylvania's economy for the long term. As we have prepared the cuts on the expenditure side, we have been guided by our commitment to the following core budget principles: First, public safety must be preserved. We now have the highest authorized State Police complement in the history of the Commonwealth, and that complement has allowed us to direct State Police resources to the city of Coatesville that literally is under siege today from a deranged arsonist or a band of arsonists. That city is struggling. It has a \$4 billion annual operating budget. They cannot pay, keep up with the requirements of police and fire overtime. They cannot give their victims all of the services they truly deserve. So today I am announcing we are sending a half a million dollars from PCCD (Pennsylvania Commission on Crime and Delinquency) to the city of Coatesville. I thank Representative Hennessey for his work with us as we have tried to help that beleaguered city. The second principle we must and will continue to do is to provide as much support as possible to families who are the hardest hit, and particularly the thousands of Pennsylvania working families who are struggling just to hold on. And third, we will continue to make strategic, affordable investments that will stimulate our economy and provide new jobs and opportunities for our fellow citizens.

Expenditures in the budget I propose decrease by .2 percent. Let me repeat that. In the budget I am proposing, General Fund expenditures decrease by .2 percent. In large part this reduction is due to the relief we hope to receive from the Federal stimulus package. In assessing our expenditures, it is important for everyone, once again, to understand that increases in our expenditures are often driven by mandates that cannot be altered in the budget process and that we do not control. By Federal law, we must pay for increases in health-care spending in our programs that provide care to children, seniors, and vulnerable families. Our prison population continues to grow in spite of our best efforts to expand alternative sentencing. Clearly this increases the Corrections spending, since our collective-bargaining agreements mandate a ratio of staff to prisoners so that we can run our prisons safely. This year our general union agreements include pay increases next year, and these obligations alone will add \$92 million to our yearly expenditures.

All of this demands that we enact a series of painful reductions in services, and in some cases we must eliminate programs altogether. To be sure, some are programs that produce very little value for our citizens and they should be cut. Others involve services that simply fall outside the purview of State government. And still others may be programs that have a laudable goal but simply have not achieved those goals, or even if they have, when balanced against the needs of those who have lost their jobs and their homes, simply cannot continue to be funded. In specific cases, with programs like libraries or the critically needed drug and alcohol programs, my intention is to restore funding as soon as our economy recovers and State revenues improve. But in other cases, I want to be clear that the cuts will be permanent, because they are outside of the essential business of this State. That said, I fully recognize and regret the hardship that these cuts will cause, but we simply have no choice. The crisis demands that we make these cuts.

In the FY 2010 budget, we cut or eliminate funding across 89 percent of the line items in the budget. Specifically, I propose to cut \$395 million in spending by completely eliminating 20 percent of the 500 line items under the control of the executive branch. As I said, in some cases we are cutting terrific programs that we can perhaps restore when the economy recovers, but we just cannot afford them today. One such example is one of my very favorite programs, the Governor's Schools of Excellence, a terrific weeklong series of academic enrichment forums offered by the Department of Education to students from all over Pennsylvania. Great, great program, but we simply cannot afford to fund it this summer. Another is Pennsylvania Housing Finance Agency funding to upgrade child-care centers. We simply do not have the money for this worthy program right now.

Other cuts will be permanent, such as those involving programs whose goals may be laudable but which fall outside the core functions of the State. One such example, regrettably, is the Scotland School. It is operated by the Department of Military and Veterans Affairs at a cost to taxpayers of \$45,000 per student. The Scotland School was founded so that the orphans of the Civil War could receive a free public school education. Many other States did the same, but those schools are long since closed. The fact is that none of the students in the school are orphans of veterans, and only seven have parents who are currently deployed. There is no question that other viable options exist for the Scotland School students. And by closing the school, we free up nearly \$1 1/2 million in State funds to expand services to veterans all across this Commonwealth. Consequently, I am proposing that we eliminate funding for the continued State operation of this institution.

In addition to the elimination of 101 lines, we have proposed reductions in 346 other budget lines that total over \$582 million for this year's budget. Another 54 expenditure lines do not increase at all, meaning that the programs that they represent are simply funded at current levels. Together, the collapsing economy has forced us to make almost a billion dollars in budget cuts.

For every position where I can impose a wage freeze, I have stopped salary increases for this year and next. But more must be done to contain employee wage growth in these difficult times. That is why we are currently negotiating with the leaders of our State unions to reach agreement on ways to meet our fiscal challenge with the lowest number of layoffs possible.

Painful as they may be, with these cuts we can meet our commitments to public safety, maintain the essential elements of our social safety net, and provide for continued support of public education.

And while the cuts that I propose reflect the extraordinary circumstances brought on by the national recession, the FY 2010 budget also requires us to continue to find ways to improve the government's own productivity, even as we reduce the cost of its operation. This budget puts our long-term living services under the umbrella of one agency, our newly named Department of Aging and Long-Term Living. This shift will improve services to Pennsylvanians, streamline paperwork for providers, and improve business practices to make it possible to expand our aging and disabled services.

As you know, safety net services and services for the aging and disabled are the biggest cost drivers in the budget. In fact, since 2003, the cost of providing services to meet the needs of our elderly and disabled citizens has increased by 276 percent. Without question, these are the fastest growing expenditures in our budget. Now, we have managed the welfare caseload exceptionally well. Before the economic collapse, Pennsylvania's welfare caseload was at an all-time low, and the number of welfare recipients working was at an all-time high. Our efforts to eliminate those who seek to defraud us from our food stamp rolls were once again hailed by the Federal government with our third \$4-million bonus check for the good work that we have done. We have ceased payments to hospitals for surgeries that never should have happened, and we have continued to lead the nation with the innovative pay-for-performance system that is significantly boosting the wellness of children and adults served by our managed-care companies. While growth in demand is unstoppable, growth in cost is under our control. That is why this year I am proposing the Smart Pharmacy program to make sure that the Commonwealth can fully benefit from discounts due the State for prescription drugs for Medicaid recipients.

It is abundantly clear that any fair examination of the facts compels the conclusion that DPW (Department of Public Welfare) is committed to doing all in its power to manage ever-escalating costs and demands for service, particularly during this recession. In fact, had we not changed the management practices we inherited when I took office in 2003, spending on public welfare programs would have increased by \$1.2 billion in next year's fiscal budget. Instead, in the FY 2010 budget, we have instituted cost controls and imposed cuts totaling nearly \$800 million in DPW spending.

The economic crisis that we confront forces us to consider good ideas from every possible source. There is no corner on the marketplace of ideas when it comes to saving taxpayer dollars and improving the productivity and responsiveness of government. For example, I want to take this opportunity to publicly thank the members of the Sustainable Water Infrastructure Task Force for their invaluable work in recommending a series of legislative measures to improve the efficiency and management of our drinking and waste water systems. I urge you to seriously consider and enact their proposals.

I also call on the legislature to enact two other initiatives that will improve the level of services we deliver to the public, while also dramatically reducing the cost of government. As most of you know, Pennsylvania is the home to 2,566 local governments that employed upwards of 400,000 people in 2008. At this rate,

government is far and away the largest employer in Pennsylvania. Yet common sense dictates that the cost of providing local government services can be significantly reduced if local communities join forces to share a host of administrative or even police or fire services – all without surrendering their individual identities and the features that make them unique. I urge you to enact the recommendations of our State Planning Board, which would accelerate local community mergers where it makes sense to do so.

Now, almost everyone agrees that Pennsylvania also has far too many school districts. This means there is an ever-increasing pressure to raise local property taxes. I propose to address this pressing issue in three ways. First, there is no question that the best way to relieve the pressure of local property taxes is to continue to demand accountability and to grow State funding for public education. In the last 6 years, in the last 6 years, working together, we have made tremendous strides in this regard, committing more than \$2.7 billion annually in additional funding to our public schools. Prior to the market collapse, I had anticipated proposing an additional \$418 million for our public schools in the FY 2010 budget so that we could continue to achieve the cost of closing the adequacy gap in education funding that was set forth in the costing-out study that was prepared for you, the General Assembly, last year.

Sadly, we can no longer afford this level of increase, though the need for funding is no less compelling than it was before. But even in these difficult times, we must not lose sight of the fact that every additional dollar we allocate to public education will benefit our children even as it helps relieve the burden of local property taxes. So for these reasons, the FY 2010 budget includes \$300 million to help contain the local property tax increases and pay for the very public school activities that have proven so effective in the last 6 years. I am hopeful that when the Federal stimulus package passes, it will include the extraordinary temporary support for schools outlined in the House-passed version of this bill. If that were to happen, I would urge us to agree to put this \$300 million of State funding increase into a lockbox so that when the Federal funds expire in 2 years, we can ensure that our school districts can continue on the path towards full adequacy funding.

Secondly, last session, the House Education Committee passed terrific legislation which would consolidate health-care benefits for all school employees in the State. I am a strong proponent of moving in this direction because this bill will save taxpayers hundreds of millions of dollars and dramatically slow the rise in annual health-care costs. I urge both chambers to act quickly to pass a bill that accomplishes this goal.

Third, full-scale school consolidation provides a very effective way to relieve the local property tax burden. There is nothing sacrosanct about the need to maintain 500 separate school districts across the State, each with its own staggering and growing administrative costs. In Maryland, for example, they have just 24 districts, all at the county level, and Maryland enjoys student achievement levels that are among the best in the nation. And for the record, consolidation is not a new idea here in Pennsylvania. Consider that in 1955, there were 2,700 separate school districts. At that point, the legislature authorized consolidations statewide, and within 2 years, the number of separate districts fell to 1900. Five years later, in 1962, the number of separate school districts fell to 600, and as of this July, there will be 500 school districts operating statewide.

We just do not need that many school districts, and more importantly, in today's economy, we simply cannot afford them. So let us be clear: We all agree that small schools are important, but reducing the number of districts does not automatically mean bigger schools. But fewer districts does mean that we can spread the local share of public education costs across a wider population, and that means reducing the pressure on local property taxes. For this reason, I am proposing in the FY 2010 budget that we establish funds for the creation of a legislative commission to study how to best right-size our local school districts. I ask you to charge this commission with the responsibility of reporting back, within 1 year, a set of recommendations for the legislature's approval that sets forth an optimal number of local districts and a plan with specific timelines for adjusting our boundaries to meet the optimal size.

I challenge this commission to develop a plan that includes no more than 100 local districts statewide. We need to stop spending our taxpayers' funds on redundant administrative costs and put those funds in the classroom where they truly belong. If we can succeed in right-sizing our school districts, we can generate a major new source of funding that will benefit our students and Pennsylvania taxpayers all across the Commonwealth.

Finally, while we are on the subject of schools, we must enter the league of States that have clear laws in place that hold superintendents and principals accountable for boosting student achievement. We also need strong laws that require fundamental change when schools or districts fail to improve year after year. And we need to direct our school boards to focus their valuable volunteer time to wisely guide district improvement. I look forward to engaging in an energetic discussion focused on accountability, governance, and student outcomes in the year ahead.

Improving school performance and reducing the pressure on local property taxes is an essential part of the work that we must undertake this very year. But now more than ever, as we cope with the economic recession, we must do even more to help families weather these tough times.

One of the highest priorities in this regard must be to help working families confront the impact of expiring rate caps on electricity. At some point in the next 24 months, most Pennsylvania families will experience sticker shock when they open their electric bills. Even though some electricity rate increases may be lower than projected, these increases will arrive in the midst of the recession, and make no mistake, they will literally swamp families that are already having a very hard time keeping their heads above water. For this reason, we must work together to mandate a phase-in of the rate increases over 3 or 4 years so the Pennsylvania ratepayers do not get hit with the full cost of these increases all at once.

We must also take action to address once and for all an issue that ranks among the greatest failures in our nation's history. Across America, more than 45 million people have no health care at all. Here in Pennsylvania, a stunning 1 million people cannot go to the doctor because they have no health insurance. Since 2000, more than half a million Pennsylvanians have been dropped by their employer-sponsored health care, and that trend is getting worse. The clear evidence of this is in the swelled numbers on Pennsylvania's adultBasic care waiting list – 183,000 people today, up from 90,000 just a few short years ago. The failure to reach an agreement in providing health care for the uninsured is both a political failure and a moral

outrage. Now, I recognize that the prospects for expanded health care certainly have not improved in the current economic climate. I also know that some members of the legislature correctly wonder why we should take action to expand health insurance if the Obama administration is going to propose Federal legislation that solves this problem. I have complete confidence that the President will do just that. But I have spoken with high-ranking members of the Obama administration and they point out that even if a universal health-care bill is passed by the end of this year, rolling out such a program nationally will take another 2 to 3 years. I know that each and every one of us in this chamber cares about this pressing problem, and all of us care enough to want to do something about it. My plan is to at least double those enrolled in adultBasic care, and it includes a sunset of the program after 4 years – making it crystal clear that our expansion is a State bridge to health care until the Federal program is up and running.

The ranks of the uninsured cut across a broad spectrum of Pennsylvania's population, reaching into rural, urban, and suburban communities throughout our State. We cannot and must not turn our backs on the uninsured in these tough times. And we can no longer tolerate a State health insurance program that does not cover prescription drugs. At a minimum, we must work together to double the number of adults we insure and to provide them with a commonsense health insurance plan that pays for doctor visits and the medicine they need to stay healthy.

Our proposed budget does not rely on Federal stimulus funds to expand access to health care. Instead, covering prescription drugs for all adultBasic enrollees makes it possible for the Commonwealth to tap traditional Federal Medicaid matching funds for this program. It makes no sense from a health-care perspective to have an insurance plan that exempts medications, and it makes no sense to leave this Federal money on the table.

I am also pleased to report something very crucial to us, that the malpractice reforms put in the place by the General Assembly and the Supreme Court in the last several years have worked, and as a result, the cost of malpractice insurance has been flat, or in some cases even dropped, for the fourth year in a row. The members of this body and the Court deserve the thanks of a grateful citizenry for their outstanding work to address the malpractice crisis. And because of the success, the Commonwealth is now positioned to use a portion of the revenues from the 2003 cigarette tax increase to provide access to health care for at least 50,000 more Pennsylvania adults. In addition, we have sufficient funds in our Health Care Provider Retention Account, if combined with a slight increase in our tobacco taxes, to pay off the huge accumulated malpractice debt in the Mcare (Medical Care Availability and Reduction of Error) program. It is patently unfair that young doctors today are paying for the malpractice claims of doctors that came before them. We should relieve Pennsylvania's physicians of the obligation to pay the Mcare debt.

The extensive list of new savings, targeted revenue enhancements, and admittedly painful budget cuts allow us to chart a course that will stabilize our finances now and achieve fiscal stability in the years to come.

To this point, I have not yet discussed in detail the level of the new Federal funding that we anticipate as Pennsylvania's share of the long-awaited and critically needed economic recovery plan that has been put forth by President Obama. As one conservative economist wrote, "The economy is," literally,

"shutting down." To his great credit, the President recognizes that the Federal government must lead the recovery by injecting significant stimulus into the economy. Respected economists of every ideological stripe agree that it is the only choice for our economic recovery. Without it, we simply do not have a chance.

I applaud the President's leadership in driving America's economic recovery. It is the right path for our country and our Commonwealth, and we most certainly appreciate the hand that Washington is likely to provide because we need it desperately to address all of the areas it targets.

But I also want to caution us against assuming that the Federal stimulus funds provide an easy way to balance the FY 2010 budget. To those who believe that these funds somehow resolve the crisis we face, I urge you to think again. The stimulus money comes with definite requirements about how it is to be spent, and more importantly, it will carry with it the requirement that the funds be spent over the next 2 or 3 years.

If the Federal recovery package passes in its current form, the bulk of the funds will flow to the State by allowing us to bill the Federal government for up to \$4 billion in State Medicaid costs over a 3-year period. The Federal law is prescriptive and limits the amount of Federal funds that we can draw down in each of the 3 years. Based on the Federal language and formula, we believe we can charge the Federal government for approximately \$1.1 billion in Medicaid costs in the current year to help us close our \$2.3 billion current year deficit. In the next fiscal year, FY 2010, that number rises to \$1.9 billion in Medicaid expenditures, and then in FY 2011, the number would drop to \$1 billion.

The more flexible State Fiscal Stabilization Fund of the stimulus package is shown in our budget documents as funding our Corrections costs. In fact, by putting these Federal funds toward these costs, we free up precious General Fund dollars to hold our counties harmless from most cuts, to protect our higher education institutions from any further erosion of State funds, and to make it possible for the Commonwealth to continue to make a significant contribution towards the budgets of the nonprofit institutions considered nonpreferred appropriations in our State budget.

So let me say once again, there are limits to what the stimulus package can do for us. I am hopeful, for example, that the final bill will also include new temporary increases in Federal funds that will go directly to the school districts. Because if it does not, there will not be enough money to go around for a variety of general and special education purposes, not to mention the pressing capital needs for modernizing our schools, including our colleges and universities.

But by any measure, the Federal stimulus package is terrific news for Pennsylvania if it happens. But reading the details of the stimulus bill also compels two very important cautionary conclusions: First, even if we could choose to use the Federal stimulus funds to balance the State budget – and the law says we cannot – these funds do nothing to allay the certain disaster that awaits us in the future if we fail to take the necessary steps on our own to close the revenue gap that exists in the State budget today. The Federal stimulus funds go away in 3 short years, and they do not make our budget deficit disappear. On the contrary, the money just puts off the day of reckoning, and the longer we wait to put our own house in order, the greater the deficit will grow, especially if our economic recovery takes longer than the estimated 3 or 4 years the experts are currently

predicting. But secondly, there is increasing pressure in the United States Senate to reduce the size of the package passed by the U.S. House. If the final bill has less funds going to the State than we anticipate – less funds than were in the original House bill that was passed – together we must shoulder the burden of making even deeper and more painful cuts in our current and next year's budgets.

So while I am certain that it is our obligation as stewards of the public trust to follow this course, I am also convinced that the crisis we face provides extraordinary opportunities for our Commonwealth. Ladies and gentlemen, if we can do this right, we can chart a course that ensures our long-term fiscal stability and propels a remarkable Pennsylvania recovery.

How we get there demands, as I have outlined thus far, that we all share some short-term pain. But even in the face of this extraordinary economic crisis, we must continue to focus on our future. We must continue to make the kinds of strategic investments that have carried us this far.

Economists from all around the world agree that it is critically important to invest in programs that help our economy. Even the ultraconservative Martin Feldstein, who served as Ronald Reagan's chairman of the Council of Economic Advisors and as a principal economic advisor to John McCain in the recent campaign, Mr. Feldstein has said, "Another round of one-time tax rebates won't do the job.... The only way to prevent a deepening recession will be a temporary program of increased government spending."

I agree with that advice. Here in Pennsylvania, the key to our recovery lies in putting our citizens back to work through continued infrastructure investments, including the ongoing efforts to repair our bridges, roads, and mass transit systems, to improve our water quality and delivery systems, and to expand our rail freight capacity.

Your efforts last year will make it possible for as much as \$1.2 billion to flow into repair and construction projects that update our water and wastewater systems. PENNVEST (Pennsylvania Infrastructure Investment Authority) and the Commonwealth Finance Authority are reviewing proposed projects even as we speak here today. These water projects are exactly the type of stimulus activity we need because they repair our assets, they put our citizens to work and produce much-needed orders for Pennsylvania factories.

As you know, last year I proposed that we embark on a 5-year, \$1 billion program to accelerate the number of bridges repaired in our State. The number of structurally deficient bridges is staggering – nearly 6,000 in all – and it is vitally important to public safety that they be repaired.

Moreover, this task represents a great opportunity to put our citizens to work. I am proud to report to you that in the first year of the program, we exceeded the goal that we set for bridge repairs for this fiscal year. Our proposed capital budget supports the continuation of the bridge repair program by allocating \$200 million more in the FY 2010 budget. I want to be clear that these funds are in addition to the Federal stimulus funds, estimated at \$1 billion over the next 2 years for bridge and road repair and other infrastructure projects in Pennsylvania. While that is certainly a lot of money, the reality is that Pennsylvania maintains over 39,000 miles of roads as well as 25,000-plus State-owned bridges. Together, Federal stimulus funds, our traditional Federal highway funds, and the additional State funds that I am proposing will allow us to invest and repair over 5,000 miles of roads and 450 bridges, while putting

84,000 Pennsylvanians to work. Given the absence of construction in the private sector, I am confident that we can put the State and Federal road and bridge funds to work and put Pennsylvanians to work in very short order.

The Rail Transportation Assistance Capital Bond Program, which increased last year from \$20 million to \$30 million, is also paying dividends in the effort to stimulate our economy. In December, 20 grants were announced for infrastructure repairs in 18 counties across the Commonwealth, funding another near almost thousand jobs in the process.

Pennsylvania literally sits at the crossroads of dramatic rail freight expansions planned by CSX and Norfolk Southern. Together these powerhouse companies will spend more than \$2.7 billion in Pennsylvania to improve their capacity to move goods through our State and provide permanent good-paying jobs to more than 2,000 Pennsylvanians. CSX is building new capacity to transport goods from America's southeastern ports to the Midwest. Norfolk Southern is expanding its ability to do the same from the South to the New York ports. If we make these investments, Pennsylvania will be the only State in the nation that has border-to-border clearance for double-stacked containers for the three major freight rail companies – Norfolk Southern, CSX, and Canadian Pacific. The budget I propose includes a \$27 million investment to ensure the impressive job-creating opportunities from these projects happen here in Pennsylvania.

This budget also doubles the State capital investment in projects at the Pennsylvania State System of Higher Education, as well as continuing our annual commitment of \$100 million in funding for important campus projects at the University of Pittsburgh, Penn State University, Lincoln University, and Temple University. Our economy depends on the vitality of our higher education institutions. It is critical that we move forward with these capital projects.

Public-sector-driven capital investment is clearly the best option we have these days for keeping Pennsylvanians employed, but it is imperative that we begin to unlock private capital and get the private economy moving again as well. The stimulus package we passed in 2003 had many effective programs that grew our economy dramatically, but some of the smaller pools of funds in the programs have proven unnecessary. In this budget I propose that we direct these funds to expand the enormously successful Business in Our Sites program by \$60 million, create a \$100 million working capital loan guarantee program, and increase the funds available to water and other infrastructure improvements needed to support business growth by \$40 million. In addition, the budget I propose adds \$10 million to the very successful Infrastructure and Facilities Improvement Program to help our businesses grow. All of these State investments leverage private-sector funds for business operation, expansion, and site upgrades. By putting more State funds on the table, companies will need less private financing, and as a result, new projects can become more viable and go forward. We cannot let the state of the credit market shut down our economy. I believe, as I did when I proposed the original economic stimulus program to you in 2003, that these funds will make it possible for Pennsylvania companies to weather this recession and hopefully come out of it even more competitive than they are right now.

Last year you enacted legislation that will spark new private investment and grow our alternative energy sector. Last week a bipartisan partnership of Senator Erickson and Representatives

Vitali and Ross called for ambitious, needed, and achievable improvements to the Alternative Energy Portfolio Standards enacted in 2004. What is especially impressive in their work is the dual focus on increasing the use of solar and other renewable energy sources and greater speed in the application of technologies that will reduce greenhouse gas emissions from energy generation. I applaud their proposal and believe that if it was passed, it would stimulate further job creation in our Commonwealth in a sector that holds real promise for decades ahead.

In addition to improving our AEPS, we need to advance our progress toward energy independence by enacting a Pennsylvania Green Building Code, as many cities in California have recently done. Buildings account for 40 percent of our energy use. They consume 72 percent of our electricity, emit 38 percent of our CO2 emissions, and use 14 percent of our water. We can do this, and if we do, household and business heating, cooling, and water costs will drop. More building products will rely on recycled materials, and as a result, less building waste will take up space in our landfills. And by requiring that buildings use only sustainably harvested timber, we ensure that our forests are around for future generations to enjoy and rely on. If we are going to become energy independent and reduce greenhouse gas emissions, we need to push the envelope on conservation. A Green Building Code does exactly that. It is good for Pennsylvania's economy, and it is good for Pennsylvania.

Here in Pennsylvania we must target those investments that continue to improve the ability of our fellow citizens to compete in the global economy. That means continuing to make investments that produce better educated workers, and that should come as no surprise, given the way that the recession is impacting our workforce. Education is the best defense against recession. Now, while it is true that people from all walks of life have been impacted in these tough times, it is also a fact that college graduates are faring much better than anyone else in today's job market. How much better is a real eye-opener, and it provides a lesson for all of us. In December the unemployment rate for college graduates was 3.7 percent, compared to an 8.4-percent rate for those without a college education. In reporting this trend, the Associated Press said: "The reason is simple: A degree usually leads to higher-paying, more stable jobs. And if that job goes away, a highly educated worker can always take a step down the career ladder. When they do lose jobs, they tend to find work more quickly than others. Their wages are higher, and they typically have enough savings to survive between jobs. Yes, it still pays to get a college degree."

Getting that degree and becoming qualified to enter the working world makes all the difference to our economy as well, and when it comes to helping young people get there, we have learned from the recent State Board of Education hearings that we are simply not doing enough to provide students and their families the support they need to complete their college degrees.

Tom Friedman, the Pulitzer Prize-winning author and New York Times columnist, recently summarized the problem, and he said as follows: "Even before the current financial crisis, we were already in a deep competitive hole – a long period in which too many people were making money from money, or money from flipping houses or hamburgers, and too few people were making money by making new stuff, with hard-earned science, math, biology and engineering skills."

"The financial crisis just made the hole deeper, which is why our stimulus needs to be both big and smart, both financially and educationally stimulating. It needs to be able to produce not only more shovel-ready jobs and shovel-ready workers, but more Google-ready jobs and Windows-ready and knowledge-ready workers. If we spend \$1 trillion on a stimulus and just get better highways and bridges – and not a new Google, Apple, Intel or Microsoft – your kids will thank you for making it so much easier for them to commute to the unemployment office...."

Just as we propose to stimulate the economy by investing in shovel-ready public works projects that rebuild our infrastructure of roads, bridges, dams, streets, schools, and seaports, so, too, must we invest in the all-important intellectual infrastructure that is every bit as necessary to the future growth of our economy.

Investment in higher education may be the single most important thing we can do to grow our economy over the long term, and it is unquestionably one of the best ways to prevent, or at least limit, the impact of any future recession.

We must act now to help students and families survive the economic crisis that threatens to overwhelm them. Let us remember that for years, based in no small part on the advice of a legion of experts, Pennsylvania families dutifully scrimped and saved money for their children's college funds, investing heavily in the 529 college tuition programs that were touted as the best way to pay for college tuition.

Today, after having done as they were told, families are discovering that almost overnight, the value of some of those plans have dropped dramatically. Suddenly, families who were counting on these funds find themselves almost out of luck, and very nearly out of hope. Add to that the growing joblessness rate and the urgent need to pay for health care, and you get some idea of the economic tide that threatens to overwhelm thousands and thousands of our fellow citizens. Pennsylvania families are today wrestling with a gut-wrenching question: Can we still afford to send our children to college? Perhaps the most difficult question that any parent ever has to deal with.

Government's job is to help, and in this case, our job must be to provide a lifeline to families that will permit their children to have the chance to go to college, earn a degree, and help them compete for quality jobs in the global marketplace. In helping them we also help ourselves and our Commonwealth. It is the right thing to do, and more importantly, it is the thing to do right now.

I propose to help these Pennsylvanians with the announcement of two major initiatives aimed at making it easier for families to afford college. First, I am proposing to restore the cuts to student grants that will occur next year caused by reductions in the PHEAA (Pennsylvania Higher Education Assistance Agency) education grant programs. So this budget includes \$35 million in funds to restore the PHEAA cutbacks. In addition, the budget includes a \$15 million increase in funding for enrollment at community colleges across the State. This initiative alone will make it possible for 10,000 more students to receive grants to study in our community colleges next fall.

Next, the FY 2010 budget includes a provision known as the Pennsylvania Tuition Relief Act, which will provide critically needed college tuition assistance to Pennsylvania families earning less than \$100,000 a year.

Here is how it works: All students who qualify and seek to attend public or community colleges will pay what they can afford in accordance with established financial aid practices. Every family will pay at least \$1,000 a year for each child in college. This is not a proposal for a totally free ride. For families with incomes under \$100,000, students could obtain as much as \$7,600 in relief for tuition, fees, room and board. These payments will greatly enhance the ability to fund a public or community college education. And in helping these students, we are investing in a brighter future for ourselves as well.

Now, the critics will carp that we are spending when we should be cutting and that Pennsylvania cannot afford to provide tuition relief, but the truth is, we cannot afford not to provide this relief. Through no fault of their own, families who trusted that they could save for their children's college education have seen those funds decimated, and if we do not offer them a helping hand, we will reap the whirlwind of a future in which our citizens cannot compete for the high-tech and other quality jobs that demand a college education and neither will the Commonwealth of Pennsylvania be able to compete. We have to help them, and we have to do it now.

To pay for this program, I propose today that the Commonwealth enact legislation to legalize video poker and tax its proceeds. As you know, video poker has long been a popular, though illegal, form of entertainment in private clubs and bars across the State. There are an estimated 17,000 video poker machines in operation today. By any measure, video poker is a thriving business in Pennsylvania, and it is completely unregulated and completely untaxed. Several other States have acted to wrest control of this activity from the underground, shadowy sponsors who otherwise run it. In Oregon, for example, the State's decision to regulate video poker has generated more than \$400 million annually in State tax revenues, which help run Oregon's acclaimed public school system. And our neighbor, West Virginia, regulation of video poker has generated \$150 million annually, which is also directed to public education. So this is not a new and novel idea. States like Oregon and West Virginia have done it to generate income for education, and so should we.

Despite what some might think, I do not view the legalization of video poker as the first step in an attempt to expand gaming in Pennsylvania. I remain opposed to any such expansion, and I have said so publicly many times. But we are not talking about an expansion. Listen; just try to listen. Just be polite enough to listen. We are not talking— You better listen, you better listen because there are thousands of families who today have decided they cannot afford to send their kids to college who might depend on this. So you better listen. Ladies and gentlemen, we are not talking about an expansion, because video poker already exists and it is thriving here in Pennsylvania. Rather, what I propose is to take control of an industry so that we can remove unscrupulous operators, establish strict new regulations and tough penalties for those who fail to obey the law, and generate needed revenues that can fully fund the Tuition Relief Act. At a time when families desperately need to find a way to reclaim their children's college education, I challenge anyone to come up with a better idea and figure out why we should deny this relief to our fellow citizens.

In his first Inaugural Address, President Bill Clinton said, "There is nothing wrong with America that cannot be cured by what is right with America." The very same thing holds true for

Pennsylvanians. Many Pennsylvanians are doing the right thing to help others even in these difficult times. Many Pennsylvanians are putting aside their own personal concerns to help their fellow citizens. Today we have here – and I am sorry they had to see that recent display – but today we have here a few examples of Pennsylvanians who are doing it right.

Last December the Dunmore Oilers Peewee Football Team showed us that in some ways this recession can bring out the best in us. Instead of spending their championship winnings on trophies, these young athletes decided to use that money to buy Christmas hats, gloves, coats, and toys for local families who could not buy presents for their own children because their parents had lost their jobs. These times demand selflessness, and I want to thank these young football players for doing what they can to help our hard-hit families, and as you have already recognized, with us today are some members of that great junior football team and their terrific coach, Pat Reese. Thanks, coach, and thanks, players, for what you did.

As the ranks of the unemployed swelled in the Lehigh Valley, Dr. Art Scott, the visionary president of Northampton Community College, realized that his empty seats could be the ticket to a new job for hundreds of his fellow citizens. So he opened the doors of the college for free, and today 250 unemployed workers are preparing for their next job. Dr. Scott, your great idea set an example that is spreading all across the State to other community colleges. Thank you for using Northampton Community College as a vehicle to help hard-hit Pennsylvanians get back on their feet. Dr. Scott.

Without a team, without an institution, and without any money, Michele Cogley is finding a way to help. Michele was laid off from the airline industry. So she turned to her local CareerLink in Kittanning for help. But she quickly realized that she had more marketable skills than most of the other job seekers. So while still looking for a job, Michele regularly volunteers at the CareerLink to teach computer skills to others who are unemployed. Michele, you are a true inspiration to each of us. You are proof positive that each of us can help a fellow Pennsylvanian get back on track. Michele Cogley.

In August of 2008, Albert Boscov saw the chain of stores that bear his family name – the stores that were his life's work – declare bankruptcy. As the business world waited for the death knell to sound for this Reading-based retailer, an amazing thing happened. At the age of 79, Al Boscov decided to come out of retirement and fight for the future of the stores and the more than 5,000 Pennsylvanians they employ. In December, at a time when many corporate CEOs (chief executive officers) were taking hugely lucrative golden parachutes and leaving companies where their decisions had caused thousands of people to lose their jobs, the Boscov family invested more than \$50 million of their own money to take an enormous financial risk to buy the chain out of bankruptcy. Today Al Boscov is working in partnership with the Commonwealth and local governments to secure the recovery of Boscov's in the midst of the recession.

In approving the sale, the United States Bankruptcy Court judge had this to say. He said, "This is really a testament to the purchaser.... In these dark economic times, the family has indicated that it has faith in the future." And that faith appears to be paying off: Last week Boscov's reported that it enjoyed the best December in the company's history.

The courage that Al Boscov and his family have shown, as well as their abiding faith that there are better days ahead,

demonstrates the kind of commitment that will lead our economic recovery. Al is with us this morning, and I ask that he stand and also be recognized for his extraordinary commitment to Pennsylvania. Al, stand up. Al, stand up.

These examples inspire us all, showing us once again that no matter how bad the crisis is, no matter how dire it becomes, no matter how formidable the challenge is, we as Pennsylvanians persevere. They also remind us to hold dear the things that really count: faith, family, and community. These are the values that will sustain us in the difficult days ahead. Let us go forward to do the hard work that must be done to build a better future for our families and our Commonwealth, secure in the knowledge that, as President Obama said on Inauguration Day: "The challenges we face are real. They are serious and they are many. They will not be met easily or in a short span of time. But know this, America – they will be met."

We can all pledge the same thing for our beloved Commonwealth. For every single one of us in this hall today, Republican or Democrat, urban or rural, young or old, this is our moment. How we respond to this crisis will define us for years to come, because for years to come they will look back on these days to determine whether, when faced with the greatest challenge of our time, we acted to repair the damage by putting Pennsylvanians back to work, whether we helped to keep families afloat in the turbulent seas of this recession, and most of all, whether our actions provided hope for a brighter tomorrow.

May God bless our Commonwealth and the United States of America. Thank you.

JOINT SESSION ADJOURNED

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

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 House of Representatives held this 4th day of February 2009 be printed in full in this day's Legislative Journal.

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

The SPEAKER. The House will come to order.
The members will please take their seats. Members will please take their seats. Will the members please take their seats.

STATEMENT BY MR. D. EVANS

The SPEAKER. The Chair recognizes the majority Appropriations chairman, Mr. Evans, for remarks.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, let me first say to the new members, especially on both sides of the aisle, that you have arrived in a very interesting time. This is not your fault just because you have come at this particular time, but this is something that we all will have to deal with, and I especially would like to talk to the new members first on both sides because I think it is important to give some historical perspective.

This is my 29th budget and this is my 19th budget as chairman of the House Appropriations Committee. So I have been around under Republican Governors and Democratic Governors, and my experience has taught me that in order to do what we have to do, we have to work together.

This has been a very tough time, but in '82 when Governor Thornburgh was Governor, the recession in 1982 went on for 16 months. The current recession we are in is in its 13th or 14th month. So the reason I tell you that and give you a little historical perspective is because we will get through this.

Governor Casey, when I was elected as chairman of the Appropriations Committee in a recession, that went on 8 months – Governor Casey, 8 months; Governor Thornburgh, 16 months – but it was not their fault, because I do not believe that we should be blaming anyone for what is occurring. So I think it is especially important, particularly to the new members, not to be pointing fingers, not at Democrats or Republicans. The issue is how we work together.

I look at this as an opportunity for us to work together, to work with the people of the Commonwealth of Pennsylvania. My good friend, Mario Civera, made a suggestion to me where we convened a public meeting on November 19 to look at the process and what was taking place. As a result of that discussion with members of my particular caucus, particularly the new members, we went out on the road in the month of January. We talked to officials, community leaders, and citizens about the challenges we were facing. I strongly believe that there should be citizen input and citizen discussion about what is taking place, because I have said over and over again this is not our money. We are only temporary stewards of the people's money, and they need to understand clearly about what we face.

This is also an opportunity to review our priorities. Many of the line items that you heard the Governor describe, we have the chance to look at those line items and try to decide where we want to go.

This is also an opportunity to be creative. Yes, it is a crisis, but it also offers us an opportunity to be creative in terms of the things that we can do and how we can work together. It is very important to understand, and it is also important to understand, for all of us, that we talk to our citizens about what we face today.

Today is only the beginning of the process; it is not the end. The Governor has now done his job. He has presented a proposal to this House. He has laid out his response to this particular challenge. It is now up to us, on both sides of the aisle, to decide how we will meet that challenge. And if we are not satisfied with what the Governor has to say, what particular direction would we like to go in terms of dealing with this?

In this legislature I have heard a lot of different ideas, and I think all those ideas should be considered; for example, like the

idea of consolidation of school districts and local governments. Can we do that this year or next year?

What exactly can we do as we proceed in terms of dealing with health care? Our majority leader has made that a priority for this caucus. He has talked a great deal about health care, and I do believe in joining him that we should have a discussion about health care. We should have a discussion about public safety, in terms of who is going to be responsible and who is going to pay for it. We should have that discussion.

I have said consistently throughout this process, in order to solve this challenge we have, there are basically five solutions, and you heard the Governor talk about them. First and foremost is the Rainy Day Fund, which is something that needs to be put on the table.

The second aspect is the Federal stimulus, which we have no control over that. It has passed the House. It is now in the United States Senate. It should be on the table.

Increased efficiencies. And you heard the Governor say, and we supported it, the idea that we in the legislature have to do our part. We have to put all accounts on the table in terms of facing the challenges that we have.

We also must talk about program cuts. In this current year, so far we have done a half a billion dollars in accounts across the board. We have not been supportive of those particular efforts.

And yes, we must talk about targeted taxes and fees. We must have a discussion about that particular area.

So yes, we must talk about the Rainy Day Fund; yes, we must talk about the Federal stimulus; yes, we must talk about increased efficiencies; yes, we must talk about program cuts; and yes, we must talk about taxes and fees, because in my view, it will take a combination of all of those kinds of discussions in order to solve this problem.

The Governor just talked about the \$2.3 billion in this year. When you look at it towards next year, it can take you to \$5.5 billion that we will have to address.

So yes, to the new members, you have come here at a very interesting time, but it is not your fault. It is something that we all must deal with.

There are 44 States-plus that are dealing with this challenge. So we all recognize that we have a lot of work to do. What we will be doing with the Appropriations hearing today, we will be having hearings over the next couple weeks, starting on the 17th. In the month of March, we will have our subcommittees that will go out on the road and will take testimony from the public. So between the months of February and March, we are going to look for citizen participation and for member participation as we attempt to deal with these challenges.

You heard the Governor talk about this year, the current year we are in, and then there is next year, and then there is the out-year. We must be looking at the next 3 years as we face these challenges. These are going to be some very tough decisions. They are not going to be easy, but I stress the part of it, as long as we are not, in my view, pointing fingers and we all recognize that we are in this together, we can get this done.

I say this in conclusion: There will be a budget; there will be a budget, and we will pass it. Ideally, we would love to pass it on June 30; we would love to pass the budget on June 30, but it all depends, in my view, of how we are willing to work together in order to get this done, and it is going to take all of us. It is going to take the House working with the Senate and working with the Governor.

Now, I know in different times we have had our differences, but I do believe that we are concerned about the 12 million people in the Commonwealth of Pennsylvania, and even though we may have some different approaches to getting there, the reality of it is we must be concerned about the people who pay the bills. We recognize, this side recognizes that this is not our money like that side recognizes it is not our money, and we do not believe that Republicans, of all the opinion, that Republicans have all the answers or Democrats have all the answers. We do not believe that. We believe, as Pennsylvanians, we all must have the answer in working together.

So I want to stress the message, I want to stress the message, we must work together. You heard the Governor put the challenge out to us. He has now done his part. He has put this budget before us. It now requires us to figure out how we are going to move this through, and I think it would be a positive message to the people of the Commonwealth of Pennsylvania if we can demonstrate to them, if we can demonstrate to them, even though we may have differences in terms of how to get there, is how we conduct ourselves in this particular process. I want to stress that. I think it is extremely important to get that message across to the people of this State that we are going to do the best to make sure that we move Pennsylvania forward.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. CIVERA

The SPEAKER. The Chair recognizes the minority Appropriations chairman, Mr. Civera, for remarks.

Mr. CIVERA. Thank you, Mr. Speaker.

I am going to be brief, and I thank the majority chairman of the Appropriations Committee when he openly says that he opens the invitation for us to work together.

Ladies and gentlemen of this House, we will probably face the most difficult task of my 29 years in the Pennsylvania House. Unfortunately, as we look at this economy and we look at what this nation is faced with and what this State is faced with, we have a lot of work to do.

Back in September of '08, I had asked the majority chairman to start hearings on a budget that was forecasted and going one direction, and that was down. With revenues every month declining, the indication was that this Commonwealth was in a major financial crisis.

Today we heard from the administration, from the Governor. Yesterday we had the opportunity, a few of us, to speak with the Governor on a budget that he has proposed for this year, '09 and '10. Unfortunately, I was kind of taken aback where the total spending plan was \$29 billion, where last year we had \$28.2 billion, and several weeks ago – which that reflects an increase in spending – several weeks ago our Republican leader had indicated to the Governor that we should not exceed the \$28.2 billion. So right off the bat we are starting with an increase in spending, and now we have to prioritize exactly the different programs in the budget and what has to be laid on the table and what has to be taken off the table.

These are harsh times. These are times that difficult moves have to be taken. But as this process goes along and as I heard the administration indicate today and as I heard Representative Evans indicate since September and through some of the

hearings that we have had, let us put it on the record that we both agree that there will be no attack on the sales tax, that there will be no attack on the personal income tax, and that the Republican Caucus stands firm that we will not support any type of tax increase in this budget.

Now, the majority party might say, well, that is easy for the minority party to do, because they are in charge, and that is easy for the minority party to come after certain individual tasks as far as what avenues we want to be in, but the basic idea is that when a budget is placed before us in a financial crisis and it indicates a significant amount of spending plan, that is a position that this party has to take. We must safeguard the people of Pennsylvania. We must put out there very clearly what our intentions are.

Now, Representative Evans, you have been a fair person through this process, and I really appreciate that. You have been open and you have said to us that you are willing to work together with us, and I appreciate that as a minority party, but let us do it together. Let us not say one thing and then we do another. I would hope that you open up the process to the members of the General Assembly so there will be time for them to come before us and testify, because this is a year, this is a year that we all have to come together, as you just said, and this is a year that the expertise that lies in this chamber will come before us, that new ideas, that new measures – measures that people have talked about in public hearings, measures that people have talked about in public forums, measures that people have talked about in town meetings – can come before us and protect the citizens of Pennsylvania, protect our school districts, protect our local governments, protect our counties, and most of all, protect what we believe in as a chamber. If we do this together, we could make great accomplishments. If we do this together and you listen to what the minority side has to say, we can make the deadline of June 30, but if we decide to go in different directions and have different opinions, then that June 30 does not become a reality.

The Governor indicated yesterday when we left the mansion that he wanted to get this done on time, and so does this caucus. This caucus does not want to belabor anything that we have to do, but we want to do the right thing. So therefore, I suggest that we start at the \$28.2 billion and work ourselves into a significant situation where we could balance the budget, where we could balance our programs, and we can go forward.

Remember, the stimulus plan which we looked at sounds very aggressive. Unfortunately, that plan only brings us to 3 years out. There are programs that are attached to that plan that in 3 years something has to be done with those programs, and that is what I mean by working together. I think as a body that we can do this.

Keep in mind that we are in a situation where it is easy to come to this podium and make grandstand statements and you need to back them up, but I am being sincere when I say this, and I go back to 2 seconds ago as far as the tax issue, how in the world could a governing body impose a tax when people are out of work? How rude could that be? And we all need to keep in mind the working-class people of this State.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader, Mr. Eachus, for remarks.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, just in response to the gentleman directly, I want to say that we are interested in working in the most sincere bipartisan way to resolve this situation, whether it allows for additional transparency, more involvement of the members. From this majority leader you will get that.

I would like to say, Mr. Speaker, that Pennsylvanians right now are facing one of the most significant moments in State history. Families are facing an economic climate that is, for the most part, not of their making. Still, we are finding it necessary for many families across the Commonwealth to tighten their belts. As elected leaders, it is our responsibility to show an even greater financial discipline and resolve. We have sought and been granted the ability to affect Pennsylvanians' lives by the actions that take place right here, and we need to take charge of that ability to control our own costs.

I applaud Governor Rendell for bringing us a budget that takes into account the need for everyone to share in the solution during these challenging economic times. And I say that we are ready and willing and able to work with the Governor and Republicans and Democrats on both sides of the aisle to create a budget that is balanced, appropriate, and accountable to Pennsylvania taxpayers.

I echo Governor Rendell's assertion that now, more than ever, we need to lead by example and take responsibility for our own financial responsibility here in the House of Representatives.

Since taking office as majority leader, I have tried to prioritize our own Democratic belt-tightening by offering a number of various reforms internally: one, by reviewing our own personnel policies here in the Democratic Caucus; two, initiating a top-to-bottom personnel review that is currently under way here in the House. The Democratic leadership has urged our members to consider returning their COLAs (cost-of-living adjustments) this year, and we have also pledged to meet the Governor's departmental cuts within our own Democratic accounts. We will do our part to employ the Governor's strategy to try and get \$900 million in savings during this fiscal year out of the State budget. We will continue to look at savings.

And frankly, in talking to Chairman Evans, I agree with his sentiment that solutions to this budget deficit will sit somewhere around the number of 2.3 percent, but I may also make the argument, to counter what was made, that with the economic stimulus money combined, even beforehand we were decreasing spending to begin with.

The government savings alone will not get us through these difficult times. We must attack these issues by facing various components of this budget in a different direction. I believe that Governor Rendell's budget takes an interesting and novel approach. First and foremost, the budget proposal does not, and I repeat, does not have broad-based tax increases that the minority chairman represented – no sales tax increases, no personal income tax increases, no real estate transfer taxes – no broad-based tax increases.

Also, the Governor's proposal continues the commitment of cutting business taxes and proposing a \$400 million cut to the capital stock and franchise tax. Many times, in a cynical way,

Democrats are viewed as not seen as business-friendly. Mr. Speaker, I would like to make it very clear from this side of the aisle that job growth is job number one. We need to work with the Federal government and our local municipalities to rebuild our economies and put people back to work. The Federal stimulus funding will help, but we will need to invest in ourselves and our communities, improve our infrastructure, and build Pennsylvania from the ground up.

The people of Pennsylvania recognized this truth this last November when they wisely voted to invest \$400 million in their hard-earned tax dollars in additional infrastructure investment in this Commonwealth. Turning our eyes to another type of infrastructure, this budget contains a forward-thinking commitment to building an energy independent Pennsylvania which invests in a different kind of green technology that creates new infrastructure and lets us compete in the global environment. But in order for these infrastructure improvements to become reality, we need to make an investment in our most important resource: that is, the hardworking families of this Commonwealth of Pennsylvania.

With health-care costs continuing to rise, we must reform our health-care system and make it more accessible and affordable. Last year this House passed the Pennsylvania ABC (Access to Basic Care) plan that would help thousands of Pennsylvanians who are hardworking who could not get access to affordable health care and would really risk their entire financial future. The same plan would help small businesses offer health insurance to their employees as well. Unfortunately, the PA ABC Program did not get to the Governor's desk. This year we again will work with the Governor to expand health care for our most vulnerable citizens, and I ask our Senate colleagues to come together to the table and address in an honest direction the health-care needs of the working families of Pennsylvania. I know we can do it together.

Investing in our families means investing in our youth, our students, and our educational system. I support the Governor's proposal in investing in funding for public schools without, and I repeat again, without increasing local property taxes as well as his innovative ideas for advancing college education for hardworking middle-class families here in Pennsylvania.

These are difficult times. Families are going through their own financial struggles, and that means that we need to face these issues head-on responsibly, in a bipartisan way, and find solutions that allow us to come together and really show the best that this chamber and this General Assembly can do when we put our ideas together, put our minds together, and focus on the outcome that is necessary in these difficult times for all of our citizens.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MINORITY LEADER

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

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

Mr. Speaker, I will try to keep these fairly brief and stay on a couple key points. I would just like to add an additional comment to what the majority leader just said in terms of their caucus budgets and activities.

I would tell you – and for some reason this does not seem to resonate but it should – the House Republican Caucus has already returned out of our surplus nearly \$18 million. We reduced our appropriation by 10 percent 3 years ago and have sustained a 10-percent reduction over the last 3 years, totaling an \$18 million reduction, and we are going to do more. We have also, a year ago, employed a study of our employees. We have continued to review where we can limit and control our own spending within this caucus. We have reduced our outside contracts and improved our internal operations so that more of the work is done internally. So this caucus has been ahead of the curve in terms of addressing this problem, going back 3 years when we reduced our appropriation, and I think that that is important for the people of Pennsylvania to recognize.

Mr. Speaker, to speak more to the broad budget, I think the concern I have is that while the families of Pennsylvanians are all tightening their belt in this economic downturn, in this recession we are facing, what we see in a budget here today is not a tightening of the belt. As a matter of fact, it is letting a few links out. While the Governor will try to argue that State spending is going to be at \$26.5 billion, the fact is, when you look at the same budget document, the financial statement, it shows our actual appropriations going from \$28.3 billion to nearly \$29 billion, an increase of \$700 million.

Back in December when the Governor gave the statutorily required midyear budget briefing update and he started to foreshadow more specifically the economic challenges we were facing and our revenues were declining below the estimates, I asked the Governor, does that mean that you will propose a budget that would spend less than the \$28.3 billion that the current budget was looking at, since we are clearly not going to have the revenues to sustain that? And he said, yes. Within an hour, he was kind of retracting from that statement, and today it is clear that he has gone way beyond that by not only holding that line, which would keep us still \$2.3 billion short, but increasing the proposed spending over this current year by \$700 million. That is not tightening our belt.

Now, you can say, well, we are going to get all this Federal stimulus money. That may well be, and while it is undecided what strings are attached and just what categories of spending, whether it is in infrastructure, roads and bridges, or health care or educational components, we do not know for sure what Congress is ultimately going to send our way.

The fact is, at best, that is money that helps us for 2 years, and we should not be putting that significant one-time source of money into our base spending plan, and that is the difference between the 26.5 State government spending, really, and the almost \$29 billion appropriation that the Governor put before us today. I have great concerns about what that means to us a year or two from now.

The fact is, Mr. Speaker, we are going to get some kind of additional Federal moneys. Albeit those are still coming out of the same taxpayers' pockets, it is still taxpayers' money. The challenge before us, Mr. Speaker, is that we use that money to best stimulate the economy in Pennsylvania and not to grow the overall size of government in Pennsylvania. That is the change that we really need to look at.

And speaking of change, Mr. Speaker, I noted an op-ed kind of piece that the majority Appropriations chairman wrote. It was published in the Harrisburg paper here just recently, and at the end the gentleman wrote, "It's time to make fundamental changes in our thinking about government and what we want it

to provide" – "time to make fundamental changes in our thinking about government."

Mr. Speaker, what we see in this budget proposal is not a fundamental change in how we are going about operating State government. We need, Mr. Speaker, to maybe consider no new programs for a change. Perhaps, Mr. Speaker, we should look at cutting the size of government as opposed to increasing it for a change. Perhaps, Mr. Speaker, we should try to run State government with no new taxes for a change. Perhaps we should try to reduce legislative spending as well, and as I mentioned before, the House Republican Caucus has already cut our appropriation by \$18 million over the last 3 years. Maybe we should do that more for a change.

Perhaps, Mr. Speaker, we could focus on cutting waste, like the 14 percent of ineligible beneficiaries that were given money through the Department of Public Welfare, as identified in Auditor General Jack Wagner's recent audit report. Perhaps we could look at cutting that kind of waste, Mr. Speaker, for a change.

Those are the kinds of changes that I think the people of Pennsylvania are looking for. They are not looking for us to continue to run government as usual – increase spending, increase taxes. I think they are saying, we need to tighten our belts both right here in these very seats, and as we project a budget for the people of Pennsylvania, we need to do that in a new way, and that is by being more efficient and tightening our belts for real.

Mr. Speaker, the challenge to all of the programs that government runs, whether it is dealing with the health-care issue or the energy issues, the challenge we have, Mr. Speaker, is providing the incentives to people to achieve those goals – getting access to health care, being more energy-efficient. The challenge is to do that without growing the size of government, which requires us to take more tax dollars out of the people of Pennsylvania's pockets. That is the challenge. Our goals are similar; our goals are similar. The way we go about it is the challenge, and that is fundamentally the difference between us at this moment.

So I hold my hand out because the goal is similar, but I hope, Mr. Speaker, that as we deal with this budget, we respond to that challenge of really fundamentally changing the direction of State government and not just saying we are going to raise taxes and spend more money and that we figure out how to do it. And it may be harder, it may be harder in many respects, but I think we have to figure out how to do it, Mr. Speaker, while we tighten our belt, while we control spending, and while we avoid the easier solution of just raising taxes and stifling our economy in the long run. We need to work to do that in a way that provides those incentives to the private sector, to the people of this Commonwealth, so that we are not continually raising taxes and increasing spending.

Thank you, Mr. Speaker. I appreciate the time.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MAJORITY WHIP

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

Mr. DeWEESE. Thank you, Mr. Speaker.

Just one quick observation on Marcellus Shale and then a quick interrogatory to the minority Appropriations chairman.

The minority leader just declared that we should do business differently, that we should make some fundamental changes, yet just a few moments ago Governor Rendell asked for a very fundamental change. He wanted to have an extraction tax on the natural gas from the Marcellus Shale deposits, so rich and teeming beneath Pennsylvania's earth, and that would be, Mr. Speaker, a very fundamental change.

One hundred years ago, 80 years ago, when extraction taxes were discussed in this legislature, when coal was going to be taxed a couple pennies a ton or a nickel a ton or a dime a ton, the Pennsylvania Chamber of Commerce and the Republican Party in this chamber gainsaid any advance toward an extraction tax.

If we had had a nickel a ton over the last 100 years, those scarred landscapes in Schuylkill and Lackawanna and Luzerne and Greene and Indiana and Fayette Counties might have been repaired. We might have had a little more opportunity for recreational facilities in our coal mining areas. Our water lines might have been more secure. Our sewer lines might have been more manifest. It was just the fact that the same kind of parsimony, the same lack of vision that was just evinced from the Republican leader's observations, punctuated the debates of the 19-teens, the 1920s, the 1930s and beyond when it came to an extraction tax on coal, and the metal excretia of industry that dominates so many of those old coal mine sites in Crucible and Nemaquin and Shannopin and those coal mining areas of yesteryear in my own home district would have been manifestly enhanced if we had had an extraction tax.

That was what Rendell, our esteemed Chief Executive, decided to do a little while ago when he brought it to the table, and Mr. Smith, my honorable friend and colleague on the other side of the aisle, said we need to have some fundamental changes. Well, this is a fundamental change. But really, it is not all that extravagant. They do it in West Virginia. They do it in Louisiana. They do it in Texas. They do it in Wyoming. And even the exceedingly provocative Governor of Alaska is in favor of this kind of extraction tax.

So when I read the honorable minority leader's comments in the newspaper, I am a bit vexed. I think that a couple hundred million dollars of potential extraction money, some of it going to the Commonwealth and much of it going to Montour and Monroe and Columbia and Westmoreland and all of our counties where Marcellus Shale is so abundant, could conceivably give us, Mr. Speaker, better sewer lines, better water lines, better recreational facilities and more money in the State budget.

So the only point I wanted to make was, if the honorable minority leader is going to talk about fundamental change and then at the same time reject fundamental change, that is an extraction tax that so many of our sister States enjoy and have enjoyed, many of them, for decades upon decades.

I would politely admonish him to cogitate on the matter a little bit longer. Do not give up the idea that these other States have given up. Do not do with natural gas what we did with coal. Consider your remarks, honorable colleague, and I will withdraw my decision to inquire about the minority Appropriations chairman. He said, and I will repeat it for the record, he will not support any taxes. That is what he said, so I just want that on the record – even Marcellus Shale, even an extraction tax.

So, so you can sing hosannas to your leadership team, but as the Governor so poignantly said to you many, many moments ago, if you have some other ideas, come up with them, because as my good friend, the honorable majority leader said, it takes a lot more money this year to keep our grandparents and our parents in those nursing homes. It takes a lot more money to pay for those prescriptions. It takes a lot more money to keep men and women incarcerated. So you can be as blissful and gleeful in this chamber as you wish, but if you are going to assert responsibility, you are at least going to have to give us good reasons why we should not do to natural gas what we should have done to coal. An extraction tax should be a part of the dialogue. Thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MINORITY WHIP

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

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

It is always difficult to follow the good gentleman, the Wake Forest grad from the southwestern corner of our State. You know, the words, he knows I cannot quite match them. But I do know this: I do know that over the last 6 years, there has been entirely too much spending. We have increased spending in the General Fund alone by 40 percent over Governor Schweiker's budget. I do know this: I do know that over the past 6 years, we increased a personal income tax – many of us voted against it – that has taken a billion dollars out of middle-class families and small businesses. It was wrong.

I do know that the rate of inflation over the past 6 years has been about 19 percent, and the rate of spending here, as I said, 40 percent. That is wrong. I do know that we have borrowed from our kids and grandkids to pay back over \$6 billion that we are going to have to pay back in principal, interest, and fees to the tune of \$10 billion, so that we are not only spending, middle-class families and small businesses, hard-earned money today; we are spending the hard-earned money of our kids and grandkids.

I saw it the other day – you can imagine what news source I was watching – but a former Democratic Presidential adviser had said, do you know what the problem is with the economic crisis in our country and our States today? It is that we have overspent and we have overleveraged, but we need to get fiscally responsible.

The fact of the matter is, no matter what we said about the good Governor's budget address today, and I thought he made some salient points, there is no doubt, and I appreciate the fact that he is willing to make at least \$900 million to put on the table to consider reductions in spending, but the fact of the matter is, overall, the Governor is increasing spending by somewhere around \$800 million. And during a tough economy, while our families and our businesses are tightening their belts and cutting the fat, he wants to increase spending, increase taxes, and he does not want to make the overall tough choices.

There is plenty of fat in that budget that can be cut, and everyone here knows it. We can start by eliminating in certain respects over half the programs, I would bet, in the Department of Community and Economic Development. The Opportunity Grant Program, just off the start, was one that Auditor General Jack Wagner criticized. Then how about the Department of

Public Welfare, which has increased in spending by some 50-some percent, again, while the rate of inflation was 19 percent during a growing economy.

You know what? Jack Wagner, again, Democrat, Auditor General, straight shooter, specifically said in his most recent audit that 14 percent of the claims that he looked at for Medicaid, people should not have been on the program from the get-go. This is exactly what we heard with respect to our Policy Committee last year through hearings when whistleblowers came to the table. You know what those whistleblowers said? That the mantra in the Department of Public Welfare has been, close your eyes and authorize. And the Office of Inspector General in places like York County went from 150 cases a year to 1 or zero.

And look, if there is any year, any year at all when we must take a look at discretionary spending, this is the opportunity. Pennsylvania government needs overhauled. Each and every one of us here knows it. We know it. There needs to be attrition with respect to all of our staffs, retirements without putting in replacements. We know that. It has to happen. There have to be specific cuts made to everybody's bottom line across the legislature and in the State government.

We have heard anecdotally about the quote, unquote, "walking-around-money" accounts that deputy secretaries have in various departments. That day has got to come to an end. The people in Pennsylvania understand what is at issue here in this Capitol. It is no longer tenable to govern by cardboard checks. That day has got to come to an end.

Mr. Speaker, I actually think that we have a great opportunity in front of us, Democrats and Republicans alike, and it is a quote I used once before and I want to end on this note. My dad, my dad was a lifelong Democrat. My mom was a lifelong Republican. They were two great people, and I tell people I come from a mixed marriage. But I will never forget, I will never forget one time when he was listening to a radio and Tip O'Neill came on and Tip O'Neill was talking about some program he liked and how he wanted to spend, and Ronald Reagan wanted to make a cut, and my dad started railing against the Speaker. I said, "Dad, you're a Democrat." He said, "I don't care about the party thing." He says, "You know what? That is just some guy acting like a big shot spending other people's money." Well, guess what? The days of being big shots have got to come to an end. We have all got to be fiscally responsible.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. WHEATLEY called up HR 46, PN 237, entitled:

A Resolution recognizing February 7, 2009, as "National Black HIV/AIDS Awareness Day" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Table listing names of members who voted 'YEAS' (198 total). Includes names like Adolph, Argall, Baker, Barbin, Barrar, Bear, Belfanti, Benninghoff, Beyer, Bishop, Boback, Boyd, Boyle, Bradford, Brennan, Briggs, Brooks, Brown, Burns, Buxton, Caltagirone, Carroll, Casorio, Causer, Christiana, Civera, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, Day, Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Drucker, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Freeman, Gabig, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Goodman, Grell, Grove, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Johnson, Josephs, Kauffman, Keller, M.K., Kessler, Killion, Kirkland, Kortz, Kotik, Krieger, Kula, Lentz, Levdansky, Longiatti, Maher, Mahoney, Major, Manderino, Mann, Markosek, Marshall, Marsico, Matzie, McGeehan, McI. Smith, Melio, Mensch, Metcalfe, Metzgar, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, Mustio, Myers, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perzel, Petrarca, Petri, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Readshaw, Reese, Reichley, Roae, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Youngblood, Yudichak, McCall, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—5

Table listing names of members who were 'EXCUSED' (5 total): Farry, Godshall, Keller, W., Miccarelli, Perry.

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

* * *

Mr. P. COSTA called up **HR 49, PN 238**, entitled:

A Resolution congratulating the National Football League champion Pittsburgh Steelers for winning Super Bowl XLIII and becoming the most successful franchise in NFL history with their record sixth Super Bowl title.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Costa.

Mr. P. COSTA. Thank you, Mr. Speaker.

It is truly an honor to stand here to be able to run the resolution congratulating the Pittsburgh Steelers on not only winning Super Bowl XLIII but on winning their sixth championship over the years that we have had the Super Bowls.

I tried to think why the Steeler Nation – what it has been called lately – gets so fanatical and so crazy over the Steelers, and I thought back to when I was a child growing up and in the seventies when there were probably the worst economic times that our country has ever faced, particularly southwestern Pennsylvania with losing all of our steel mills and people losing their jobs and everyone abandoning southwestern Pennsylvania. The one thing that kept our area going was the Steelers kept winning, and no matter how bad things were, on Sunday everything was forgotten and everybody was having a great time, and I honestly believe it kept people going. And, you know, flash forward to those last couple of years, we are pretty much going in the same situation where we are facing tough economic times and people are surviving because they have this faith in the Steelers, and unfortunately, every time the economy goes bad, the Steelers do good. So I do not know.

But anyway, I want to thank the Steelers for getting us through all those tough times, and obviously, as a big Steeler fan, it is just so great and to see everyone get all excited about it. But they do bring us together; they give us some hope every day. What I was asked a couple of days ago was, what day is going to be Steeler day, and my reply was, every day is Steeler day, particularly on Sundays.

But while I have the mike – and I hope this is appropriate, Mr. Speaker – but I would like to thank two of my constituents, Mark and Sharon McEwen, who host the best tailgates at every home Steeler game and on the road, the Super Bowls and the playoff games, and many of our colleagues that come to Steeler games, when they talk to me, they stop by the tailgates. So Mark and Sharon, thank you. With the help of Bruce Ibe, thank you very much for having all those great tailgates, and I would hope everyone would vote for this resolution. Thank you.

The SPEAKER. The Chair thanks the gentleman from "Sixburg."

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

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Longiotti	Reese
Argall	Evans, D.	Maher	Reichley
Baker	Evans, J.	Mahoney	Roae
Barbin	Everett	Major	Rock

Barrar	Fabrizio	Manderino	Roebuck
Bear	Fairchild	Mann	Rohrer
Belfanti	Fleck	Markosek	Ross
Benninghoff	Frankel	Marshall	Sabatina
Beyer	Freeman	Marsico	Sainato
Bishop	Gabig	Matzie	Samuelson
Boback	Gabler	McGeehan	Santarsiero
Boyd	Galloway	McI. Smith	Santoni
Boyle	Geist	Melio	Saylor
Bradford	George	Mensch	Scavello
Brennan	Gerber	Metcalfe	Schroder
Briggs	Gergely	Metzgar	Seip
Brooks	Gibbons	Micozzie	Shapiro
Brown	Gillespie	Millard	Siptroth
Burns	Gingrich	Miller	Smith, K.
Buxton	Goodman	Milne	Smith, M.
Caltagirone	Grell	Mirabito	Smith, S.
Carroll	Grove	Moul	Solobay
Casorio	Grucela	Mundy	Sonney
Causer	Haluska	Murphy	Staback
Christiana	Hanna	Murt	Stern
Civera	Harhai	Mustio	Stevenson
Clymer	Harhart	Myers	Sturla
Cohen	Harkins	O'Brien, D.	Swanger
Conklin	Harper	O'Brien, M.	Tallman
Costa, D.	Harris	O'Neill	Taylor, J.
Costa, P.	Helm	Oberlander	Taylor, R.
Cox	Hennessey	Oliver	Thomas
Creighton	Hess	Pallone	True
Cruz	Hickernell	Parker	Turzai
Curry	Hornaman	Pashinski	Vereb
Cutler	Houghton	Payne	Vitali
Daley	Hutchinson	Payton	Vulakovich
Dally	Johnson	Peifer	Wagner
Day	Josephs	Perzel	Walko
Deasy	Kauffman	Petrarca	Wansacz
Delozier	Keller, M.K.	Petri	Waters
DeLuca	Kessler	Phillips	Watson
Denlinger	Killion	Pickett	Wheatley
DePasquale	Kirkland	Preston	White
Dermody	Kortz	Pyle	Williams
DeWeese	Kotik	Quigley	Youngblood
DiGirolamo	Krieger	Quinn	Yudichak
Donatucci	Kula	Rapp	
Drucker	Lentz	Readshaw	McCall,
Eachus	Levdansky	Reed	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Farry	Keller, W.	Miccarelli	Perry
Godshall			

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

RULES COMMITTEE MEETING

DEMOCRATIC CAUCUS

The SPEAKER. Are there any announcements?

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, caucus chairman, for an announcement.

Mr. COHEN. Mr. Speaker, I have announcements to make as follows.

The Rules Committee will meet at 1:30 p.m., the House Democrats will caucus at 1:45 p.m., and our goal is to be back on the floor at 2:45 p.m.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna, Miss Major.

Miss MAJOR. Thank you, Mr. Speaker.

I, too, would like to announce a Republican caucus. Republicans will caucus at 1:45, so I would ask all Republicans to report to caucus at 1:45. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a Transportation Committee meeting at 2:15 p.m., one-half hour before we are due back here on the floor, in room G-50, Irvis Office Building. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Transportation Committee will meet at 2:15 in room G-50, Irvis Office Building.

ANNOUNCEMENT BY MR. COHEN

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, I recall that the Sunshine Act requires me to announce the meeting place of the Rules Committee. It, like all other Rules Committee meetings in this session, will be in the majority caucus room.

The SPEAKER. At what time?

Mr. COHEN. I am sorry. 1:30 p.m., Rules Committee; 1:45, caucus; 2:45, back on the floor of the House.

The SPEAKER. The Chair thanks the gentleman.

Are there any more announcements?

RECESS

The SPEAKER. The House stands in recess until 2:45, unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 3:30 p.m.; further extended until 4 p.m.

AFTER RECESS

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

The SPEAKER. Members are to report to the floor of the House.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 67, PN 67

By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; further providing for junior driver's license, for learners' permits and for suspension of operating privilege; prohibiting interactive wireless communications devices; and further providing for accident report forms, for department to compile, tabulate and analyze accident reports, for television equipment and for restraint systems.

TRANSPORTATION.

HB 84, PN 76

By Rep. DeLUCA

An Act establishing a system for payment or reduction in payment for preventable serious adverse events within this Commonwealth; and providing for the powers and duties of the Department of Health and the Department of State.

INSURANCE.

HB 85, PN 77

By Rep. DeLUCA

An Act providing for insurance coverage for patient costs associated with cancer clinical trials.

INSURANCE.

HB 101, PN 266 (Amended)

By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for development of economic education and personal financial literacy programs; and establishing the Economic Education and Personal Financial Literacy Fund.

EDUCATION.

HB 104, PN 267 (Amended)

By Rep. ROEBUCK

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact on Educational Opportunity for Military Children; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the compact commissioner; and establishing the State Council on Interstate Educational Opportunity for Military Children.

EDUCATION.

HB 114, PN 110

By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for powers and duties of the board.

EDUCATION.

RESOLUTION REPORTED FROM COMMITTEE

HR 39, PN 219

By Rep. EACHUS

A Resolution adopting permanent rules for the House of Representatives, further providing for members' and employees' expenses and for electronic availability of reports.

RULES.

The SPEAKER. The House resolution will be placed on the supplemental calendar.

The House will be at ease.

The House will come to order.

HOUSE BILLS INTRODUCED AND REFERRED

No. 263 By Representatives FREEMAN, ARGALL, CARROLL, BOYD, BRENNAN, CALTAGIRONE, CAUSER, COHEN, CUTLER, FABRIZIO, FRANKEL, GEIST, GINGRICH, GRUCELA, JOSEPHS, W. KELLER, KORTZ, LEVDANSKY, LONGIETTI, McILVAINE SMITH, MILLER, M. O'BRIEN, O'NEILL, READSHAW, ROSS, SAINATO, SIPTROTH, STABACK, SWANGER, VULAKOVICH, WALKO and YUDICHAK

An Act amending the act of April 28, 1978 (P.L.87, No.41), known as the Pennsylvania Appalachian Trail Act, further providing for the content of zoning ordinances; and extending the time period necessary to implement certain provisions.

Referred to Committee on LOCAL GOVERNMENT, February 4, 2009.

No. 281 By Representatives DALEY, STABACK, MOUL, BOYD, BRENNAN, CONKLIN, GIBBONS, GOODMAN, GROVE, HALUSKA, HARHAI, HESS, HORNAMAN, KIRKLAND, KORTZ, LENTZ, MAHONEY, MENSCH, METZGAR, PEIFER, PYLE, ROHRER, SIPTROTH, WALKO and WHITE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for unlawful acts concerning licenses.

Referred to Committee on GAME AND FISHERIES, February 4, 2009.

The SPEAKER. The House will be at ease.

The House will come to order.

SUPPLEMENTAL CALENDAR B

RESOLUTION

Mr. DALLY called up **HR 39, PN 219**, entitled:

A Resolution adopting permanent rules for the House of Representatives, further providing for members' and employees' expenses and for electronic availability of reports.

On the question,
Will the House adopt the resolution?

Mr. **EACHUS** offered the following amendment
No. **A00040**:

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

Adopting permanent rules for the House of Representatives, further providing for questions of order, for interruption of a member who has the floor, for members' and employees' expenses, for electronic availability of reports, for time of meeting, for general appropriation bill and nonpreferred bills, for consideration of bills, for first consideration bills, for third consideration and final passage bills, for reconsideration, for bills amended by Senate, for standing committees and subcommittees, for organization of standing committees and subcommittees, for powers and duties of standing committees and subcommittees, for ethics committee, for privileged motions, for lay on table, for motion to take from table and for division of a question.

Amend Resolution, page 1, lines 9 through 14; pages 2 through 87, lines 1 through 30; page 88, lines 1 through 19, by striking out all of said lines on said pages and inserting
(2009-2010)

RULES OF THE HOUSE OF REPRESENTATIVES

Definitions:

"Day" shall mean any calendar day.

"Floor of the House" shall be that area within the Hall of the House between the Speaker's rostrum and the brass rail behind the Members' seats.

"Formal Action" shall mean any vote or motion of a member of a standing committee, standing subcommittee, select committee or rules committee of the House of Representatives to report or not report, amend, consider or table a bill or resolution and the discussion and debate thereof.

"Hall of the House" shall be the floor space within its four walls and does not include the adjoining conference rooms, the lobbies or the upper gallery of the House.

"Legislative Day" shall mean any day that the House shall be in session.

"Press Gallery" shall be within that area known as the Hall of the House as designated by the Speaker.

"Roll Call Vote" shall be a vote taken and displayed by and on the electric roll call board or in the event of a malfunction of the electric roll call board, by such method as shall be determined by the Speaker.

RULE 1

Speaker Presiding

The Speaker shall preside over the sessions of the House. The Speaker may name a member to preside, but the substitution shall not extend beyond an adjournment. The Speaker may appoint a member as Speaker pro tempore to act in the Speaker's absence for a period not exceeding ten consecutive legislative days.

As presiding officer and in accordance with Article II § 2 of the Constitution of Pennsylvania and the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, within ten days after the occurrence of a vacancy the Speaker shall issue a writ for a special election to be held on a date which shall occur on or before the date of the first primary, municipal or general election which occurs not less than 60 days after the issuance of the writ. The Speaker shall not be required to issue a writ of election if the election cannot be scheduled until after the general election.

In case of failure to make an appointment, the House shall elect a Speaker pro tempore to act during the absence of the Speaker.

The Speaker pro tempore shall perform all the duties of the Chair during the absence of the Speaker.

RULE 1 (a)

Equal Opportunity Officer and Advisory Committee

The Speaker shall designate an Equal Opportunity Officer who shall report to the Speaker. There shall be an Equal Opportunity Advisory Committee, appointed by the Speaker in consultation with the

Majority Leader and Minority Leader, to assist the Equal Opportunity Officer in developing, recommending and implementing equal opportunity employment and procurement policies in the House of Representatives.

RULE 2

Taking the Chair

The Speaker shall take the Chair and call the members to order on every legislative day at the hour to which the House adjourned at the last sitting. On the appearance of a quorum, the Speaker shall proceed to the regular order of business as prescribed by the rules of the House.

RULE 3

Order and Decorum

The Speaker or Presiding Officer shall preserve order and decorum. In case of any disturbance or disorderly conduct in the galleries or lobbies, the Speaker shall have the power to order the same to be cleared.

The Speaker or Presiding Officer shall have the right to summon Legislative Security Officers to enforce in the preservation of order and decorum, and if needed, to summon the State Police to assist.

The Sergeant-at-Arms and Legislative Security Officers under the direction of the Speaker or the Presiding Officer shall, while the House is in session, maintain order on the floor and its adjoining rooms and shall enforce the rule with respect to the conduct of members, staff and visitors.

RULE 4

Questions of Order

The Speaker shall decide all questions of order subject to an appeal by two members. The decision of the Speaker shall stand as the decision of the House unless so appealed and overturned by a majority of the members elected to the House. The Speaker may, in the first instance, submit the question to the House. Questions involving the constitutionality of any matters shall be decided by the House. On questions of order there shall be no debate except on an appeal from the decision of the Speaker or on reference of a question to the House. In either case, no member shall speak more than once except by leave of the House.

Unless germane to the appeal, a second point of order is not in order while an appeal is pending; but, when the appeal is disposed of, a second point of order is in order and is subject to appeal.

RULE 5

Conference and Select Committee Appointments

All Committees of Conference shall be appointed by the Speaker and shall be composed of three members, two of whom shall be selected from the majority party and one from the minority party.

The Speaker shall appoint the members of select committees, unless otherwise ordered by the House.

RULE 6

Signature of the Speaker

The Speaker shall, in the presence of the House, sign all bills and joint resolutions passed by the General Assembly after their titles have been publicly read immediately before signing, and the fact of signing shall be entered on the Journal.

Resolutions, addresses, orders, writs, warrants and subpoenas issued by order of the House shall be signed by the Speaker and attested by the Chief Clerk.

RULE 7

Oath to Employees

The Chief Clerk shall administer an oath or affirmation to the employees of the House that they will severally support, obey and defend the Constitution of the United States and the Constitution of Pennsylvania, and that they will discharge the duties of their offices with fidelity.

Each employee of the House, after taking the oath of office, shall sign the Oath Book in the presence of the Chief Clerk.

RULE 8

Supervision of Hall of the House and Committee Rooms

Subject to the direction of the Speaker, the Chief Clerk shall have supervision and control over the Hall of the House, the caucus and committee rooms and all other rooms assigned to the House.

During the sessions of the Legislature the Hall of the House shall not be used for public or private business other than legislative matters except by consent of the House. During periods of recess of the House such use may be authorized by the Speaker without the consent of the House.

RULE 9

Decorum

While the Speaker is putting a question or addressing the House and during debate or voting, no member shall disturb another by talking or walking up and down or crossing the floor of the House.

RULE 9 (a)

Smoking

No smoking of cigarettes, cigars, pipes and other tobacco products shall be allowed in the Hall of the House nor in any interior area of the Capitol Complex under the control of the House of Representatives.

RULE 10

Debate

When a member desires to address the House, the member shall rise and respectfully address the Speaker. Upon being recognized, the member may speak, and shall be confined to the question under consideration and avoiding personal reflections.

When two or more members rise at the same time and ask for recognition, the Speaker shall designate the member who is entitled to the floor.

No member, except the Majority and Minority Leaders, may speak more than twice on any question, without the consent of the House.

With the unanimous consent of the House a member may make a statement not exceeding ten minutes in length concerning a subject or matter not pending before the House for consideration, providing the Majority and Minority Leaders have agreed on a time the member is to ask for recognition.

RULE 11

Interruption of a Member who Has the Floor

A member who has the floor may not be interrupted, except for questions of order, by a motion to extend session or by a motion for the previous question.

A member may yield the floor for questions related to the subject before the House.

RULE 12

Personal Privilege

Any member may by leave of the Speaker rise and explain a matter personal to the member, but the member shall not discuss a pending question in the explanation. Questions of personal privilege shall be limited to questions affecting the rights, reputation and conduct of members of the House in their respective capacity.

RULE 13

Transgression of House Rules

If any member in speaking or otherwise transgresses the Rules of the House, the Speaker or any member through the Speaker shall call the member to order, in which case the member shall immediately sit down unless permitted by the House to explain.

The House upon appeal shall decide the case without debate. If the decision is in favor of the member, the member may proceed. If the case requires it, the member shall be liable to censure or other punishment as the House deems proper.

RULE 14

Members' and Employees' Expenses

A member who attends a duly called meeting of a standing or special committee of which he or she is a member when the House is not in session or who is summoned to the State Capitol or elsewhere by

the Speaker, or the Majority or Minority Leader of the House, to perform legislative services when the House is not in session shall be reimbursed per day for each day of service, plus mileage to and from the member's residence, at such rates as are established from time to time by the Committee on Rules but not in excess of the applicable maximum mileage rate authorized by the Federal Government. For travel to any location for committee meetings or for travel to the State Capitol for any reason, members cannot receive reimbursement in excess of the applicable maximum per diem rate authorized by the Federal Government. These expenses shall be paid by the Chief Clerk from appropriation accounts under the Chief Clerk's exclusive control and jurisdiction, upon a written request approved by the Speaker of the House, or the Majority or the Minority Leader of the House.

An employee of the House summoned by the Speaker or the Majority or Minority Leader of the House to perform legislative services outside of Harrisburg shall be reimbursed for actual expenses and mileage to and from the employee's residence. Such expenses may be paid by the Speaker, Majority or Minority Leader, if they agree to do so, or shall be paid by the Chief Clerk from appropriation accounts under the Chief Clerk's exclusive control and jurisdiction, upon a written request approved by the Speaker, or the Majority or the Minority Leader. District office employees are only permitted to be reimbursed from an account under the control of the Chief Clerk when traveling to Harrisburg for a training program sponsored by either caucus or for travel to a legislative conference approved by the Speaker, the Majority Leader or the Minority Leader. All other travel by district office employees may be reimbursed from the member's accountable expenses or an account under the control of the Speaker, the Majority Leader or the Minority Leader.

Members and employees traveling outside the Commonwealth of Pennsylvania who receive any reimbursement for expenses or travel which reimbursement is from public funds shall file with the Chief Clerk a statement containing his or her name and the name, place, date and the purpose of the function.

Money appropriated specifically to and allocated under a specific symbol number for allowable expenses of members of the House of Representatives shall be reimbursed to each member upon submission of vouchers and any required documentation by each member on forms prepared by the Chief Clerk of the House. No reimbursement shall be made from this account where a member is directly reimbursed for the same purpose from any other appropriation account.

Such allowable expenses of members may be used for any legislative purpose or function, including but not limited to the following:

- (1) Travel expense on legislative business.
 - (a) Mileage on session or nonsession days at a rate as may be approved from time to time by the Committee on Rules, but not in excess of the maximum mileage rate authorized by the Federal Government for travel; voucher only.
 - (b) Miscellaneous transportation on legislative business (taxi, airport limousine parking, tolls), and expenses of a similar nature; voucher only for any single expense not in excess of \$10.
 - (c) Travel on legislative business by common carrier other than taxi and airport limousine; voucher and receipt from common carrier.
 - (d) Car rental; voucher and receipt from rental agency but reimbursement not to exceed in any month an amount as may be approved from time to time by the Committee on Rules. Any amount in excess of the said amount shall be paid by the person renting the car. In no event shall other than American manufactured cars be rented.
 - (e) Lodging, restaurant charges and other miscellaneous and incidental expenses while away from home. Vouchers only for per diem allowance approved from time to time by the Committee on Rules, but not in excess of the applicable maximum per diem rate authorized by the Federal Government or for actual expenses not in excess of such per diem rate.
- (2) Administrative, clerical and professional services for

legislative business, except for employment of spouses or any relatives, by blood or marriage.

(a) Administrative and clerical services; voucher and receipt from person employed.

(b) Professional services; voucher and receipt and copy of agreement or contract of employment.

(3) Rent for legislative office space; purchase of office supplies; postage; telephone and answering services; printing services and rental only of office equipment; voucher and vendor's receipt, except for postage expense. No reimbursement or expenditure shall be made out of any appropriation account for any mass mailing including a bulk rate mailing made at the direction or on behalf of any member which is mailed or delivered to a postal facility within 60 days immediately preceding any primary or election at which said member is a candidate for public office.

Mass mailing shall mean a newsletter or similar mailing of more than 50 pieces in which the content of the matter is substantially identical. Nothing in this rule shall apply to any mailing which is in direct response to inquiries or requests from persons to whom matter is mailed, which is addressed to colleagues in the General Assembly or other government officials or which consists entirely of news releases to the communications media.

(4) Official entertainment—restaurant and beverage charges; voucher only for expenses. Receipts for entertainment expenses, together with a statement of the reason for the expense, shall be submitted with the request for reimbursement.

(5) Purchase of flags, plaques, publications, photographic services, books, and other similar items in connection with legislative activities; voucher and vendor's receipt.

(6) Communications and donations in extending congratulations or sympathy of illness or death; voucher only on expenses not in excess of \$35.

No money appropriated for members' and employees' expenses shall be used for contributions to political parties or their affiliated organizations or to charitable organizations or for charitable advertisements.

[A member shall not create, maintain or cause to be created or maintained a legislative nonprofit organization. A "legislative nonprofit organization" means a nonprofit corporation or other entity whose primary purpose is to receive funds under the General Appropriation Act or another appropriations act at the discretion or by reason of the influence of a member for the use at the direction or discretion of the member. The Ethics Committee shall issue to any member upon such member's request an opinion with respect to such member's duties under this rule. The Ethics Committee shall, within 14 days, issue the opinion. No member who acts in good faith on an opinion issued to that member by the Ethics Committee shall be subject to any sanctions for so acting, provided that the material facts are as stated in the opinion request. The Ethics Committee's opinions shall be public records and may from time to time be published. The member requesting the opinion may, however, require that the opinion shall contain such deletions and changes as shall be necessary to protect the identity of the persons involved.]

No money may be expended within 60 days before a primary election or within 60 days before a general election in even-numbered years for:

(i) purchase of or the reimbursement for the purchase of any radio or television broadcast time for public service announcements that depict the name, voice or image of a member; or

(ii) payment for telemarketing activities on behalf of a member. This prohibition shall not apply to limited surveys to determine public opinion on various issues.

Members and employees shall not request reimbursement for the private lease of vehicles leased on a long-term basis. No payments will be made with respect to private, long-term lease vehicle expenses incurred by members or employees except with respect to private, long-term lease arrangements entered into by a member prior to [the effective date of this rule] March 13, 2007, payments for which will be

made in accord with the rules in place on [the day before the effective date of this rule] March 12, 2007. The Chief Clerk is authorized to enter into a master lease agreement with the Department of General Services for the long-term lease of automobiles.

All disbursements made, debts incurred or advancements paid from any appropriation account made to the House or to a member or nonmember officer under a General Appropriation Act or any other appropriation act shall be recorded in a monthly report and filed with the Chief Clerk by the person authorized to make such disbursement, incur any debt or receive any advancement on a form prescribed by the Chief Clerk.

The Chief Clerk shall prescribe the form of all such reports and make such forms available to those persons required to file such reports. Such report form shall include:

(1) As to personnel:

(a) The name, home address, job title, brief description of duties and where they are performed, department or member or members to whom assigned, the name of immediate supervisor and minimum hours of employment per week of each employee.

(b) The appropriation account from which such employee is compensated, the amount of compensation and whether such person is on salary, per diem or contract.

(2) As to all other expenditures:

(a) To whom it was paid, the amount thereof, and the nature of the goods, services or other purpose for which the expenditure was made.

(b) The appropriation account from which the expenditure was made and the name or names of the person or persons requesting and/or authorizing the same.

[A copy of each such report shall also be filed with the Special Committee on Internal Affairs and House Administration for use in the performance of its duties under Rule 47(a).]

The reporting requirements as to personnel may be fulfilled by the maintenance in the Office of the Chief Clerk of the House of an alphabetized file containing the current information for each employee as set forth above.

All monthly reports filed on disbursements made or debts incurred by any officer or member or employee from appropriations made to the House or to a member or nonmember officer under any General Appropriation Act, and the documentation for each disbursement, shall be public information and shall be available [for public inspection during regular business hours in the office of the Chief Clerk. The Chief Clerk shall prescribe reasonable rules and regulations for inspection of such reports but in no case shall inspection be denied to any person for a period exceeding 48 hours (excluding Saturdays and Sundays) from the time a written request has been submitted to the Chief Clerk. Photocopies of such reports shall be made available upon request to a member at no charge or to the public for a duplication fee as may be fixed by the Chief Clerk. Such reports shall be made available to a member or to the public on or before the last day of the month next succeeding the month in which the report was filed] in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

All vouchers and requisitions relating to all expenditures, expenses, disbursements and other obligations out of all appropriated funds of the House, and the documentation evidencing payment of the vouchers and requisitions, shall be available [for public inspection during regular business hours in the office of the Chief Clerk or at such other location within the Capitol as the Chief Clerk shall prescribe. Nothing in this rule shall permit release of any information deemed confidential, including, but not limited to, a telephone number or call history, a credit card number and a Social Security number or a Federal or a State tax identification number] in accordance with the Right-to-Know Law.

[All requests to review payroll and independent contractor records of the House or any other vouchers or requisitions for funds appropriated to the House shall be made to the Chief Clerk, in writing,

at least three working days prior to the date on which the review is requested. The request shall be signed by the party who will be making the review and it shall indicate the name of the organization or entity employing such individual. The Chief Clerk shall establish a time during normal business hours for the review to occur and he shall provide that the review shall not interfere with the necessary functioning of the Chief Clerk's office.]

All requests for reimbursement out of any appropriation shall be accompanied by a voucher, or other documents where required, evidencing payment or approval. All requests for reimbursement out of any appropriation payable to a member, nonmember officer or employee shall be void if not submitted within 90 days of the date that the otherwise allowable expense is incurred for any and all otherwise allowable expenses, including without limitation, per diem, mileage and actual expenses incurred. 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. The voucher form shall be approved and supplied by the Chief Clerk. Receipts or documentation of every expenditure or disbursement which is in excess of the maximum amount as set forth herein shall be attached to the voucher. Where a request for payment is made in advance of an expense actually incurred, the Chief Clerk, before making such advance payment shall require a description satisfactory to the Chief Clerk of the item or service to be purchased or the expense to be incurred, and a receipt or other documentation shall be given to the Chief Clerk after the item or service has been purchased or expense incurred as evidence that such advancement was in fact expended for such purpose.

All reports, vouchers and receipts from which reports are prepared and filed shall be retained by the Chief Clerk, officer or member, as the case may be, for such period of time as may be necessary to enable the Legislative Audit Advisory Commission created pursuant to the act of June 30, 1970 (P.L.442, No.151), entitled "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission," to conduct, through certified public accountants appointed by it, annual audits to assure that such disbursements made or debts incurred were in accordance with Legislative Audit Advisory Commission guidelines and standards as approved by the Committee on Rules, or for a minimum of three years, whichever is longer. All annual audit reports shall be available for public inspection. Photocopies of such reports shall be available for a fee established by the Chief Clerk not to exceed the cost of duplication.

Except as specifically prohibited by law or limited by this rule, all expenditures of funds appropriated to the House or to a member or nonmember officer shall be subject to the expenditure guidelines established by the Rules Committee. The Rules Committee shall establish standards regarding documentation evidencing payment out of any appropriations account made to the House or to a member or nonmember officer.

The Bipartisan Management Committee shall receive and review suggestions from the Comptroller on ways to reduce costs and improve the fiscal operations of the House. The Comptroller, following authorization by the Bipartisan Management Committee, shall implement cost-reducing and other new measures to improve the fiscal operations of the House.

RULE 14 (a)

Employee Payroll Information

In accordance with the act of January 10, 1968 (1967 P.L.925, No.417), referred to as the Legislative Officers and Employees Law, the Chief Clerk shall compile, annually, on or prior to the first day of February of each year, a complete list of employees of the House of Representatives. The list shall include the full name, job title, work address and name of immediate supervisor of every employee of the

House of Representatives and shall include such information for every person employed for any period of time during the preceding 12 months. In addition to the information required under the Legislative Officers and Employees Law, the list shall include the payroll wage information for those House employees paid during the preceding calendar year. The list shall be available for public inspection in the Office of the Chief Clerk during regular business hours.

RULE 14 (b)

Electronic Availability of Reports

In addition to the other methods of availability under Rule 14, all expense reports existing in electronic form shall be provided electronically by the Chief Clerk upon request.

RULE 15

Time of Meeting

The House shall convene on the first legislative day of the week at 1:00 P.M. prevailing time, unless otherwise ordered by a roll call vote of the majority of those elected to the House.

On other days the House shall convene at the discretion of the House. No session of the House may begin before 8:00 A.M. nor [end] may any roll call votes be taken after 11:00 P.M. unless exigent circumstances exist, as determined by an affirmative vote of three-fourths of the members elected to the House, by a roll call vote on a motion to extend session. A motion to extend session may be made to extend session generally or to conclude business on a specific question or questions. If a motion to extend session is made prior to 10:15 P.M. and a roll call vote has not been ordered, the arrival of 10:45 P.M. shall put an end to all debate and shall bring the House to an immediate roll call vote on the question to extend session. Nothing in this rule shall prevent the House from conducting administrative matters, including the making of announcements regarding the House schedule for the benefit of members or in order to comply with 65 Pa.C.S. § 709 (relating to public notice) after 11:00 P.M. Upon the Speaker's determination that all administrative matters are concluded, the Speaker shall adjourn the House.

RULE 16

Quorum

A majority of the members shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. (Constitution, Article II, Section 10).

When less than a quorum vote on any question, the Speaker shall forthwith order the doors of the House closed and the names of the members present shall be recorded. If it is ascertained a quorum is present, either by answering to their names or by their presence in the House, the Speaker shall again order the yeas and nays. If any member present refuses to vote, refusal shall be deemed a contempt. Unless purged, the House may order the Sergeant-at-Arms to remove the member or members without the bar of the House. All privileges of membership shall be refused the member or members so offending until the contempt is purged.

RULE 17

Order of Business

The daily order of business shall be:

- (1) Prayer by the Chaplain.
- (2) Pledge of Allegiance.
- (3) Correction and approval of the Journal.
- (4) Leaves of absence.
- (5) Master Roll Call.
- (6) Reports of Committee.
- (7) First consideration bills.
- (8) Second consideration bills.
- (9) Third consideration bills, final passage bills (including both third consideration and final passage postponed bills) and resolutions.
- (10) Final passage bills recalled from the Governor.
- (11) Messages from the Senate and communications from the Governor.
- (12) Reference to appropriate committees of bills, resolutions, petitions, memorials, remonstrances and other papers.
- (13) Unfinished business on the Speaker's table.

(14) Announcements.

(15) Adjournment.

Any question may, by a majority vote of the members elected, be made a special order of business. When the time arrives for its consideration, the Speaker shall lay the special order of business before the House.

In lieu of offering House Resolutions on topics of importance to members, any member, without unanimous consent, may address the House on such issue and have his or her remarks entered into the record during a special period of time established each week by the Speaker at the conclusion of House business on a specific day.

RULE 18

Introduction and Printing of Bills

Bills shall be introduced in quadruplicate, signed and dated by each member who is a sponsor of the bill, and filed with the Chief Clerk on any day that the offices of the House of Representatives are open for business. A sponsor may be added or withdrawn upon written notice to the Speaker, Majority Leader, Minority Leader and the prime sponsor. In the case of withdrawals, the names shall be withdrawn if and when the bill is reprinted. Additional sponsors may be added only by the prime sponsor by providing written notice to the Speaker, Majority Leader and Minority Leader.

Bills introduced when received at the Chief Clerk's desk shall be numbered consecutively and delivered to the Speaker, who shall refer each bill to an appropriate committee on any day whether or not the House is in session. If the resolution creating a select committee authorizes the referral of bills to that committee, the Speaker may refer bills, within the scope of the resolution, to such select committee. Insofar as applicable, the select committee shall consider and report bills in accordance with the rules governing the consideration and reporting of bills by standing committees. The Speaker shall report to the House the committees to which bills have been referred, either on the day introduced or received or on the next two legislative days the House is in session, unless the House is in recess for more than four consecutive days in which case the Speaker shall provide a list to the Majority Leader and the Minority Leader, within two calendar days, of all bills which were referred during such period when the House was not in session.

If the Speaker neglects or refuses to refer to committee any bill or bills (whether House or Senate) as above after introduction or presentation by the Senate for concurrence, any member may move for the reference of the bill to an appropriate committee. If the motion is carried, said bill or bills shall be immediately surrendered by the Speaker to the committee designated in said motion.

The first copy of each bill introduced shall be for the committee, the second copy shall be for the printer, the third copy shall be for the news media and the fourth copy shall be for the Legislative Reference Bureau.

Every bill, after introduction and reference to committee, shall be printed and shall also be posted on the Internet with the hyperlink to the web page for the members of the House of Representatives.

Bills may not be withdrawn after reference to committee.

RULE 19

Bills Referred to Committees

No bill shall be considered unless referred to a committee, printed for the use of the members and returned therefrom. (Constitution, Article III, Section 2).

RULE 19 (a)

Fiscal Notes

(1) No bill, except a General Appropriation bill or any amendments thereto, which may require an expenditure of Commonwealth funds or funds of any political subdivision or which may entail a loss of revenues overall, or to any separately established fund shall be given third consideration reading on the calendar until it has first been referred to the Appropriations Committee for a fiscal note, provided however that the Rules Committee may by an affirmative vote of three-quarters of the entire membership to which such committee is entitled:

(a) Waive the recommittal to the Appropriations Committee and provide that the fiscal note be attached to the bill while on the active calendar. The providing of such note shall be a priority item for the Appropriations Committee; or

(b) Waive the necessity of a fiscal note on any bill which it deems to have a de minimis fiscal impact or which merely authorizes, rather than mandates, an increase in expenditures or an action that would result in a loss of revenue.

(2) Nothing herein shall preclude any member from moving, at the proper time, the recommittal of any bill to the Appropriations Committee for a fiscal note.

(3) The Appropriations Committee shall be limited in its consideration of any such bill to the fiscal aspects of the bill and shall not consider the substantive merits of the bill nor refuse to report any such bill from committee for reasons other than fiscal aspects. The fiscal note shall accompany the bill and provide the following information in connection with the Commonwealth and its political subdivisions:

(a) The designation of the fund out of which the appropriation providing for expenditures under the bill shall be made;

(b) The probable cost of the bill for the fiscal year of its enactment;

(c) A projected cost estimate of the program for each of the five succeeding fiscal years;

(d) The fiscal history of the program for which expenditures are to be made;

(e) The probable loss of revenue from the bill for the fiscal year of its enactment;

(f) A projected loss of revenue estimate from the bill for each of the five succeeding fiscal years;

(g) The line item, if any, of the General Fund, special fund or other account out of which expenditures or losses of Commonwealth funds shall occur as a result of the bill;

(h) The recommendation, if any, of the Appropriations Committee and the reasons therefor relative to the passage or defeat of the bill; and

(i) A reference to the source of the data from which the foregoing fiscal information was obtained, and an explanation of the basis upon which it is computed.

(4) No bill which may result in an increase in the expenditure of Commonwealth funds shall be given third consideration reading on the calendar until the Appropriations Committee has certified that provision has been made to appropriate funds equal to such increased expenditure. Whenever the Appropriations Committee cannot so certify, the bill shall be returned to the committee from which it was last reported for further consideration and/or amendment.

(5) No amendment to a bill, concurrences in Senate amendments, or adoption of a conference report which may result in an increase in the expenditure of Commonwealth funds or those of a political subdivision or which may entail a loss of revenues in addition to that originally provided for in the bill prior to the proposed changes nor any bill requiring a fiscal note for which re-referral to the Appropriations Committee has been waived by the Rules Committee shall be voted upon until a fiscal note is available for distribution to the members with respect to such changes or to such bill showing the fiscal effect of the changes with respect to the bill, and containing the information set forth by subsection (3) of this rule.

(6) When an amendment or certificate is timely filed with the amendment clerk under Rule 21, the amendment or certificate shall be forwarded to the Appropriations Committee. Upon receipt of an amendment, the Appropriations Committee shall automatically prepare a fiscal note.

(7) In obtaining the information required by these rules, the Appropriations Committee may utilize the services of the Office of the Budget and any other State agency as may be necessary.

(8) Any bill proposing any change relative to the retirement system of the Commonwealth or any political subdivision thereof,

funded in whole or in part out of the public funds of the Commonwealth or any political subdivision, shall have attached to it an actuarial note. Except for the provisions pertaining to the content of fiscal notes as set forth in paragraphs (a) through (i) of subsection (3), all the provisions pertaining to and procedures required of bills containing fiscal notes, shall, where applicable, also be required for bills containing actuarial note. The actuarial note shall contain a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change in any such retirement system.

RULE 19 (b)

General Appropriation Bill and Non-Preferred Bills

This rule shall apply to all amendments offered to the General Appropriation Bill for each proposed fiscal year including any amendments offered to or for supplemental appropriations to prior fiscal years contained within the General Appropriation Bill, and shall also apply to all amendments offered to any non-preferred appropriation bill for the same fiscal year.

Any amendment offered on the floor of the House to the General Appropriation Bill that proposes to increase spending of State dollars for the Commonwealth's proposed fiscal year or prior fiscal years above the levels contained in the General Appropriation Bill as reported from the Appropriations Committee plus any aggregate if certified each year by the Appropriations Committee shall not be in order and may not be considered unless the same amendment contains sufficient reductions in line items of that General Appropriation Bill so that the amendment offered does not result in a net increase in the total proposed spending contained within the General Appropriation Bill plus any aggregate if certified by the Appropriations Committee.

Any amendment offered on the floor of the House to any non-preferred appropriation bill that proposes to increase spending of State dollars for the current fiscal year above the levels contained in that non-preferred appropriation bill as reported from the Appropriations Committee shall not be in order and may not be considered unless the same amendment contains sufficient reductions in that non-preferred appropriation bill so that the amendment offered does not result in a net increase in the total proposed spending contained within that non-preferred appropriation bill.

In order to be considered, amendments to the General Appropriation Bill must be submitted to the Office of the Chief Clerk by 2:00 P.M. of the Monday of the week prior to the scheduled vote of the General Appropriation Bill. The Appropriations Committee for special and proper reason and by majority vote, may waive this deadline. Members shall be notified of the scheduled vote on the General Appropriation Bill no later than 4:30 P.M. of the Wednesday preceding the above noted Monday on which the amendments must be filed to the Bill. Rule 21 of the Rules of the House, insofar as it applies to the filing deadline for amendments and notice requirements for the voting schedule for the General Appropriation Bill, shall not apply to this rule. Rule 21 shall, however, apply to the non-preferred appropriation bills.

If the amendment cannot be submitted in accordance with the provision of the previous paragraph because it is still being prepared by the Legislative Reference Bureau, the member must, by 2:00 P.M. on the Monday of the week prior to the scheduled vote, provide the Office of the Chief Clerk with a statement, prepared by the member containing the factual content and exact amounts of increases and decreases in line items which would be proposed in the amendment, along with certification from the Legislative Reference Bureau that the amendment was submitted to the Legislative Reference Bureau prior to 2:00 P.M. on the aforementioned Monday. This filing deadline does not apply to amendments to any non-preferred appropriation bill.

Debate on any debatable question related to the General Appropriation Bill or a nonpreferred appropriation bill shall be limited to five minutes each time a member is recognized. On the bill a sponsor of an amendment shall be entitled to be recognized twice, a maker of a debatable motion shall be entitled to be recognized twice, any other members shall be entitled to be recognized once.

[This rule may be temporarily suspended only by two-thirds vote of the members elected to the House by a roll call vote.]

RULE 20

Bills Confined to One Subject

No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof. (Constitution, Article III, Section 3).

RULE 21

Consideration of Bills

(a) Every bill and every joint resolution shall be considered on three different days. All amendments made thereto shall be printed for the use of the members before the final vote is taken thereon, and before the final vote is taken, upon written request addressed to the presiding officer by at least 25% of the members elected to the House, any bill shall be read at length. No bill shall become law and no joint resolution adopted unless, on its final passage, the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the Journal, and a majority of the members elected to the House is recorded thereon as voting in its favor. (Constitution, Article III, Section 4).

(b) Members shall be notified of bills and resolutions scheduled to be voted no later than prior to the close of business at 4:30 P.M. of the second legislative day prior to the date of second consideration [and prior to the date of third consideration] for legislation that has no legal deadline. (The General Appropriation Act and non-preferred bills are included within the definition of legislation that has no legal deadline.) Except as provided in subsection (d), all amendments shall be submitted to the Office of the Chief Clerk by 2:00 P.M. of the last legislative day preceding the scheduled date of second consideration. Members shall be notified of bills scheduled to be voted on third consideration. A change in the printer's number as a result of third consideration shall not require an additional notice of final passage. No vote on final passage can occur before the date of the scheduled vote.

(c) If the amendment cannot be submitted in accordance with the above paragraph because it is still being prepared by the Legislative Reference Bureau, the member must provide the Office of the Chief Clerk with a statement, by the above-noted 2:00 P.M. deadline, prepared by the member containing the factual content of said amendment along with certification from the Legislative Reference Bureau that the amendment was submitted to the Legislative Reference Bureau for drafting prior to the above-noted 2:00 P.M. deadline.

(d) In cases where an amendment alters a bill so as to effectively rule out of order an amendment which was timely filed pursuant to the provisions of this rule, a replacement amendment may be submitted to the Office of the Chief Clerk provided that the subject matter of the replacement amendment is not substantially different from the intent of the original amendment. The replacement amendment shall be deemed to have met the timely filed conditions provided for in this rule. The member shall notify the Speaker of the member's intent to file a replacement amendment and shall file a certificate with the Office of the Chief Clerk. The bill in question may continue to receive consideration but shall not be moved to third consideration until the replacement amendment is available for a vote. If consideration of the bill is delayed to a new legislative day due solely to delay in receipt of replacement amendments, then only amendments timely filed for the date of the originally scheduled vote and replacement amendments shall be considered. This limitation on amendments shall not apply to the bill in question if consideration of the bill is rescheduled beyond the new legislative day.

(e) [Members shall be notified no later than 24 hours prior to the consideration of all bills on concurrence.] A bill may not receive action on concurrence until at least 24 hours have elapsed from the time the bill and its amendatory language was available to the public, unless the amendment was a technical amendment as described under the first paragraph of Rule 24 or an affirmative vote of a majority of the members elected to the House indicates they have had sufficient time to review the language and thereby approve proceeding with the bill.

A brief description of every bill on concurrence shall be given prior to a vote. Additionally, members shall be notified and conference committee reports shall be available to members at least 24 hours prior to the adoption of all conference committee reports. When these reports are considered on the first legislative day of the week, said notice shall be provided no later than the close of business on the last business day preceding the vote. Notwithstanding notice provided, members may, by an affirmative vote of a majority of the members elected to the House, indicate that they have had sufficient time to review a conference committee report and that they approve proceeding with a vote.

RULE 22

First Consideration Bills

Bills reported from committees shall be considered for the first time when reported and shall then be automatically removed from the calendar and laid on the table, except House bills reported from committees after the first Monday in June until the first Monday in September which shall then be automatically recommitted to the Committee on Rules. [The] Except as otherwise provided, the Rules Committee shall not in any instance have the power to amend a bill which has been reported by another committee.

After the first Monday in September, any bill which was automatically recommitted to the Committee on Rules pursuant to this rule shall automatically be re-reported to the floor of the House and laid on the table.

Any bill which was automatically laid on the table pursuant to this rule and has remained on the table for 15 legislative days shall automatically be removed from the table and returned to the calendar for second consideration the next legislative day.

Any bill which was automatically laid on the table pursuant to this rule may be removed from the table by motion of the Majority Leader, or a designee, acting on a report of the Committee on Rules. Such report shall be in writing and a copy thereof distributed to each member. Any bill so removed from the table shall be placed on the second consideration calendar on the legislative day following such removal. Nothing herein shall affect the right of any member to make a motion to remove a bill from the table.

Amendments shall not be proposed, nor is any other motion in order on first consideration.

Bills shall not be considered beyond first consideration until the latest print thereof is on the desks of the members.

Any noncontroversial bill, which is defined as any bill, other than an appropriations bill, approved by a committee with no negative votes or abstentions, and with the approval of the Majority Leader and the Minority Leader, shall be placed on an uncontested calendar. Bills on the uncontested calendar shall be voted upon by a single roll-call vote. Each bill listed on the uncontested calendar will be printed separately in the journal with the vote recorded on the approval of the uncontested calendar as the vote on final passage of each bill contained therein.

If any member should object to the placement of a bill on the uncontested calendar, the bill shall be automatically removed from the uncontested calendar and placed on the regular calendar the next legislative day.

RULE 23

Second Consideration Bills

Bills on second consideration shall be considered in their calendar order and shall be subject to amendment.

No House bill on second consideration shall be considered until called up by a member.

RULE 24

Third Consideration and Final Passage Bills

Bills on third consideration shall be considered in their calendar order and shall be subject to amendment only when an amendment is necessary to make the document internally consistent, to clear up an ambiguity, to correct grammar or to correct a drafting error or is necessary for purposes of statutory construction. An amendment under this paragraph shall not be subject to the filing deadlines under Rule 21. A bill having received consideration by the House on three different days and having been agreed to may be called by the Speaker

to receive action on final passage; however, a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill [was amended] and its amendatory language was available to the public, unless the amendment was a technical amendment permitted under the first paragraph of this rule or an affirmative vote of a majority of the members elected to the House indicates that they have had sufficient time to review the language of the bill and thereby approve proceeding with the bill. Upon being called to receive action on final passage, the title and a brief description of a bill shall be read. A bill on final passage shall not be subject to amendment, but shall be subject to debate. At the conclusion of debate, the Speaker shall then state the question as follows:

"This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally? Agreeable to the provision of the Constitution, the yeas and nays will now be taken." When more than one bill shall be called for action on final passage at the same time, prior to voting, the title or a brief analysis of each bill shall be read.

The Speaker shall then state the question as follows:

"These bills have been considered on three different days and agreed to and are now on final passage. The question is, shall the bills on the uncontested calendar pass finally? Agreeable to the provision of the Constitution, the yeas and nays will now be taken."

RULE 25

Defeated Bills

When a bill or resolution has been defeated by the House, it shall not be reintroduced, or, except as provided in Rule 26, be reconsidered, nor shall it be in order to consider a similar one, or to act on a Senate bill or resolution of like import, during the same session.

RULE 26

Reconsideration

A motion to reconsider the vote by which a bill, resolution or other matter was passed or defeated shall be made in writing and filed by two members. The motion shall be in order only under the order of business in which the vote proposed to be reconsidered occurred and shall be decided on a roll-call vote by a majority vote. No motion to reconsider shall be in order when the bill, resolution or other matter is no longer in the possession of or is not properly before the House.

A motion to reconsider any such vote must be [made] filed on the same day on which the initial vote was taken or within the succeeding five days in which the House is in session, provided such bill, resolution or other matter is still in the possession of or is properly before the House.

When a motion to reconsider any such vote is [made] filed within the aforesaid time limits, put before the House by the Speaker and [is] decided by the affirmative vote prescribed herein, the question [immediately] recurs on the bill, resolution or other matter reconsidered.

Where a bill, resolution or other matter has been initially defeated and a motion to reconsider is not timely made, then such bill, resolution or other matter shall carry the status of "defeated finally" and not properly before the House. Therefore, it shall not be in order to entertain a motion to reconsider any such vote.

Where a timely made motion to reconsider is lost, it shall not be in order to again entertain a motion to reconsider any such vote, even though such second motion to reconsider is timely made.

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

The vote on a bill or resolution recalled from the Governor may be reconsidered at any time after the bill or resolution has been returned to the House.

No bill, resolution or other matter may be reconsidered more than twice on the same legislative day.

RULE 27

Amendments

No bill shall be amended so as to change its original purpose. (Constitution, Article III, Section 1).

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Any member may move to amend a bill or resolution, provided the proposed amendment is germane to the subject. Questions involving whether an amendment is germane to the subject shall be decided by the House.

No amendment to an amendment shall be admitted nor considered.

The sponsor of an amendment shall explain the amendment prior to consideration by the House.

Before consideration, nine typewritten copies of a proposed amendment signed by its sponsor shall be presented to the Speaker, one copy of which shall be delivered to the news media and a printed copy in typewritten form prepared by the Legislative Reference Bureau shall be placed on the desk of each member if the amendment is not available on the Legislative Data Processing floor system.

Amendments adopted or defeated may not be considered again without first reconsidering the vote.

RULE 28

Bills Amending Existing Law

Bills amending existing law shall indicate present language to be omitted by placing it within brackets and new language to be inserted by underscoring. (Constitution, Article III, Section 6).

RULE 29

Form for Printing Amendments

In printing amendments to bills and resolutions, all new matter added shall be in CAPITAL LETTERS, and matter to be eliminated shall be indicated by strike-out type.

In reprinting House bills previously amended by the House and in reprinting Senate bills previously amended by the Senate, but not in Senate bills previously amended by the House, all matters appearing in strike-out type shall be dropped from the new print and all matter appearing in CAPITAL LETTERS shall be reset in lower case Roman type.

RULE 30

Bills Amended by the Senate

When a bill or joint resolution has been amended by the Senate and returned to the House for concurrence, it shall be referred automatically to the Committee on Rules immediately upon the reading of the message from the Senate by the Clerk. [The Committee on Rules shall not have the power to amend any bill or joint resolution containing Senate amendments, except that the Committee on Rules, by a majority vote of the members appointed to the committee, may revert to the printer's number of the bill or joint resolution which last passed the House.] The consideration of any bill or joint resolution containing Senate amendments may include the amendment of Senate amendments by the Committee on Rules. The vote on concurring in amendments by the House to bills or joint resolutions amended by the Senate shall not be taken until said bills or joint resolutions have been favorably reported, as committed or as amended, by the Committee on Rules.

When said bill or joint resolution has been favorably reported by the Committee on Rules, either as committed or as [last passed the House] amended, said bill or joint resolution shall be placed on the calendar. When acting on bills or joint resolutions amended by the Senate, the bill and the amendments[, if any] shall be read and the question put on the concurrence in [the] all amendments to the bill since it was last considered by the House.

Any two members may object to the report of any bill or joint resolution [included in a report of] containing Senate amendments amended by the Committee on Rules [on the basis that the adoption of an amendment to the bill or joint resolution exceeded the limitation upon the power of the Committee on Rules to amend bills and joint resolutions amended by the Senate]. The objection must be raised prior

to the bill or joint resolution being put to a roll call vote. The question shall be decided by a majority vote of the members elected to the House. If the House rejects the report of any such bill or joint resolution, the bill or joint resolution shall be [deemed reported from the Committee on Rules as committed and shall be placed on the calendar.] automatically returned to the Committee on Rules as last passed by the Senate.

The House shall not consider any proposed amendment to any amendment made by the Senate to a bill or joint resolution, nor consider any amendment to any amendment made by the Committee on Rules.

A majority vote of the members elected to the House taken by yeas and nays shall be required to concur in amendments made by the Senate, except for appropriations to charitable and educational institutions not under the absolute control of the Commonwealth, where a vote of two-thirds of all the members elected to the House shall be required to concur. (Constitution, Article III, Sections 5 and 30).

Unless the Majority Leader and the Minority Leader shall agree otherwise, the offering of an amendment to Senate amendments in the Committee on Rules shall not be in order until at least one hour after the filing of a copy of the amendment as prepared by the Legislative Reference Bureau with the office of the Chief Clerk. Upon the filing of such an amendment, the Chief Clerk shall immediately time stamp the amendment and forthwith forward a time-stamped copy of the amendment to the offices of the Majority Leader and the Minority Leader. Except as provided under this subsection, it shall not be in order to suspend or otherwise waive the requirements of this subsection.

RULE 31

Bills Vetoed by the Governor

When the Governor has returned a bill to the House with objections, the veto message shall be read and the House shall proceed to reconsider it. (Constitution, Article IV, Section 15).

RULE 32

Hospital and Home Appropriations or Acquiring Lands of the Commonwealth

No bills appropriating moneys to State-aided hospitals or State-aided homes shall be introduced in the House, except such as appropriate in single bills the total sum to be appropriated to all of the institutions within the same class or group. Requests for appropriations for particular State-aided hospitals or State-aided homes shall be filed with the Chair of the Committee on Appropriations on forms to be furnished by the said Committee on Appropriations, and shall be signed by the member requesting the appropriation.

No bill granting or conveying Commonwealth lands or taking title thereto shall be reported by any committee to the House unless there has been filed with the Chief Clerk and the chair of the reporting committee a memorandum from the Department of General Services indicating the use to which the property is presently employed, the full consideration for the transfer, if any, a departmental appraisal of the property, including its valuation and a list of recorded liens and encumbrances, if any, the use to which the property will be employed upon its transfer, the date by which the land is needed for its new use, and the legislative district or districts in which the land is located. The memorandum shall contain a statement by a responsible person in the Department of General Services indicating whether or not the administration favors the transfer which is the subject of the bill under consideration.

RULE 33

Special Legislation

No local or special bill shall be passed by the House unless notice of the intention to apply therefor has been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least 30 days prior to the introduction into the General Assembly of such bill and in the manner provided by law; the evidence of such notice having been published shall be exhibited in the

General Assembly before the act shall be passed. (Constitution, Article III, Section 7).

No local or special bill shall be considered in violation of Article III, Section 32, of the Constitution.

RULE 34

Nonpreferred Appropriations

No bill shall be passed appropriating money to any charitable or educational institution not under absolute control of the Commonwealth, except by a vote of two-thirds of all members elected. (Constitution, Article III, Section 17).

RULE 35

House and Concurrent Resolutions

Members introducing resolutions other than concurrent resolutions shall file five copies thereof; seven copies of concurrent resolutions shall be filed. All resolutions shall be signed by their sponsors, dated and filed with the Chief Clerk. After being numbered, one copy of all resolutions shall be given to the news media and all other copies delivered to the Speaker. A sponsor may not be added or withdrawn after a resolution has been printed. Resolutions may not be withdrawn after reference to a committee.

Unless privileged under Rule 36 for immediate consideration or deemed noncontroversial by the Speaker in consultation with the Majority Leader and the Minority Leader, the Speaker shall refer House resolutions (except discharge resolutions) and Senate resolutions presented to the House for concurrence to appropriate committees.

House resolutions deemed noncontroversial by the Speaker, including, but not limited to, condolence and congratulatory resolutions, shall be considered under the proper order of business on the same day as introduced or within two legislative days thereafter without being referred to committee.

The Speaker shall report to the House the committees to which resolutions have been referred, either on the day introduced or received or the next two legislative days the House is in session.

A resolution introduced in the House and referred to committee shall be printed and placed in the House files.

When a resolution (House or Senate) is reported from committee, it shall be placed on the calendar and may be called up by a member for consideration by the House under the order of business of resolutions. A House resolution other than a concurrent or joint resolution shall be adopted by a majority of the members voting.

RULE 36

Privileged Resolutions

Resolutions privileged for the immediate consideration of the House are those:

- (1) Recalling from or returning bills to the Governor.
- (2) Recalling from or returning bills to the Senate.
- (3) Originated by the Committee on Rules.
- (4) Providing for a Joint Session of the Senate and House and its procedure.
- (5) Placing bills negated by committees on the calendar.
- (6) Adjournment or recess.

RULE 37

Legislative Citation

A member making a request that a Legislative Citation be issued to a particular person or on a specified occasion shall provide the Legislative Reference Bureau with the facts necessary for the preparation of the citation on a suitable form.

The citation request shall be filed with the Chief Clerk and automatically referred to the Speaker who may approve and sign such citation on behalf of the House of Representatives.

One original citation shall be issued by the Chief Clerk.

RULE 38

Sine Die and Final Introduction of Bills

Resolutions fixing the time for adjournment of the General Assembly sine die and the last day for introduction of bills in the House shall be referred to the Committee on Rules before consideration by the House.

During the period of time between a general election and the adjournment of the House of Representatives sine die, Rule 77 may not be invoked to suspend Rule 21 or any part of this rule.

RULE 39

Petitions, Remonstrances and Memorials

Petitions, remonstrances, memorials and other papers presented by a member shall be signed, dated and filed with the Chief Clerk to be handed to the Speaker for reference to appropriate committees.

The Speaker shall report to the House the committees to which petitions, remonstrances, memorials and other papers have been referred, not later than the next day the House is in session following the day of filing.

RULE 40

Messages

Messages from the Senate and communications from the Governor shall be received and read in the House within one legislative day thereafter.

All House and Senate bills shall be delivered to the Senate with appropriate messages no later than the close of the next legislative day of the Senate which follows the fifth legislative day after which the House acted on such bill.

All House bills returned by the Senate after final passage therein without amendment, and all conference committee reports on House bills received from the Senate and adopted by the House, shall be signed by the Speaker within one legislative day after receipt or adoption, respectively, and shall be delivered to the Senate before the close of the next legislative day of the Senate.

All House bills and all conference committee reports on House bills signed by the Speaker shall be delivered to the Governor within 24 hours after return from the Senate with the signature of the appropriate Senate officer.

RULE 41

Kind and Rank of Committee

The Committees of the House shall be of four kinds and rank in the order named:

- (1) Committee of the Whole House.
- (2) Standing Committees.
- (3) Select Committees.
- (4) Conference Committees.

RULE 42

Committee of the Whole

The House may resolve itself into a Committee of the Whole at any time on the motion of a member adopted by a majority vote of the House.

In forming the Committee of the Whole, the Speaker shall leave the chair, after appointing a Chair to preside.

The rules of the House shall be observed in the Committee of the Whole as far as applicable, except that a member may speak more than once on the same question.

A motion to adjourn, to lay on the table, or for the previous question cannot be put in the Committee of the Whole; but a motion to limit or close debate is permissible.

A motion that the Committee of the Whole "do now rise and report back to the House," shall always be in order, and shall be decided without debate.

Amendments made in the Committee of the Whole shall not be read when the Speaker resumes the Chair, unless so ordered by the House.

RULE 43

Standing Committees and Subcommittees

The Committee on Committees shall consist of the Speaker and 15 members of the House, ten of whom shall be members of the majority party and five of whom shall be members of the minority party, whose duty shall be to recommend to the House the names of members who are to serve on the standing committees of the House. Except for the Speaker, the Majority and Minority Leaders, Whips, Caucus Chairs, Caucus Secretaries, Caucus Administrators, Policy Chairs and the chairs and minority chairs of standing committees, each

member shall be entitled to serve on not less than two standing committees.

The Speaker shall appoint the chair and vice-chair of each standing committee when such standing committee has no standing subcommittees as prescribed herein, except the Committee on Appropriations which shall also have a vice-chair appointed by the Speaker; when the standing committee has standing subcommittees, the Speaker shall appoint a subcommittee chair for each standing subcommittee. The Speaker shall appoint a secretary for each standing committee. The Minority Leader shall appoint the minority chair, minority vice-chair and minority secretary of each standing committee and the minority subcommittee chair for each standing subcommittee.

Except for members who decline chair status or minority chair status in writing or who are barred from serving as a chair or minority chair under this rule, the chair and minority chair of each standing committee except the Appropriations Committee shall be limited only to the members of the applicable caucus with the most seniority as members of their respective caucus. Whenever there are more caucus members with equal seniority than available chairs or minority chairs for that caucus, the selection of a chair or minority chair from among such caucus members shall be in the discretion of the appointing authority. The appointing authority may designate the standing committee to which the appointing authority shall appoint a member as chair or minority chair without regard to seniority. The Speaker and the Floor Leader, Whip, Caucus Chair, Caucus Secretary, Caucus Administrator and Policy Chair of the majority party and minority party shall not be eligible to serve as chair or minority chair of any standing committee and no member may serve as chair or minority chair of more than one standing committee.

Any chair or minority chair held by a member who fails to meet the requirements of this rule shall become vacant by automatic operation of this rule. If the appointing authority fails to make an appointment of a chair or minority chair prior to the organizational meeting of a standing committee or fails to fill a vacancy within seven calendar days after it occurs, such position shall be deemed to remain vacant in violation of this rule. Whenever a chair or minority chair becomes vacant or remains vacant in violation of this rule, the member of the applicable caucus who meets the requirements of this rule shall automatically fill the vacancy and, if there are two or more such eligible caucus members for any such vacancy or vacancies, they shall be filled from among such eligible members through a lottery to be conducted under the supervision of the Chief Clerk after giving notice of the time and place thereof to all eligible members, to the Speaker, to the Majority Leader and to the Minority Leader.

Nothing in this rule shall prohibit the appointing authority from transferring a member from the chair or minority chair of a standing committee to the chair or minority chair of another standing committee.

Whenever the appointment of a chair or minority chair will cause the applicable caucus to exceed its permissible allocation of members on a standing committee, the appointing authority shall make a temporary transfer of an eligible committee member to the standing committee vacated by the member appointed as chair or minority chair until a regular committee appointment can be made in accordance with the rules of the House. If the Speaker or Minority Leader fails to make a temporary transfer within seven calendar days after such appointment, the committee member with the least seniority, who is eligible for transfer, shall be automatically transferred to the committee vacated by the newly appointed chair or minority chair and, if more than one committee member is eligible for such transfer, the transfer shall be implemented through a lottery conducted under the supervision of the Chief Clerk.

The Speaker of the House, Floor Leader of the majority party and the Floor Leader of the minority party shall be ex-officio members of all standing committees, without the right to vote and they shall be excluded from any limitation as to the number of members on the committees or in counting a quorum.

Twenty-four standing committees of the House, each to consist of 24 members except the Committee on Appropriations, which shall

consist of 35 members, are hereby created. In addition, there are hereby created 43 standing subcommittees.

All standing committees shall consist of 14 members of the majority party and ten members of the minority party, except the Committee on Appropriations which shall consist of 21 members of the majority party and 14 members of the minority party. The quorum for each of the standing committees and subcommittees shall be no less than the majority of said committees. The following are the standing committees and subcommittees thereof:

- (1) Aging and Older Adult Services
 - (a) Subcommittee on Care and Services
 - (b) Subcommittee on Programs and Benefits
- (2) Agriculture and Rural Affairs
- (3) Appropriations
 - (a) Subcommittee on Health and Welfare
 - (b) Subcommittee on Education
 - (c) Subcommittee on Economic Impact and Infrastructure
 - (d) Subcommittee on Fiscal Policy
- (4) Children and Youth
- (5) Commerce
 - (a) Subcommittee on Financial Services and Banking
 - (b) Subcommittee on Housing
 - (c) Subcommittee on Economic Development
 - (d) Subcommittee on Small Business
- (6) Consumer Affairs
 - (a) Subcommittee on Public Utilities
 - (b) Subcommittee on Telecommunications
- (7) Education
 - (a) Subcommittee on Basic Education
 - (b) Subcommittee on Higher Education
 - (c) Subcommittee on Special Education
- (8) Environmental Resources and Energy
 - (a) Subcommittee on Energy
 - (b) Subcommittee on Mining
 - (c) Subcommittee on Parks and Forests
- (9) Finance
- (10) Game and Fisheries
- (11) Gaming Oversight
- (12) Health and Human Services
 - (a) Subcommittee on Health
 - (b) Subcommittee on Human Services
 - (c) Subcommittee on Drugs and Alcohol
 - (d) Subcommittee on Mental Health
- (13) Insurance
- (14) Judiciary
 - (a) Subcommittee on Crime and Corrections
 - (b) Subcommittee on Courts
 - (c) Subcommittee on Family Law
- (15) Intergovernmental Affairs
 - (a) Subcommittee on Information Technology
 - (b) Subcommittee on Federal-State Relations
- (16) Labor Relations
- (17) Liquor Control
 - (a) Subcommittee on Licensing
 - (b) Subcommittee on Marketing
- (18) Local Government
 - (a) Subcommittee on Boroughs
 - (b) Subcommittee on Counties
 - (c) Subcommittee on Townships
- (19) Professional Licensure
- (20) State Government
- (21) Tourism and Recreational Development
 - (a) Subcommittee on Arts and Entertainment
 - (b) Subcommittee on Recreation
 - (c) Subcommittee on Travel Promotion
- (22) Transportation
 - (a) Subcommittee on Highways

- (b) Subcommittee on Public Transportation
- (c) Subcommittee on Transportation Safety
- (d) Subcommittee on Aviation
- (e) Subcommittee on Railroads
- (23) Urban Affairs
 - (a) Subcommittee on Cities, Counties - First Class
 - (b) Subcommittee on Cities, Counties - Second Class
 - (c) Subcommittee on Cities, Third Class
- (24) Veterans Affairs and Emergency Preparedness
 - (a) Subcommittee on Military and Veterans Facilities
 - (b) Subcommittee on Security and Emergency Response Readiness

RULE 44

Organization of Standing Committees and Subcommittees

The membership of each standing committee shall first meet upon the call of its chair and perfect its organization. A majority of the members to which each standing committee is entitled shall constitute a quorum for it to proceed to business. Each standing committee shall have the power to promulgate rules not inconsistent with these rules which may be necessary for the orderly conduct of its business.

Where a standing committee has standing subcommittees as prescribed by Rule 43, the membership on such standing subcommittees shall be appointed by the Committee on Committees after consultation with each chair of a standing committee of which the standing subcommittee is a part. Each standing subcommittee shall consist of the chair of its parent standing committee, as an ex-officio member, the chair of the standing subcommittee, and five other members from the parent standing committee to be appointed by the Committee on Committees, three from among the majority party after consultation with the Majority Leader and two from among the minority party after consultation with the Minority Leader. Where it is deemed advisable that the membership of any standing subcommittee be of greater number than that prescribed herein, the Committee on Committees may appoint additional members of the standing committee from the majority or minority party to serve on such standing subcommittee. The number of additional members selected should be such as to maintain, as far as is practicable, a ratio in majority and minority party membership which affords a fair and reasonable representation to the minority party on the standing subcommittee.

The chair and the minority chair of each standing committee shall be ex-officio members of each standing subcommittee which is part of the parent standing committee, with the right to attend standing subcommittee meetings and vote on any matter before such standing subcommittee.

A majority of the members of each standing subcommittee shall constitute a quorum for the proper conduct of its business. Each standing subcommittee may promulgate such rules necessary for the conduct of its business which are not inconsistent with the rules of its parent standing committee or the Rules of the House.

When the chair of a standing committee has referred a bill, resolution or other matter to a standing subcommittee, the power and control over such bill, resolution or other matter shall then reside in such subcommittee for a reasonable period of time thereafter in order that such subcommittee may consider the bill, resolution or other matter and return the same to its standing committee with its recommendations as to the action which ought to be taken on such bill, resolution or other matter.

Each standing subcommittee, within a reasonable time after it has received a bill, resolution or other matter, shall meet as a committee for the purpose of considering the same and returning the bill, resolution or other matter back to its parent standing committee with a subcommittee report as to what action it recommends. The report of the subcommittee on a bill, resolution or other matter being returned to the standing committee shall contain one of the following recommendations:

- (1) that the bill, resolution or other matter in its present form be reported to the House,

(2) that the bill, resolution, or other matter not be reported to the House,

(3) that the bill, resolution or other matter be reported to the House, with recommendations for amendments,

(4) that the bill, resolution or other matter is returned without recommendations.

When a standing committee receives reports from its subcommittees, it shall consider the same and by majority vote of the members of the standing committee either approve or disapprove such report. If disapproved, the standing committee may then determine by a majority vote of its members what further action, if any, should be taken on such bill, resolution or other matter.

Where no action has been taken by a standing subcommittee on a bill, resolution or other matter referred to it, and the chair of the standing committee considers that such subcommittee has had reasonable time to consider the bill, resolution or other matter and return the same to its parent standing committee, the subcommittee chair shall then forthwith surrender and forward the same, together with all documents or papers pertaining thereto, to the standing committee.

In the event that a chair of a standing committee is absent, the following rules shall apply:

(1) If such standing committee has no subcommittee prescribed by this rule, the vice-chair of the standing committee shall act as chair of the committee meetings.

(2) If such standing committee has only one subcommittee, the subcommittee chair shall act as chair of the standing committee.

(3) If the standing committee has more than one subcommittee, the subcommittee chair with the longest consecutive legislative service shall act as chair of the standing committee, except where the subcommittee chairs have equal legislative service, in which case the Speaker of the House shall designate one of the subcommittee chairs to act as chair of the standing committee.

In case of absence of a subcommittee chair, the chair of the appropriate standing committee shall designate one member from either the standing committee or subcommittee to act as chair of the subcommittee.

RULE 45

Powers and Duties of Standing Committees and Subcommittees

The chair of each standing committee and subcommittee shall fix regular weekly, biweekly or monthly meeting days for the transaction of business before the committee or subcommittee. The chair of the committee or subcommittee shall notify all members, at least 24 hours in advance of the date, time and place of regular meetings, and, insofar as possible, the subjects on the agenda. In addition to regular meetings, special meetings may be called from time to time by the chair of the committee or subcommittee as they deem necessary. No recess or combination of recesses shall exceed 48 hours for any committee meeting or subcommittee meeting. No committee shall meet during any session of the House without first obtaining permission of the Speaker. During any such meeting, no vote shall be taken on the Floor of the House on any amendment, recommittal motion, final passage of any bill, or any other matter requiring a roll call vote. Any committee meeting called off the Floor of the House shall meet in a committee room. In addition to the specific provisions of this rule, all provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings) relative to notice of meetings shall be complied with.

At regularly scheduled meetings, or upon the call of the chair, or subcommittee chair, for special meetings, the membership of such committees shall meet to consider any bill, resolution, or other matter on the agenda. The secretary of each standing committee, or in case of subcommittees a secretary designated by the subcommittee chair, shall record:

- (1) the minutes of the meeting,
- (2) all votes taken,
- (3) a roll or attendance of members at standing committee or subcommittee meetings showing the names of those present, absent or

excused from attendance, and the majority and minority chairs or their designees shall verify by their signatures all votes taken and the roll or attendance of those members present, absent or excused before said records are submitted to the Chief Clerk, and

(4) dispatch of bills and resolutions before the committee. Such records shall be open to public inspection. On the first legislative day of each week the House is in session, the chair of each standing committee shall submit to the Chief Clerk for inclusion in the House Journal only, the roll or record of attendance of members at standing committee or subcommittee meetings held prior thereto and not yet reported, along with the record of all votes taken at such meetings. All reports from standing committees shall be prepared in writing by the secretary of the committee. Members of a standing committee may prepare in writing and file a minority report, setting forth the reasons for their dissent. Such committee reports shall be filed with the Chief Clerk within five days of the meeting. All meetings at which formal action is taken by a standing committee or subcommittee shall be open to the public, making such reports as are required under Rule 44. When any member, except for an excused absence, fails to attend five consecutive regular meetings of his or her committee, the chair of that committee or subcommittee shall notify the member of that fact and, if the member in question fails to reasonably justify absences to the satisfaction of a majority of the membership of the standing committee of which he or she is a member, membership on the committee or subcommittee shall be deemed vacant and the chair of the standing committee shall notify the Speaker of the House to that effect. Such vacancy shall then be filled in the manner prescribed by these rules.

Whenever the chair of any standing committee shall refuse to call a regular meeting, then a majority of the members of the standing committee may vote to call a meeting by giving two days written notice to the Speaker of the House, setting the time and place for such meeting. Such notice shall be read in the House and the same posted by the Chief Clerk in the House Chamber. Thereafter, the meeting shall be held at the time and place specified in the notice. In addition, all provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings) relative to notice of meetings shall be complied with.

Records, bills and other papers in the possession of committees and subcommittees, upon final adjournment of the House shall be filed with the Chief Clerk.

No committee report, except a report of the Appropriations Committee, shall be recognized by the House, unless the same has been acted upon by a majority vote of the members of a standing committee present at a committee session actually assembled and meeting as a committee, provided such majority vote numbers at least 11 members, and provided further a quorum is present. No committee report of the Appropriations Committee shall be recognized by the House, unless the same has been acted upon by a majority vote of the members of such committee present at a committee session actually assembled and meeting as a committee, provided such majority vote numbers at least 16 members, and provided further a quorum is present.

No proxy voting shall be permitted in committee, except as provided for herein. If a member reports to a scheduled committee meeting and advises the chair and other members of a conflicting committee meeting or other legislative meeting which he or she must attend on the same day, the member is authorized to give the chair or minority chair his or her proxy in writing which shall be valid only for that day and which shall include written instructions for the exercise of such proxy by the chair or minority chair during the meeting. The member should also advise the chair where he or she can be reached. In the event the conflicting committee meeting or other legislative meeting is scheduled to convene at the same time or prior to the meeting at which a member desires to vote by proxy, such proxy shall be delivered by the member in person to the offices of both the chair and minority chair prior to, but on the same day as, the conflicting meetings.

When the majority of the members of a standing committee believe that a certain bill or resolution in the possession of the standing

committee should be considered and acted upon by such committee, they may request the chair to include the same as part of the business of a committee meeting. Upon failure of the chair to comply with such request, the membership may require that such bill be considered by written motion made and approved by a majority vote of the entire membership to which such committee is entitled.

Whenever the phrase "majority of members of a standing committee or subcommittee" is used in these rules, it shall mean majority of the entire membership to which a standing committee or subcommittee is entitled, unless the context thereof indicates a different intent.

To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee or subcommittee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee or subcommittee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

The Committee on Appropriations shall have the power to issue subpoenas under the hand and seal of its chair commanding any person to appear before it and answer questions touching matters properly being inquired into by the committee, which matters shall include data from any fund administered by the Commonwealth, and to produce such books, papers, records, documents and data and information produced and stored by any electronic data processing system as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects or refuses to testify before the committee or to produce any books, papers, records, documents or data and information produced and stored by any electronic data processing system shall be subject to the penalties provided by the laws of the Commonwealth in such case. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. The committee may also cause the deposition of witnesses either residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions.

RULE 46

Committee on Rules

The Committee on Rules shall consist of the Speaker, the Majority Leader, the Majority Whip, the Minority Leader, the Minority Whip, the Majority Appropriations Chair, the Minority Appropriations Chair, 12 members of the majority party appointed by the Speaker, and ten members of the minority party appointed by the Minority Leader. The Majority Leader shall be chair.

The committee shall make recommendations designed to improve and expedite the business and procedure of the House and its committees, and to propose to the House any amendments to the Rules deemed necessary. The committee shall also do all things necessary to fulfill any assignment or duty given to the committee by any resolution, or other rule of the House of Representatives.

The committee shall be privileged to report at any time.

The committee shall, until or unless superseded by law, adopt guidelines for the expenditure of all funds appropriated to the House or to any member or nonmember officer by any appropriation act.

Such guidelines shall include a detailed statement of the general and specific purposes for which the funds from that appropriation account may be used, as well as uniform standards of required documentation, accounting systems and record keeping procedures.

Except as expressly provided in Rule 30 or this rule, the committee shall not have the power to amend any bill or joint resolution.

RULE 47

Ethics Committee

As used in the context of this rule, the word "committee" shall mean the Committee on Ethics of the House of Representatives, and

the phrase "majority of the committee" shall mean a majority of the members to which the committee is entitled.

The committee shall consist of eight members: four of whom shall be members of the majority party appointed by the Speaker, and four of whom shall be members of the minority party appointed by the Minority Leader. The Speaker shall appoint from the members a chair, vice chair and secretary for the committee. The chair shall be a member of the majority party and the vice chair shall be a member of the minority party.

[The Speaker shall fix a voting session day for the Chief Clerk to randomly select committee members from the lists provided by each caucus. The Chief Clerk shall give at least seven days' notice by mail of the date to all members. The Chief Clerk shall conduct the random selection of committee members on the floor of the House during session. Immediately following the random selection, the Speaker shall read the names of the committee members upon the record.]

The chair shall notify all members of the committee at least 24 hours in advance of the date, time and place of a regular meeting. Whenever the chair shall refuse to call a regular meeting, a majority of the committee may vote to call a meeting by giving two days' written notice to the Speaker of the House setting forth the time and place for such meeting. Such notice shall be read in the House and posted in the House Chamber by the Chief Clerk, or a designee. Thereafter, the meeting shall be held at the time and place specified in such notice.

The committee shall compile and distribute a Members' Handbook on Ethics to advise members, officers and employees of the House on matters regarding conflicts of interest, and nonfeasance, malfeasance and misfeasance in legislative duties.

Each member shall be required to complete two hours of ethics education and training each legislative term. The committee shall be responsible for planning and offering ethics education programs.

The committee shall conduct its investigations, hearings and meetings relating to a specific investigation or a specific member, officer or employee of the House in closed session and the fact that such investigation is being conducted or to be conducted or that hearings or such meetings are being held or are to be held shall be confidential information unless the person subject to investigation advises the committee in writing that he or she elects that such hearings shall be held publicly. In the event of such an election, the committee shall furnish such person a public hearing. All other meetings of the committee shall be open to the public.

The committee shall receive complaints against members, officers and employees of the House, and persons registered or carrying on activities regulated by 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure), alleging illegal or unethical conduct. Any such complaint must be in writing [verified] sworn or affirmed to by the person filing the complaint under penalty of law under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and must set forth in detail the conduct in question and the section of the "Legislative Code of Ethics," the provision of 65 Pa.C.S. Ch. 13A or the House rule violated. As a general rule, no person shall disclose or acknowledge to any other person any information relating to the filing of a complaint, except as otherwise authorized under this rule or to carry out a function of the committee. The committee shall make a preliminary investigation of the complaint, and if it is determined by a majority of the committee that a violation of the rule or law may have occurred, the person against whom the complaint has been brought shall be notified in writing and given a copy of the complaint. If at any time a majority of the committee determines that the complaint was a "frivolous complaint" as defined under 65 Pa.C.S. § 1102 (relating to definitions), or made without probable cause and primarily for a purpose other than that of reporting illegal or unethical conduct, then the committee shall notify the complainant and the person against whom the complaint has been brought of such determination. Within 15 days after receipt of the complaint, such person may file a written answer thereto with the committee. Upon receipt of the answer, by vote of a majority of the committee, the committee shall either dismiss the complaint within ten days or proceed with a formal investigation, to include hearings, not

less than ten days nor more than 30 days after notice in writing to the persons so charged. Failure of the person charged to file an answer shall not be deemed to be an admission or create an inference or presumption that the complaint is true, and such failure to file an answer shall not prohibit a majority of the committee from either proceeding with a formal investigation or dismissing the complaint.

A majority of the committee may initiate a preliminary investigation of the suspected violation of a Legislative Code of Ethics or House rule by a member, officer or employee of the House or lobbyist. If it is determined by a majority of the committee that a violation of a rule or law may have occurred, the person in question shall be notified in writing of the conduct in question and the section of the "Legislative Code of Ethics," the provision of 65 Pa.C.S. Ch. 13A or the House rule violated. Within 15 days, such person may file a written answer thereto. Upon receipt of the answer, by vote of a majority of the committee, the committee shall either dismiss the charges within ten days or proceed with a formal investigation, to include hearings, not less than ten days nor more than 30 days after notice in writing to the person so charged. Failure of the person charged to file an answer shall not be deemed to be an admission or create an inference or presumption that the charge is true, and such failure to file an answer shall not prohibit a majority of the committee from either proceeding with a formal investigation or dismissing the charge.

In the event that the committee shall elect to proceed with a formal investigation of the conduct of any member, officer or employee of the House, the committee shall employ independent counsel who shall not be employed by the House for any other purpose or in any other capacity during such investigation.

All constitutional rights of any person under investigation shall be preserved, and such person shall be entitled to present evidence, cross-examine witnesses, face his or her accuser, and be represented by counsel.

The chair may continue any hearing for reasonable cause, and upon the vote of a majority of the committee or upon the request of the person subject to investigation, the chair shall issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under formal investigation by the committee. The committee may administer oaths or affirmations and examine and receive evidence.

All testimony, documents, records, data, statements or information received by the committee in the course of any investigation shall be private and confidential except in the case of public hearings or in a report to the House. No report shall be made to the House unless a majority of the committee has made a finding of unethical or illegal conduct on the part of the person under investigation. No finding of unethical or illegal conduct shall be valid unless signed by at least a majority of the committee. Any such report may include a minority report. The committee shall have the authority to recommend to the House action as appropriate. No action shall be taken by the House on any finding of illegal or unethical conduct nor shall such finding or report containing such finding be made public sooner than seven days after a copy of the finding is sent by certified mail to the member, officer or employee under investigation.

The committee may meet with a committee of the Senate to hold investigations or hearings involving employees of the two houses jointly or officers or employees of the Legislative Reference Bureau, the Joint State Government Commission, the Local Government Commission, the Legislative Budget and Finance Committee and the Legislative Data Processing Committee; provided, however, that no action may be taken at a joint meeting unless it is approved by a majority of the committee.

In the event that a member of the committee shall be under investigation, such member shall be temporarily replaced on the committee in a like manner as said member's original appointment.

The committee, at the request of a member, officer or employee concerned about an ethical problem relating to the member, officer or employee alone or in conjunction with others, may render advisory

opinions with regard to questions pertaining to legislative ethics or decorum. Such advisory opinions shall be confidential and shall apply exclusively to the requestor. No requestor who acts in good faith on an advisory opinion issued to that requestor by the Ethics Committee shall be subject to any sanctions for so acting if the material facts are as stated in the advisory opinion request.

A member shall not create, maintain or cause to be created or maintained a legislative nonprofit organization. A "legislative nonprofit organization" means a nonprofit corporation or other entity whose primary purpose is to receive funds under the General Appropriations Act or another appropriations act at the discretion or by reason of the influence of a member for the use at the direction or discretion of the member. The Ethics Committee shall issue to any member upon the member's request a legislative nonprofit organization opinion with respect to the member's duties under this rule. The Ethics Committee shall, within 14 days, issue the legislative nonprofit organization opinion. No member who acts in good faith on a legislative nonprofit organization opinion issued to that member by the Ethics Committee shall be subject to any sanctions for so acting if the material facts are as stated in the legislative nonprofit organization opinion request. The Ethics Committee's legislative nonprofit organization opinions shall be public records and may from time to time be published, except that the member requesting the legislative nonprofit organization opinion may require that the legislative nonprofit organization opinion contain deletions and changes necessary to protect the identity of the persons involved.

Any member of the committee breaching the confidentiality of materials and events as set forth in this rule shall be removed immediately from the committee and replaced by another member of the House in a like manner as said member's original appointment.

The committee may adopt rules of procedure for the orderly conduct of its affairs, investigations, hearings and meetings, which rules are not inconsistent with this rule.

The committee shall continue to exist and have authority and power to function after the sine die adjournment of the General Assembly and shall so continue until the expiration of the then current term of office of the members of the committee.

RULE 47 (a)

Status of Members Indicted or Convicted of a Crime

When an indictment is returned or a charge is filed before a court of record against a member of the House, and the gravamen of the indictment or charge is directly related to the member's conduct as a committee chair or ranking minority committee member or in a position of leadership or is one which would render the member ineligible to the General Assembly under section 7 of Article II of the Constitution of Pennsylvania, the member shall be relieved of committee chair status, ranking minority committee member status or leadership position until the indictment or charge is disposed of, but the member shall otherwise continue to function as a Representative, including voting, and shall continue to be paid.

If, during the same legislative session, the indictment or charge is quashed, dismissed or withdrawn, or the court finds that the member is not guilty of the offense alleged, the member shall immediately be restored to committee chair status, ranking minority committee member status or the leadership position retroactively from which he or she was suspended.

Upon a finding or verdict of guilt by a judge or jury, plea or admission of guilt or plea of nolo contendere of a member of the House of a crime, the gravamen of which relates to the member's conduct as a Representative or which would render the member ineligible to the General Assembly under section 7 of Article II of the Constitution of Pennsylvania, and upon imposition of sentence, the Parliamentarian of the House shall prepare a resolution of expulsion under the sponsorship of the Chair and Vice-Chair of the House Ethics Committee. The resolution shall be printed and placed on the calendar for the next day of House session.

RULE 48

Conference Committee

All Committees of Conference shall be appointed by the Speaker and shall be composed of three members, two of whom shall be selected from the majority party and one from the minority party.

The conferees shall confine themselves to the differences which exist between the House and Senate.

The presentation of reports of Committees of Conference shall be in order after having been signed by a majority of members of the committee of each House.

Consideration of a report of a Committee of Conference by the House shall be in order when it has been printed, placed on the desks of the members and listed on the calendar.

RULE 49

Committee Action

Whenever a bill, resolution or other matter has been referred by the Speaker of the House to a standing committee, and such committee has one or more standing subcommittees, the chair of the standing committee may either refer it to an appropriate subcommittee or retain it for consideration by the entire standing committee. If it is retained, such standing committee shall have full power and control over such bill, resolution or other matter, except that such committee shall not change the subject nor any amendments adopted by the House. Where the chair of the standing committee refers such bill, resolution, or matter to a subcommittee, such subcommittee, except as hereinafter provided, shall have full power over the same.

The recommendations by a committee that a bill or resolution be reported negatively shall not affect its consideration by the House. The words "negative recommendation" shall be printed conspicuously on a line above the title of this bill.

All standing subcommittees shall be subject to the will of the majority of their parent standing committee and shall not promulgate any rules or take any action inconsistent with the rules of their parent standing committee or the Rules of the House.

After a bill is reported out of committee, all committee votes taken with respect to the bill shall be posted on the Internet as soon as practicable.

RULE 50

Public Hearings

Each standing committee, subcommittee or select committee to which a proposed bill, resolution or any matter is referred shall have full power and authority to study said bill, resolution or other matter before it, as such committee, shall determine is necessary to enable it to report properly to the House thereon. To this end, a standing committee, subcommittee, or select committee, may as hereinafter provided, conduct public hearings. No standing committee, subcommittee or select committee shall hold any public hearings without prior approval by a majority vote of the members of the standing committee and the Speaker or the Majority Leader of the House. The Speaker or the Majority Leader of the House shall withhold approval of public hearings based only on budgetary consideration.

When a public hearing has been authorized as aforesaid, the chair of the standing committee, subcommittee chair, or select committee chair as the case may be, shall instruct the Chief Clerk to give written notice thereof to each House Member not less than five calendar days before the proposed hearings and post the same in or immediately adjacent to the House Chambers. Such notice, which shall contain the day, hour and place of the hearing and the number or numbers of bills or other subject matter to be considered at such hearing, shall also be given the supervisor of the news room, and to the news media. In addition, all provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings), relative to notice of meetings shall be complied with.

Public hearings held by a standing committee shall be chaired by the chair of such committee, unless absent, in which case an acting chair shall be selected in the manner prescribed by these rules to serve. Public hearings held by standing subcommittees shall be chaired by the subcommittee chair thereof, but the chair of the parent standing committee, as an ex-officio member of the subcommittee, shall have

the right to attend and participate in the hearing proceedings. In the absence of the subcommittee chair, an acting chair shall be appointed in the manner prescribed by these rules.

All public hearings shall be open to the public and reasonable opportunity to be heard shall be afforded to all interested parties who have requested an appearance before the committee. In addition, it shall be the responsibility of the committee in conducting its hearing to request the presentation of testimony by any person who, in the opinion of the committee, is qualified to present pertinent and important testimony.

Such committee shall, so far as practicable, request all witnesses appearing before it to file written statements of their proposed testimony. The chair shall have the right to fix the order of appearance and the time to be allotted to witnesses. Witnesses may submit brief pertinent statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

The chair, in presiding at such public hearings, shall preserve order and decorum, in and adjacent to his committee room while the hearing is being conducted and shall have the authority to direct the removal from the committee room of any person who fails to comply with order and decorum of the committee.

Proceedings of all public hearings shall be either stenographically or electronically recorded. The committee shall determine which parts of such recorded proceedings, if any, shall be transcribed and the distribution thereof. Except as hereinafter provided, no more than four copies of any transcript shall be made. Such stenographic or electronic records and at least one copy of any transcription shall be preserved by the Chief Clerk until authorized to dispose of same by an affirmative vote of three-quarters of the entire membership of the Rules Committee and shall be made available to any member upon written request for the purpose of copying or transcription at that member's expense. Any transcribed records and any reports of the committee shall be filed with the Chief Clerk or his designee and shall be made available to any person in accordance with reasonable rules and regulations prescribed by the Chief Clerk. Upon payment of a reasonable cost to be determined by the Chief Clerk, a person may obtain a copy of such transcribed records or reports.

All written testimony and all transcribed testimony at committee hearings shall be posted on the Internet as soon thereafter as practicable.

The Chief Clerk shall not make payment of any expenses incurred as a result of a public hearing without the prior written approval of the Speaker or the Majority Leader of the House.

RULE 51

Investigations

Any standing committee, subcommittee or select committee, upon resolution introduced and approved by majority vote of the House, may be authorized and empowered to conduct hearings at any place in the Commonwealth to investigate any matter provided for in such resolution. When authorized by such a resolution, such committee shall be empowered to issue subpoenas under the hand and seal of the chair thereof commanding any person to appear before it and answer questions touching matters properly being inquired into by the committee and produce such books, papers, records, accounts, reports, and documents as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Where any person willfully neglects or refuses to comply with any subpoena issued by the committee or refuses to testify before the committee on any matter regarding which the person may be lawfully interrogated, it shall be the duty of the committee to report such disobedience or refusal to the House of Representatives, and such person shall be subject to the penalties provided by the laws of the Commonwealth in such cases. All such subpoenaed books, papers, records, accounts, reports, and documents shall be returned to the person from whom such material was subpoenaed when the committee has completed its examination of such material, but in no event later than the date on

which the committee completes its investigation. Such material, or any information derived therefrom not a part of public sessions of the committee, shall not be turned over to any person or authority without the consent of the person from whom such material was subpoenaed. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. The Sergeant-at-Arms of the Legislature or other person designated by the committee shall serve any subpoenas issued by the committee, when directed to do so by the committee. The subpoena shall be addressed to the witness, state that such proceeding is before a committee of the House at which the witness is required to attend and testify at a time and place certain and be signed by the chair of the committee commanding attendance of such witness. Mileage and witness fees shall be paid to such witness in an amount prescribed by law.

The chair of the investigative hearing shall call the committee to order and announce in an opening statement the subject or purposes of the investigation.

A copy of this rule shall be made available to the witnesses at least three calendar days prior to his or her scheduled testimony. Witnesses at investigative hearings, may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The chair, for breaches of order or decorum or of professional ethics on the part of counsel, may exclude counsel from the hearing. Counsel may interpose legal objection to any and all questions which in the opinion of counsel may violate the civil or constitutional rights of his or her clients.

If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade or incriminate any person, it shall:

- (1) receive such evidence or testimony in executive session;
- (2) afford such person an opportunity voluntarily to appear as a witness; and
- (3) receive and dispose of requests from such person to subpoena additional witnesses.

No evidence or testimony taken in executive session may be released to any person or authority or used in public sessions without the consent of the committee.

Proceedings of all public hearings shall be either stenographically or electronically recorded. The committee shall determine which parts of such recorded proceedings, if any, shall be transcribed and four copies thereof shall be distributed and additional copies made available as provided in Rule 50. Such stenographic or electronic records shall be preserved by the Chief Clerk until directed to dispose of same by an affirmative vote of three-quarters of the entire membership of the Rules Committee and shall be made available to any member upon written request for the purpose of transcription at that member's expense. Any transcribed records and any reports of the committee shall be filed with the Chief Clerk or a designee and shall be made available to any person in accordance with reasonable rules and regulations prescribed by the Chief Clerk.

Upon payment of a reasonable cost to be determined by the Chief Clerk, a person may obtain a copy of the transcript of any testimony given at a public session or, if given at an executive session when authorized by the committee. All standing committees, subcommittees, special committees or commissions which are authorized to hold public hearings and investigations shall file a final report before being discharged of delegated responsibilities.

RULE 52

Possession of Bills by Committee

When a committee has ordered that a bill, resolution or other matter be reported to the House, the member to whom it is assigned shall make the report thereof to the House either on the same day or at the next meeting of the House.

Failure of a member to comply with this rule shall be reported to the House by the committee, provided the official copy of the bill, resolution or other matter has not been obtained. Upon a motion agreed to by the House, a duplicate certified copy of a House bill, House

resolution or other House matter shall be furnished to the committee by the Chief Clerk.

A committee or subcommittee shall not consider a bill, resolution or other matter which is not in its possession.

When a committee reports to the House that a House bill, House resolution or other House matter referred to it is lost, upon a motion agreed to by the House, a duplicate certified copy thereof shall be furnished by the Chief Clerk.

If the Senate bill, Senate resolution or other Senate matter received from the Senate is lost, upon a motion agreed to by the House, a request shall be made to the Senate to furnish the House with a duplicate certified copy thereof.

If a bill, resolution or other matter is lost before it has been referred to a committee, the fact shall be reported to the House and the procedure provided by this rule shall be followed.

RULE 53

Discharge of Committees

A member may present to the Chief Clerk a resolution in writing to discharge a committee from the consideration of a bill or resolution which has been referred to it 15 legislative days prior thereto (but only one motion may be presented for each bill or resolution). The discharge resolution shall be placed in the custody of the Chief Clerk, who shall arrange some convenient place for the signature of the members. A signature may be withdrawn by a member in writing at any time before the discharge resolution is entered in the Journal. When 25 members of the House shall have signed the resolution, it shall be entered in the Journal and the title of the bill or resolution and the name of the committee to be discharged shall be printed on the calendar.

Any member who has signed a discharge resolution which has been on the calendar at least one legislative day prior thereto and seeks recognition, shall be recognized for the purpose of calling up the discharge resolution and the House shall proceed to its consideration without intervening motion except one motion to adjourn; however, no discharge resolution shall be considered during the last six legislative days of any session of the House. A majority vote of all the members elected to the House shall be required to agree to a resolution to discharge a committee. When any perfected discharge resolution has been acted upon by the House and defeated it shall not be in order to entertain during the same session of the House any other discharge resolution from that committee of said measure, or from any other committee of any other bill or resolution substantially the same, relating in substance to or dealing with the same subject matter.

RULE 54

Presentation and Withdrawal of Motions

When a motion which is in order has been made, the Speaker shall state it or (if it is in writing) cause it to be read by the Clerk. It shall then be in the possession of the House, but it may be withdrawn by the maker at any time before decision or amendment.

The Speaker shall put the question in the following form, viz: "those in favor of the motion will say 'aye'." After the affirmative is expressed, "those who are opposed will say 'no'."

All motions, except for the previous question and a motion for reconsideration, may be made without a second.

No dilatory motion shall be entertained by the Speaker.

RULE 55

Privileged Motions

When a question is under debate or before the House, no motion shall be received but the following, which shall take precedence in the order named:

- (1) To adjourn, or recess.
- (2) To extend session.
- [(2)] (3) A call of the House.
- [(3)] (4) To lay on the table.
- [(4)] (5) For the previous question.
- [(5)] (6) To postpone.
- [(6)] (7) To commit or recommit.
- [(7)] (8) To amend.

Debate on the motion to postpone shall be confined to the

question of the postponement and shall not include discussion of the main question.

The motion to commit or recommit is open to debate only as to the reasons for or against reference to committee and shall not include a discussion of the merits of the main question.

Debate on the motion to amend shall be limited to the amendment and shall not include the general merits of the main question.

RULE 56
Adjourn

A motion to adjourn or recess is debatable, cannot be amended and is always in order, except:

- (1) when another member has the floor; or
- (2) when the House is voting.

RULE 57
Call of the House

If a question of the absence of a quorum is raised by a member, the Speaker shall order the Sergeant-at-Arms to close the doors of the House. No member shall be permitted to leave the House, except by permission of the House. The names of the members present shall be recorded and absentees noted. Those for whom no leave of absence has been granted or no sufficient excuse is made may, by order of a majority of the members present, be sent for and taken into custody by the Sergeant-at-Arms and assistants appointed for that purpose, and brought before the bar of the House where, unless excused by a majority of the members present, they shall be censured or punished for neglect of duty as the House may direct.

Further proceedings under a call of the House may be dispensed with at any time after the completion of the roll call and the announcement of the result.

These proceedings shall be without debate, and no motion, except to adjourn, shall be in order.

RULE 58

Persons Admitted Under a Call of the House

Members who voluntarily appear during a call of the House shall be admitted to the House. Upon recognition by the Speaker they shall announce their presence and their names shall be recorded on the roll.

Officers of the House, accredited correspondents and employees designated by the Chief Clerk shall be admitted to the House during a call.

Visitors shall not be admitted to the House after the doors are closed and until the proceedings under the call are terminated, but they shall be permitted to leave.

RULE 59

Lay on the Table

A motion to lay on the table is debatable[,] by the Majority Leader, the Minority Leader, the maker of the motion, the maker of the amendment under consideration and the prime sponsor of the bill under consideration. It is not subject to amendment and carries with it the main question and all other pending questions which adhere to it, except when an appeal is laid on the table. The passage of a motion to lay an amendment on the table shall cause the subject bill or resolution and all other amendments to be laid on the table.

RULE 60

Motion to Take from the Table

A motion to take from the table a bill or other subject is in order under the same order of business in which the matter was laid on the table. It shall be decided without amendment and is debatable by the Majority Leader, the Minority Leader, the maker of the motion, the maker of the amendment under consideration and the prime sponsor of the bill under consideration.

RULE 61

Previous Question

A motion for the previous question, seconded by 20 members and sustained by a majority of the members present, shall put an end to all debate and bring the House to an immediate vote on the question then pending, or the questions on which it has been ordered.

A motion for the previous question may be made to embrace any or all pending amendments or motions and to include the passage or rejection of a bill or resolution.

RULE 62

Call for Yeas and Nays—Reasons for Vote

The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the Journal. (Constitution, Article II, Section 12).

When the Speaker or any member is not satisfied with a voice vote on a pending question, the Speaker may order a roll call vote; or, upon request of two members, before the result of the vote is announced, the Speaker shall order a roll call vote.

A member may submit a written explanation of his or her vote immediately following the announcement of the result of the vote and have it printed in the Journal.

RULE 63

Division of a Question

Any member may call for a division of a question by the House, if it comprehends propositions so distinct and separate that one being taken away, the other will stand as a complete proposition for the decision of the House. Bills and resolutions shall not be subject to division.

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

RULE 64

Members Required to be Present and Vote

Every member shall be present within the Hall of the House during its sittings, unless excused by the House or unavoidably prevented, and shall vote for or against each question put, unless he or she has a direct personal or pecuniary interest in the determination of the question or unless excused.

No member shall be permitted to vote and have his or her vote recorded on the roll unless present in the Hall of the House during the roll call vote.

The Legislative Journal shall show the result of each roll call by yeas and nays and those absent and those not voting.

RULE 64 (a)

Chronic Absenteeism

For purposes of this rule the term "chronic absenteeism" shall mean the unexcused absence of a representative for a period of five consecutive legislative days from official sessions of the House of Representatives or the absence of a committee member for a period of five consecutive days from an assigned committee meeting which meeting qualifies as a regular committee meeting under the rules of the House of Representatives and the Sunshine Law of the Commonwealth.

Any representative who is absent without excuse from regular House sessions for a period of five consecutive legislative days or is absent for a period of five consecutive committee meetings shall be deemed a chronic absentee and may, on a vote of the full House, be held in contempt of this House upon motion of five members of the House for chronic absence from regular House sessions and by motion of three members of the standing committee of the House to which such representative is assigned for chronic absence from regularly scheduled committee meetings.

The term "chronic absenteeism" shall not include:

- (1) Absence due to the personal illness or bodily injury of a representative.
- (2) Absence due to personal illness or bodily injury of a member of the immediate family of the representative.
- (3) Death to a member of the immediate family of a representative.
- (4) Any excused absence approved by the House pursuant to its rules.

RULE 65

Member Having Private Interest

- (1) A member who has a personal or private interest in any

measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon. (Constitution, Article III, Section 13).

(2) A member who, for remuneration, represents any organization required to register under 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure) shall file a statement of that fact with the Chief Clerk.

RULE 65 (a)

Professionals-Legislators

(1) Except as hereinafter provided, any member or employee of the House or its agencies shall not be retained for compensation to appear in his or her professional capacity to represent the interest of any client in any proceeding before any Commonwealth department, board, agency, bureau or commission, except that such member or employee is authorized to represent the interest of a client at any stage of a proceeding before the Commonwealth or its agencies where such proceeding was initially taken or brought as a ministerial action, as defined by this rule, and as originally taken was not initially adverse in nature to the interest of the Commonwealth or its agencies.

(2) The provisions of this rule shall not be applicable to professionals-legislators:

(a) Representing clients on criminal matters before the courts of the Commonwealth.

(b) Representing clients on civil matters before the courts of the Commonwealth.

(c) Representing clients in all stages of a proceeding before the Commonwealth or its agencies which was initially commenced as a ministerial action. The term "ministerial action" means and includes any proceeding or action before the Commonwealth or its agencies where the proceeding, as initially commenced involved solely:

(i) The uncontested or routine action by the Commonwealth's administrative officers or employees in issuing or renewing licenses, charters, certificates or any other documents of a similar nature; or

(ii) The preparation, filing and review of tax returns and supporting documents required by law; or

(iii) The preparation, filing and review of engineering and architectural plans, drawings, specifications and reports; or

(iv) Any other initially routine or uncontested preparation, filing, review or other action not enumerated above and considered and normally handled by the Commonwealth or its agencies as a ministerial action.

(d) Representing clients in workmen's compensation proceedings before the bureau, its referees or the Workmen's Compensation Appeals Board.

(3) This rule shall not apply to the other members of the firm of such member and/or employee.

RULE 65 (b)

Financial Interests in Gaming Entities

Annually, on or before April 30, every member shall file an affidavit with the Chief Clerk, on a form provided by the Chief Clerk, affirming that neither the member nor an immediate family member of the member holds a financial interest in violation of 4 Pa.C.S. § 1512 (relating to financial and employment interests).

For purposes of this rule, "immediate family member" shall mean a spouse, minor child or unemancipated child.

RULE 66

Electric Roll Call

The names of the members shall be listed on the electric roll call boards by party affiliation in alphabetical order, except the name of the Speaker shall be last.

On any question requiring the "yeas" and "nays", the electric roll call system shall be used. On all other questions to be voted upon, the Speaker may order the yeas and nays taken by the electric roll call system or voice vote or, upon demand of two members before the result

of a vote has been declared, the yeas and nays shall be taken by the electric roll call system.

In the event the electric roll call system is not in operating order, the Speaker shall order all yeas and nays votes be taken by calling the roll, as provided in the Rules of the House.

The vote of any member which has not been recorded because of mechanical malfunction of the electric roll call system shall be entered on the Journal, if said member was in the Hall of the House at the time of the vote and did cast his or her vote at the appropriate time, and the fact of such malfunction is reported to the Speaker of the House prior to the announcement of the result of the vote.

When the House is ready to vote upon any question requiring the yeas and nays and the vote is to be taken by the electric roll call system, the Speaker shall state: "The question (Designating the matter to be voted upon.)" The Speaker shall then unlock the voting machine and announce, "The members shall now proceed to vote." Once the voting has begun, it shall not be interrupted, except for the purpose of questioning the validity of a member's vote or, if the voting switch of a member present in the Hall of the House is locked or otherwise inoperative, a request that such switch be rendered operative or such members vote be officially recorded, before the result is announced.

When, in the judgment of the Speaker, reasonable time has been allowed all members present in the House to vote (in no event shall such time exceed ten minutes) the Speaker shall ask the question: "Have all members present voted?" After a pause, the Speaker shall lock the machine and instruct the Clerk to record the vote, and the Speaker shall announce the result of the vote.

No member or other person shall be allowed at the Clerk's desk while the yeas and nays are being recorded, or the vote counted.

After the voting machine is locked, no member may change a vote and the votes of tardy members will not be recorded.

The vote as electrically recorded on the roll of members shall not in any manner be altered or changed by any person.

Except as provided in this rule, no member shall vote for another member, nor shall any person not a member vote for a member.

Any member or other person who willfully tampers with or attempts to disarrange, deface, impair or destroy in any manner whatsoever the electrical voting equipment used by the House, or who instigates, aids or abets with the intent to destroy or change the record of votes thereon shall be punished in such manner as the House determines.

A member who has been appointed by the Speaker to preside as Speaker pro tempore may designate either the Majority or Minority Whip to cast his or her vote on any question while presiding in accordance with instructions from the Chair.

The Chief Clerk shall post all votes by the electric roll call system on the Internet no later than the close of business on the day they are made.

A prime sponsor of a bill, the Minority Leader or Majority Leader or a member designated to act on their behalf may request that the roll call remain open for the maximum time allowed in accordance with this rule. During such roll call, no vote shall be recorded unless the member is at his or her regularly assigned seat.

RULE 67

Verification and Challenge

Upon completion of a roll call and before the result is announced, if there appears to be need for verification, the Speaker may direct the Clerk to verify it, or three members may demand a verification.

Any member may challenge in writing the yeas or nays or electrically recorded vote of other members. The allegations made shall be investigated by a committee composed of the Speaker, a majority member and a minority member appointed by the Speaker, who shall submit a report to the House not later than its next session. The House shall then decide whether the challenged vote shall be recorded or not.

If the challenged vote would change the result, the announcement of the vote shall be postponed until the House decides the case.

RULE 68
Changing Vote

No member may change a vote, or have a vote recorded after the result of a roll call vote has been announced, nor after an affirmative or negative roll has been declared unofficial.

RULE 69
Journal

The Chief Clerk shall keep a Journal of the proceedings of the House, which shall be printed and shall be made available to the members.

The Journal of the proceedings of the last day's session shall not be read unless so ordered by a majority vote of the House.

RULE 70
History of House Bills
and House Resolutions

A weekly History, showing the title and action on House bills and the text and action on non-privileged resolutions, shall be compiled and indexed under the direction of the Chief Clerk and shall be printed and placed on each member's desk.

The House History shall include a cumulative index of laws enacted during the session and the text of vetoes by the Governor.

RULE 71
House Calendar

Bills and non-privileged resolutions reported from committees to the House with an affirmative recommendation shall be listed on the calendar in such manner as prescribed by the Rules Committee and any other rule of the House. House bills and House resolutions shall precede Senate bills and Senate resolutions.

Bills and non-privileged resolutions shall be listed on the House Calendar for no more than 15 consecutive legislative days. At the end of the 15th consecutive legislative day the said bill or non-privileged resolution shall be automatically recommitted to the committee from which it was reported to the floor of the House.

Any bill or non-privileged resolution on the calendar which cannot, by its status, be recommitted shall be removed from the calendar and laid on the table, unless the House shall otherwise direct.

A marked calendar compiled by the Majority Leader shall be provided to all members on each legislative day on which votes are scheduled on the calendar.

RULE 72
Journal, Transcribing and
Documents Rooms

No person, except members and employees of the House having official business, shall be permitted in the Transcribing, the Legislative Journal, and the Bills and Documents Rooms of the House without the consent of the Chief Clerk.

RULE 73
Correspondents

Admission to and administration of the Press Galleries of the Senate and House of Representatives shall be vested in a Committee on Correspondents consisting of the President pro tempore of the Senate, or a designee; the Speaker of the House of Representatives, or a designee; the Supervisor of the Capitol Newsroom; the President of the Pennsylvania Legislative Correspondents' Association, or a designee and the Executive Director of the Pennsylvania Association of Broadcasters, or a designee.

Persons desiring admission to the press sections of the Senate and House of Representatives shall make application to the Chair of the Committee on Correspondents. Such application shall state the newspaper, press association or licensed radio or television station, its location, times of publication or hours of broadcasting, and be signed by the applicant.

The Committee on Correspondents shall verify the statements made in such application, and, if the application is approved by the committee, shall issue a correspondent's card signed by the members of the committee.

The gallery assigned to newspaper correspondents or recognized press association correspondents or representatives of licensed radio

and television stations, systems or newsgathering agencies shall be for their exclusive use and persons not holding correspondents cards shall not be entitled to admission thereto. Employees of the General Assembly, representatives and employees of state departments, boards, commissions and agencies, visitors and members of the families of correspondents entitled to admission to the press gallery shall, at no time, be permitted to occupy the seats or be entitled to the privileges of the press gallery.

Accredited representatives of newspapers, wire, newsreel services and licensed radio or television stations, systems or newsgathering agencies, may be authorized by the Speaker of the House to take photographs, make audio or video recordings or tapes, and to broadcast or televise in the House of Representatives. Applications to take photographs, make audio or video recordings or tapes, or to broadcast or televise at public hearings of committees shall be approved by the committee chair or co-chairs conducting such hearing. However, the committee chair conducting the hearing may make such orders to such representatives as may be necessary to preserve order and decorum.

No photographs shall be taken nor any recordings or tapes made, nor any broadcasting or televising done in the House of Representatives during sessions, being at ease or recessed, without prior notice to the Representatives. When possible, such notice shall be given at the beginning of the session, at ease or recess, during which the photographs, recordings or taping, broadcasting or televising are scheduled to be taken or made.

No more than one representative of each newspaper, press association or licensed radio or television station, system or newsgathering agency shall be admitted to the press gallery at one time. Members of the Pennsylvania Legislative Correspondents' Association and representatives of licensed radio and television stations, systems or newsgathering agencies, assigned to the House of Representatives on a daily basis shall have permanent assigned seating in the press gallery with identification plates. Visiting representatives of daily newspapers, press associations, Sunday newspapers as well as radio and television stations, systems or newsgathering agencies shall coordinate seating accommodations with the supervisor of the Capitol Newsroom.

Persons assigned to the press gallery on a permanent or temporary basis, shall at all times, refrain from loud talking or causing any disturbance which tends to interrupt the proceedings of the House of Representatives.

Persons assigned to the press gallery on a permanent or temporary basis shall not walk onto the floor of the House of Representatives nor approach the rostrum or the clerks' desks during session or while being at ease.

Persons assigned to the press gallery on a permanent or temporary basis wishing to confer with a Representative shall disclose this fact by having a message delivered by a page to the Representative. Such conversation shall be conducted off the floor of the House of Representatives.

Representatives of the Pennsylvania Public Broadcasting System may, subject to regulations of the Speaker, televise or make video tapes of proceedings of sessions of the House of Representatives and meetings of all committees of the House of Representatives.

RULE 74
Visitors

Visitors shall be admitted to the Hall of the House only when sponsored by a member. The Chief Clerk shall issue an appropriate pass to any visitor so sponsored.

Persons admitted to the Hall of the House other than members and attaches, shall not be permitted to stand while the House is in session but shall be seated in chairs provided for them. At no time shall visitors be permitted on the Floor of the House while the House is in session unless so permitted by the Speaker.

RULE 75
Lobbyists

No registered lobbyist shall be admitted to the Hall of the House.

RULE 76

Soliciting Prohibited

No officer or employee of the House shall solicit any member, other officer or employee of the House for any purpose.

RULE 77

Suspending and Changing Rules

Unless otherwise specified in another rule, any rule of the House, which is not required by the Constitution, may be temporarily suspended at any time for a specific purpose only by a vote of two-thirds of the members elected to the House by a roll call vote.

A motion to suspend the rules may not be laid on the table, postponed, committed or amended and may be debated by the majority leader, the minority leader, the maker of the motion, the maker of the amendment under consideration and the prime sponsor of the bill under consideration.

A brief description of the underlying bill or amendment shall be given whenever a member moves to suspend the rules of the House in order to consider such bill or amendment.

The existing rules of the House shall not be changed, added to, modified or deleted except by written resolution and the same approved by a majority vote of the members elected to the House by a roll call vote.

Except where such resolution originates with the Committee on Rules, no resolution proposing any change, addition, modification or deletion to existing House rules shall be considered until such resolution has been referred to the Committee on Rules, reported therefrom, printed, filed on the desk of each member and placed on the calendar.

Any proposed change, addition, modification or deletion offered by a member on the floor of the House to such resolution shall be considered, in effect, a change, addition, modification or deletion to existing House rules and shall require for approval a majority vote of the members by a roll call vote.

RULE 78

Parliamentary Authority

Mason's Manual supplemented by Jefferson's Manual of Legislative Procedure shall be the parliamentary authority of the House, if applicable and not inconsistent with the Constitution of Pennsylvania, the laws of Pennsylvania applicable to the General Assembly, the Rules of the House, the established precedents of the House and the established customs and usages of the House.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise today to offer amendment 40 to HR 39, which will codify for this session the rules that this House will operate under.

Mr. Speaker, it has been the long tradition of this House to have good rules that allow for the operational flow of information and the way we operate here within the House to work smoothly and succinctly. This rules package concludes a dialogue of many members of the House that have been involved in rulemaking.

In the last session, many know that we had a Rules Reform Commission. That Rules Reform Commission made significant advancements in allowing the public to have more access to information about legislation and made significant strides that I think improve the operational ability of this House to work in an open and transparent way.

However, there were some anomalies that we rectify within this rule today. There were sections that affected the Right-to-Know Law that was passed. We have made sure that

this bill has a standard that gets met by the law, the Right-to-Know Law, so that we have open information and flow and consistency with that law.

The other components of this bill that are important are that we allow for certain administrative structures to be set up to guarantee that reimbursements are handled properly, that administration of the House is handled more efficiently, and have a more orderly process for this House to operate under.

Mr. Speaker, I ask that the House support amendment 40 to HR 39.

The SPEAKER. On the amendment, the Chair recognizes the gentlelady from Montgomery, Ms. Harper.

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

Would Representative Shapiro stand for brief interrogation on the rules?

The SPEAKER. The gentleman yields to the majority leader.

Mr. EACHUS. Mr. Speaker, as you know, the amendment offered today is under my signature. I prefer that all interrogation on the matter be referred to me.

Ms. HARPER. Mr. Speaker, I recognize that I cannot compel another member to submit to interrogation, but the reason I have requested that Representative Shapiro stand for interrogation is that his resolution, following the work of the Reform Commission, were last session's rules. The Dally resolution as it stands without amendment is essentially Representative Shapiro's rules from last session.

My questions relate to the differences between the two sets of rules so that the members can understand exactly what they are voting for on this amendment, and it is for that reason, Mr. Speaker, that I have requested that Representative Shapiro stand for interrogation.

The SPEAKER. The Chair understands that the question before the floor is the Eachus amendment.

Ms. HARPER. Fine, Mr. Speaker. I will interrogate Representative Eachus if he is willing to stand for brief interrogation and if he is able to answer the questions.

Mr. EACHUS. I would be happy to stand.

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

My questions relate to how the Eachus amendment changes the Rules Reform Commission amendment of last session. Last session's rules are basically embodied in HR 39, now called the Dally resolution, but previously the Shapiro resolution. How does your amendment change those rules?

Mr. EACHUS. Well, I will try and move through that quickly for you, section by section.

In rule 4, what we do, last-session efforts were made to circumvent the rules process contained in the House rules to change, add, or modify or delete House rules. Orchestrated efforts were employed to force the Chair to rule and establish a precedent in that ruling.

Ms. HARPER. Mr. Speaker? Mr. Speaker?

Mr. EACHUS. What we do in this rule is we allow for, require a majority vote of the members elected to the House to overturn the ruling of the Chair.

The SPEAKER. Will the gentleman suspend.

Mr. EACHUS. Sure.

Ms. HARPER. Mr. Speaker?

The SPEAKER. For what purpose—

Ms. HARPER. My mistake. My question was not focused enough so that we do not waste the members' time. Allow me to try again, if I might?

The SPEAKER. The gentlelady is in order.

Ms. HARPER. Would you please explain how the Eachus amendment changes the 24-hour rule from what the Reform Commission recommended and what we adopted last session, the 24-hour rule being that significant reform that allowed the members and the public a chance to know what was being voted at least 24 hours before the vote took place. My specific question to the gentleman is how his amendment changes that very important reform that we adopted last session.

Mr. EACHUS. Mr. Speaker, in all areas, the 24-hour rule is maintained. As we move from first to second consideration, on third consideration, and we have an amendment in here that was, or a part of the Eachus amendment which was drafted improperly, which allows for 102 votes to accelerate a motion which would allow for the movement of a bill. We are going to rectify that, or the gentleman, Mr. Vitali, is going to rectify that to move that to a two-thirds vote, allowing for the minority to have their say in that. So it really does not change the form of the 24-hour rule.

Ms. HARPER. Thank you, Mr. Speaker.

To follow up on that, I understood that notwithstanding the proposed amendment to the amendment that is not before us, that the Eachus amendment itself changes the rule from one where the 24 hours starts after the bill is amended, and so the members know exactly what they are voting on, to one that is 24 hours of when an amendment is published.

Now, like today, many bills get many amendments, so the final version of the bill is often not the bill with all proposed amendments but the bill with one or two. I am asking specifically, does the 24-hour rule now start the clock running when an amendment is filed instead of when an amendment is passed and everyone knows what bill is about to be voted?

Mr. EACHUS. Mr. Speaker, the 24-hour rule would be applied exactly the same as it was in the last session without any variability in this session.

Ms. HARPER. Mr. Speaker, could I ask then why the language of the rule has changed in this specific area if the rule is meant to be applied exactly as the Shapiro resolution of last session and the Reform Commission recommended, because the language has changed and it would appear to allow the 24 hours to be much shorter than 24 hours.

Mr. EACHUS. Let me bring some clarity. The reason why the language and the only area that the language was changed was to allow the amendatory language to be available to the public. You will note that rule 24 – unfortunately, my copy does not have numbers on it – but rule 24, that is the only area with a 24-hour rule, and it really is to allow more availability of public access to that information.

Ms. HARPER. Mr. Speaker, I ask again, if the 24 hours is meant to start when an amendment is filed on the computer system instead of when an amendment actually gets into a bill, then the 24-hour rule, which was hailed as a huge reform so that we all knew exactly what we were voting on, has been substantially changed. Is that not the case?

Mr. EACHUS. I do not believe your characterization is correct, and I believe that the amendment actually creates more specific language that allows for information to be available to the public. Once again, I will note rule 24 and the language that is underlined. Unfortunately, mine does not have a line number. But this will allow exactly the same amount of access to the public without regard for any change.

Ms. HARPER. Mr. Speaker, I will move on.

My next question deals with the ability to offer a gut-and-

replace amendment in the Rules Committee. Yet another very significant reform advanced by the rules reform commission and Representative Shapiro in last session stopped the ability of the leaders to push through gut-and-replace or other substantive amendments in the Rules Committee and instead allowed that power to remain in the hands of the members. The current version of the Eachus amendment appears to me to roll back that very, very important reform. Is that correct?

Mr. EACHUS. I consider your explanation a mischaracterization of what we have done with the Rules Committee's reform. Let me explain what the rules commission did in real terms. What they did, and the only area in this rule which would allow for any Rules amendment would be on a concurrence vote that came back from the Senate. At that moment in time, what the commission did last session was never to allow the Rules Committee to amend in that process. What that did was it created an imbalance for the 12.7 million people here in the House that we represent, because the Senate rule allows for amendments to take place in the Rules Committee. What that has done is it has created a significant imbalance for the members of the House and the people that we represent as it relates to the rulemaking on concurrence only.

The second thing you should know about that rule change in the Eachus amendment is that what this rule allows is the ability for, once the rule was changed in committee and advanced to the House floor, with that change, amended change within it, what two members, just two members of this House, can do is object, and at that moment it forces an immediate vote by motion, with a mere 102 votes within this House to take out the amendatory language that may have been put in on concurrence before the Rules Committee and send immediately back to the Rules Committee. That is a safeguard against any imbalance that may come from or any substantive issue.

But let me say this: The complaint that we had in the last session from the voting public was that they had no voice here in the House as it related to that rule change. This rule reflects a parity, a bicameral parity, between rulemaking in the House and rulemaking in the Senate.

Ms. HARPER. Mr. Speaker, that was a very, very long answer to a very short question, which I would like to ask again, and I would like the gentleman's cooperation in answering. Does the Eachus amendment in fact allow the Rules Committee to do substantive or gut-and-replace amendments in committee, and is not that a significant change from the rules of last session as they were promulgated by the Reform Commission? It is an easy question.

Mr. EACHUS. Well, I know that you want an answer in the form that you would like it, Mr. Speaker, but I did explain the procedure that would be implemented under the Eachus amendment for the rules for this session. I am not sure that I can add any clarity other than I think your characterization about gutting and replacing is overstated, because we allow for safeguards within this rule that would allow this body to determine whether the rule change within the Rules Committee reflects the values and interests of the 12.7 million people we represent here in the House. Without regard, without that change, I feel significantly that the rule that was created under the rules commission did not conform to the consensus of the people that we represent in our districts, notwithstanding the imbalance that has been created in the rulemaking in a sense. It does change the rule, but it has significant safeguards for the membership and the public.

Ms. HARPER. Thank you, Mr. Speaker. I will take that as a yes and I will move on.

My next question relates to the 11 p.m. rule. Another very significant change that was recommended by the Reform Commission after an unfortunate pay-raise vote at 2 in the morning made it a House rule that we could not go beyond 11 p.m. The Dally resolution, which is essentially the Reform Commission rules, left that in place. The Eachus amendment appears to me to make significant changes to that midnight rule. I am asking the gentleman to clarify how this chamber would be able to meet in the middle of the night under his proposed rule change?

Mr. EACHUS. Mr. Speaker, what the Eachus amendment does is it creates a new form of motion, a motion that would allow us to extend the session beyond 11 o'clock. However, let me add, under the rules reform commission, it took a three-fourths vote of this House to do that. That guarantees that the minority is represented in a clear fashion. This rule does not break the three-fourths vote on any rule extension, but what it does do is it allows for an express motion which would allow to come in at 10:15, made by a member, to allow for a procedure that would allow us to go beyond, and be considered at 10:45, to go beyond the 11 o'clock curfew on substantive matters with a three-quarters vote of the House, guaranteeing that the minority voice be heard clearly. It does not break the rules reform commission standard of three-fourths, which I think is a good protection against the power, unbridled power that the majority had used against Democrats for nearly a decade.

The other point, Mr. Speaker, is that under no other circumstance is the 11 o'clock rule ever broken. So the spirit of the Reform Commission is guaranteed. The only things that can be done in the Eachus amendment after 11 o'clock are announcements of committee chairmen, of what the next day's hearing time might be, and other administrative matters that we have discussed in a bipartisan way with Republican staff.

Ms. HARPER. Mr. Speaker, would it be possible under the rules as proposed by Representative Eachus and not the reform rules to make a motion, let us say, every morning during the month of June that we extend past 11 o'clock? Would that not be possible under the proposed rule change?

Mr. EACHUS. That motion would require a three-quarters vote approval of this body. It could, I guess, under some strange scenario, end up every day. I doubt it would be. But it would require a three-quarters vote, which conforms to the rules commission's standard under last term's new reforms.

Ms. HARPER. Thank you, Mr. Speaker. I have one more question.

How does the Eachus amendment affect the number of members on a committee?

Mr. EACHUS. I am sorry, Mr. Speaker. Can you repeat the question? I apologize.

Ms. HARPER. Sure.

How does the Eachus amendment affect the number of members on each standing committee where the real work of this chamber gets done?

Mr. EACHUS. What it does is it allows for the membership to have a more concise and focused attention to the work on committees by allowing the standard to go to 14 Democratic members under the majority and 10 members in the minority. That is a standard that was used traditionally by Republicans in past years.

We looked back at the history of this proportionality. Number one, before the rules commission reform, they created an odd number of votes, three; this has a proportionality of four within it. This allows for the traditional standard applied in the House to be used. There have been times, Mr. Speaker, if I may add, that the number has been 15 to 11 on the committees, but we really feel to utilize the members' time, to allow them to focus on the committee work at hand, and then to make sure that we do not have scheduling conflicts, that the 14-to-10 number creates what I would consider efficiency here in the House as it relates to time of committee meetings, scheduling conflicts, and the utilization of members' time.

Ms. HARPER. Well, Mr. Speaker, I have only been here four terms – that would be 8 years – but in all of that time and before, there were never fewer than 11 members of the minority party on any committee, and in the last two terms, including the term following the rules reform commission, there were 16 members. I would like to ask the gentleman to explain how reducing the number of members who can work in the committee system is an advantage for this House or the 12 million people we all represent in the Commonwealth?

Mr. EACHUS. If I may give the gentlelady some historical context, in 1995, the committee number was up 14 to 10 majority to minority, 11 to report a bill. The Appropriations Committee was at 20 to 12, 14 to report a bill. In 2001, the standing committees had 15 members on the majority side and 11 on the minority side, 12 to report a bill. Appropriations had 20 members, 12 minority members, and 14 to report a bill. In 2003, Mr. Speaker, the standing committees had 15 members to 11, with 12 to report a bill; Appropriations, 20 to 12, 14 to report a bill. 2005 had 16 to 12, which did advance the number pretty significantly, with 13 to report a bill, and Appropriations, 21 to 13. So I think you can see the historical context of both the number and the proportionality that is consistent with past practices of the House.

Ms. HARPER. Mr. Speaker, the gentleman has misunderstood my question. I can well understand that as a leader, he would be concerned about the number of votes it would take to get a bill out of committee. I can further well understand that he would want to ensure that the majority party had a majority of the votes, but that was not my question. My question relates to the number of members of this House who can participate in the committee process. And last session there were, even according to what he just said, 16 majority and 12 minority. There has never been fewer than 11 while I have been here on the minority party, and now we are down to 10.

My specific question was, why is it good for the people of Pennsylvania that fewer Representatives get to work on bills in committees? Why is that a good idea? And I am not asking about the split. I recognize that the majority party gets to have the majority on all the committees, that it even gets to have four votes and that no Republican group, no matter how united, can get a bill out. I understand, to the victors go the spoils. I understand. What I do not understand is, why does the gentleman believe that it is in the best interests of the Commonwealth of Pennsylvania to reduce the number of Representatives of the people who can participate in the committee process? He has not answered that question, and I would like an answer.

Mr. EACHUS. Sure. It is simple. In speaking to our chairmen in reaching a consensus around this issue, there were scheduling and procedural issues that our chairmen felt created

more efficiency with smaller numbers on these committees. Concisely put, for the members on those committees, the smaller number allows for what I would consider fewer committees with more expertise in content areas and to create knowledge that was a mile deep and an inch wide rather than an inch wide and a mile deep. Maybe I reversed that, dyslexia today. But my point is that it allows for the effectiveness of the member to be more focused on expertise in that committee. That is my answer to you, Mr. Speaker.

Ms. HARPER. A follow-up question on that point, Mr. Speaker. It appears that the majority party has been reduced by two members on each committee and the minority party has been reduced by three members on each committee. What is the reason for that rule change, and why would that be to the advantage of the legislative process?

Mr. EACHUS. Once again, Mr. Speaker, we use the historical model that was represented between 1995 and 2005 as the way to achieve the proportionality and the numerical balance on these committees.

Ms. HARPER. Mr. Speaker, I would like to speak on the amendment, if I might.

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

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

Mr. Speaker, there is a clear choice this afternoon. Voting for the Dally resolution without amendments is to vote for the Reform Commission rules that served us so well in the last session. Voting for the Eachus amendment is to go back to the time before the rules were reformed and to shut out the rank-and-file members from the process and to shut out the people of Pennsylvania that we rank-and-file members represent.

There should be a vote "no" on the Eachus amendment so that we can go back to the rules that served us so well in the last session. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Bucks, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I want to pick up the conversation from Representative Harper on this whole issue of the Rules Committee having the ability to amend bills in Rules, and I have here a comment from Josh Shapiro, Representative Josh Shapiro: "We have empowered rank-and-file members and the committee chairmen by doing some of the following: for the first time in 17 years, to eliminate the ability of the Rules Committee to amend bills in the Rules Committee and rather return the power to us, the rank-and-file members and to the committee chairmen...."

Now, I listened, as I thought, intently to the conversation between Representative Eachus and Representative Harper. So now I would like to interrogate, if I could, Representative Eachus and put a scenario before him, and maybe that will help me to understand exactly the change in this very important House rule, and that is the ability to have the Rules Committee to amend legislation.

We need to go back to 2004, July 2, 3, and 4, as the House was considering the casino slots bill.

The SPEAKER. Will the gentleman yield.

Are you interrogating the gentleman, Mr. Eachus?

Mr. CLYMER. Yes.

The SPEAKER. Will the gentleman stand for interrogation?

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

The SPEAKER. You are in order.

Mr. CLYMER. Now, under the present House rules, the Rules Committee cannot amend legislation. Am I correct there? Unless the bill has first gone to the Rules Committee, directed to the Rules Committee, then of course it is there.

Mr. EACHUS. The question before us is the Eachus amendment. On this amendment, Mr. Speaker, what we allow to happen is for the Rules Committee to offer, under concurrence only, an amendment process that can take place in the Rules Committee with a check, and that check is when that bill, as amended, advances to the House floor, two members, merely two members, can object to the rule that would have been changed in the Rules Committee, and then 102 members in an express motion could advance a process that would gut the language out that the Rules Committee replaced on a concurrence only and then send it directly back to the Rules Committee, and then we would have to go back to the drawing board. That is what the Eachus amendment does, Mr. Speaker.

Mr. CLYMER. While you seem to have added some additional caveats to this whole issue of whether or not the Rules Committee can amend a bill in Rules, you have this safeguard, but why do you need a safeguard if you cannot do it, period? If that is the issue, you cannot amend in Rules Committee legislation, then that is it. That is currently what we have at the present time. But here is the scenario; let me proceed one step further.

I was bringing up the example of the gaming bill that was occurring back on July 2 and 3 and which was voted in the early morning hours, at 1:30 in the morning, on July 4. Here is my question: That bill was amended in Rules. That bill was amended in Rules. I am referring now to the gaming bill that took place. The bill came out, and within a short period of time, we then had to, you know, we voted on the bill. But here are some of the problems. The amendments that we had prepared, that we had prepared to that bill, which had a different printer's number, our staff now had to go and work feverishly to try to switch those amendments over to a printer's number with a new bill, and that is unfair – unfair to the staff, unfair to the members of the House. Could that scenario occur under your legislation?

Mr. EACHUS. If I might add, Mr. Speaker, all of what you characterize took place under Republican leadership only. For the last 2 years, the rules commission has applied new rules to the House that create open information and a more reasonable process that guarantees that the public has information in a timely fashion and that the membership is not disadvantaged.

Let me say, the Rules Committee will not be permitted to meet between 11 p.m. and 8 a.m. under any circumstance. The Rules Committee is required to hold an actual meeting, which the Republicans for a decade did not even hold. We have to have a committee meeting in a committee room with real people. The other is, the Rules Committee is only permitted to amend bills, as I said, on concurrence, any proposed amendment must be filed with the clerk at least 1 hour in advance of the Rules Committee meeting for public information, and no bill on concurrence amended by the Rules Committee will be permitted to be put on the House floor until 6 hours passes so that the public and the membership has time to analyze the information.

Let me say, Mr. Speaker, for all of my time in the minority, there were no committee meetings held by the Republican majority, and I served a decade in the minority. There were no public meetings, no public postings, and the reason why we had a Reform Commission altogether – which I know you

honorably served on – is because of the imbalance created by the power of the majority. In no terms at all does what we do in this process circumvent the spirit of the Rules Commission. As a matter of fact, I believe that it empowers the 12.7 million citizens to have an equal component to Senate power in the imbalance of the rules making.

Mr. CLYMER. Mr. Speaker, I have finished my interrogation. I would like to make a comment on the issue.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, my fears have been relieved that what happened back on July 4 of 2004, and the scenario that we went through, it is being revisited, and that is something that we tried to eliminate with this Reform Commission 2 years ago, and now I see it slipping back. I am going to join my colleague, Representative Harper, and I am going to be a "no" vote.

The SPEAKER. The Chair thanks the gentleman and recognizes the minority whip from Allegheny County, Mr. Turzai.

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

I would rise against the Eachus amendment to HR 39, and really, just three quick points.

HR 39, sponsored by my colleague and friend who was on the Reform Commission from Northampton County, Representative Dally, HR 39 represents the product of what was done by the Speaker's Reform Commission with respect to the rules. I am not saying that they were perfect, but they were certainly an improvement upon openness and fairness in how we conducted ourselves in the House from the way we did things in the past. Out of all of the things that were changed, the one that the public most understands and the one change that was done and that is in Representative Dally's resolution is the 11 o'clock rule. Let me tell you, Mr. Speaker, I was here, whether or not you were in the majority or the minority – on many of the votes, I was in the de facto minority, expanded gambling being one of them – and when we sat up here all night waiting for a bill to be drafted and then to be voted upon at something like 7, 7:30 in the morning, after keeping us up around the clock – the idea of wearing everybody down – or doing budgets when you saw the budgets 10 minutes beforehand and voting on them at 4 in the morning, I will tell you that that day, I am so glad it is over, I cannot tell you.

The most important change out of all of the changes in the Reform Commission, period, is the 11 o'clock rule. I would do a 10 o'clock rule, to be honest with you. And the fact is that even a modicum of change to that steadfast rule tells you that this amendment is headed in the wrong direction. I do not disagree with the majority leader that the way things were done sometimes under the majority were not appropriate – no doubt about it. The Reform Commission took some positive steps to move us in the right direction. I think there are some more steps we could do in the positive direction, but in any way backtracking from a hard-and-fast 11 o'clock rule is wrong. No matter what other changes are being presented here, the fact that they are planning even for housekeeping after 11 is indicative in telling to you, the public, and to you, my fellow members, that this amendment is the wrong direction. Eleven o'clock is 11 o'clock, no games about it, no way to delay it, no way to extend it for housekeeping. The day of all-night waiting for printed bills until you learn about them over 10 minutes is just wrong, and we all know it. Pay raise – that was the main thing that everybody yelled about, right – 1 in the morning. Okay.

So with all due respect to the leader, I understand they want to assume some more power, to give some more power to the majority leadership; I get that. I get what this is about, but it is wrong. What we should be doing is building upon the reforms that Representative Dally has in the resolution that are real reforms for more openness, more fairness. The day of cleverness in this place needs to come to an end. We attempted to do that last session. We actually did a better job of it – I hate to admit it, that the Reform Commission in some ways had some improvements, but it did; they absolutely did – and I stand behind them, and I stand behind Representative Dally.

What we need to do is vote down the majority leader's amendment here, right now, and then we need to vote "yes" on Representative Dally's resolution. We need to continue to move toward hard-and-fast rules that are designed to get away from cleverness and to make sure that things are open, fair, and well-considered.

Thank you very, very much.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Dally, want to be recognized?

The Chair recognizes the gentleman from Northampton County, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I would like to know if the majority leader would stand for brief interrogation, please.

The SPEAKER. The gentleman agrees. You may proceed.

Mr. DALLY. Thank you, Mr. Speaker.

Mr. Speaker, I believe that the maker of this amendment has explained it previously, but just so I am correct, the revisions to the Rules Committee, under the maker's amendment, would allow bills coming over on concurrence from the Senate to be amended in Rules as it exists, right? Is that correct, Mr. Speaker?

Mr. EACHUS. Yes, Mr. Speaker.

Mr. DALLY. Okay.

And your safeguard against mischief there is that if two members object once that bill comes to the floor and 102 members support that objection, that it goes back to the Rules Committee. Is that correct?

Mr. EACHUS. Yes, Mr. Speaker.

Mr. DALLY. And when it returns to the Rules Committee, is that amendment stripped out of the bill, and is it back to its original reform as it arrived in Rules?

Mr. EACHUS. The way the motion works, Mr. Speaker, is that the amendment is immediately stripped and the bill goes back as it came to the Senate, back to the Rules Committee.

Mr. DALLY. Okay. You mentioned in your remarks earlier that this has created a problem with the Senate. Can you point to any particular bills last session where we were at a strategic disadvantage here in the House because the Rules Committee could not amend?

Mr. EACHUS. Yes, Mr. Speaker. HB 1150, the autism bill, would be a perfect example. There were modifications made to that bill that advocates across Pennsylvania for autistic children opposed. Those changes were made in a Rules maneuver by the Senate – which is not allowable under our rules – sent to us against the wishes of the prime sponsor and against the wishes of the entire autistic advocacy community. What we heard on our side of the aisle from the people that we represented across Pennsylvania, they wanted us to be able to change that. The rules in the past form did not allow that to happen. Under the

current form, under the Eachus amendment, we would have a mechanism to rectify those changes.

Mr. DALLY. Thank you, Mr. Speaker.

Are you aware of any other pieces of legislation from last session in which that was a problem?

Mr. EACHUS. Yes. There were Welfare Code changes, Fiscal Code changes. There were a whole number of those bills that came back in the form that we did not agree to, Mr. Speaker.

Mr. DALLY. Okay. So I take it there were not any other pieces of legislation. So there were hundreds of bills that passed this chamber and there was a problem with one, and that is necessitating the rule change.

Mr. Speaker, if I could just go through this scenario with the change in the Rules Committee's power to amend. If a bill comes to Rules that is of the same title, the Rules Committee then amends to put video poker in, in the Rules Committee. It sounds like the old days, but say the Rules Committee could put video poker into a bill. It would come to this floor. If two members of the minority objected, we would still need 102 votes to send it back to Rules. Is that correct, Mr. Speaker?

Mr. EACHUS. I am not sure— I understand you are using a hypothetical example, but the mechanism that you used, the example of the mechanism is accurate.

Mr. DALLY. Okay. So you have a minority of members in the Rules Committee introducing an amendment into a bill that could be of great magnitude to the citizens of this Commonwealth, and it is only subject to being sent back to the Rules Committee by a majority vote of the entire House. Is that correct?

Mr. EACHUS. Mr. Speaker, that also happened – just as another example – on the prison package of bills. There were significant changes in the Senate that House members did not agree with, so that would be another example.

Mr. DALLY. Mr. Speaker, is it not another option for the House to just nonconcur in Senate amendments and send it to conference committee for completion of the legislation?

Mr. EACHUS. Mr. Speaker, could you ask the question again? I am sorry.

Mr. DALLY. I am sorry; I will restate it.

Mr. Speaker, is it not possible for the House to simply nonconcur in Senate amendments, and then the bill goes to a conference committee in which the final changes to the legislation can then be negotiated?

Mr. EACHUS. Mr. Speaker, any conference committee has to be agreed on by the Republican-controlled Senate, and we still have to have agreement from them to have a conference committee put together.

Mr. DALLY. I see. So, Mr. Speaker, is that yet another reason for your revisions to allow the Rules Committee to amend?

Mr. EACHUS. Once again, Mr. Speaker, the 12.7 million people that we represent in Pennsylvania, all of us, we heard from many, many people across Pennsylvania on our side about the imbalance within these rules and the positions that were advocated on concurrence bills in the final days of last session and the budget before that, which did not reflect the values and the spirit of the things that those people wanted. This gives us a mechanism, I think in a more transparent way, to be able to rectify that imbalance between the Senate.

Mr. DALLY. Mr. Speaker, the maker of the amendment referred to numerous correspondence. I wonder if he could

make those available to other members, because they must not have my e-mail address. I did not receive all that information from those people that were complaining about the rules as they existed. In fact, those that ever opined to me favored the rules reforms that were enacted last session.

In ending, Mr. Speaker, I will just say that I would ask the members to vote "no" on the Eachus amendment and support my resolution, Resolution 39, which keeps in whole cloth the rules as adopted by the Speaker's Reform Commission, which have served not only this chamber but the people of Pennsylvania well.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware, Mr. Killion.

Mr. KILLION. Thank you, Mr. Speaker, and I will be brief. Many of the points have already been made.

Back in July of 2005, we voted the pay raise in the middle of the night, and the public responded loud and clear. They wanted reform; they wanted a light shining in this building. They did not want any more middle-of-the-night votes on substantive issues. We rolled up our sleeves, we put together the Speaker's Reform Commission, and we delivered a new set of rules – rules that worked, rules that were highly praised by reformers throughout the State, by editorial boards. Those rules are in this Resolution 39, but now the majority leader has delivered an amendment to the floor. To me, it looks like a DeLorean, and they have loaded in the flux capacitor, and we are going back to the future – back to a time when we vote in the middle of the night, when reasonable, sensible people are sound asleep; back to a time when we amend bills and change them in large ways and take away the 24-hour rule that allows the public to have input on those bills. I say it is important that right now we continue the work that started last session, defeat this amendment, pass Resolution 39. Keep intact the reform we made last session so that we can move forward and not wreck something – maybe wreck this DeLorean – but not wreck something that is working. If it is not broken, do not fix it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to take the House back in times to August of 1991. Governor Casey was in office. Senate Republicans were in the majority. House Democrats were in the majority. I think it was August 17. Many of us remember that night, remember the early morning vote, remember the way leadership would wear us down, send us back to our office, hours after hours; tell us to go out and get something to eat; come on back at 3 o'clock, 4 o'clock, 5 o'clock in the morning; then at 8 o'clock call us to caucus – that is 24 hours without sleeping – tell us to go back and have some breakfast; bring us down here at 10 o'clock. Leaders would go off the floor. We would be sitting here until maybe about 11:15, 12 noon. We have now been up for 28 hours. Leaders are working on us, one at a time, to get a tax vote. There is no question about it that when you are up for 24 hours, whether it is 3 o'clock in the morning, 1 o'clock in the morning, 12 noon the next day, you are not as strong mentally, you are not equipped to be making these types of votes on billion-dollar budgets and the revenue that needs to fund those programs.

I have been a cosponsor to the 11 o'clock rule for many years. It was one of the rules that the Reform Commission put

in that I thought for our health, for the safety of Pennsylvania, was an excellent, excellent new rule change. I think if we do not abuse this new rule that the new majority is espousing here today, we will be okay, but why even have it? Why even have it if we are not going to put it to use? That is what I keep on asking myself, but I have been through those all-nighters, and they are tough, and there is pressure, and they wear you down. Those methods go way back to England. That is the way the old English Parliament did it – wear you down, keep you up, wear you down, until you have to make that tax vote. For those that remember 1991, it was the largest tax vote passed in the history of the Commonwealth of Pennsylvania – 1991, some 30 hours of working here in the House.

House rule 30 I am not crazy about either. House rule 30 was adopted last session by the Reform Commission, bipartisan manner, where no Senate bill could be substantially amended – or amended at all – by the Rules Committee. We all remember those days, little meetings at the well of the House, major pieces of legislation were introduced – some good, some bad – but they were done without much input from the rank-and-file members. I do not have any reason not to believe the majority leader that there were some reasons why it did not work out that way, and I think the bill that he mentioned – 1150 or whatever – is a perfect reason. We worked around it. We got that legislation signed into law anyway. It took us a little longer, worked a little harder, but we got it done. Not all rules are perfect, but what the Reform Commission was set up to do was to protect the people of Pennsylvania and to protect this institution, and I think we are just going backwards by the result of these changes. I hope I am not standing here in August or September or July reminding everybody, remember what I told you back in February.

Thank you very much, and I will be opposing the majority leader's amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Adams, Mr. Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

I come here as a freshman. I ran on reform, and the people in Adams and York Counties spoke very clearly. They said they wanted the operations of this House to reform. And this amendment goes contrary to the Reform Commission – a bipartisan effort. For example, overturning the ruling of the Chair now is going to take a constitutional majority versus a majority of the members here present. That is definitely slowing down the people's business. It encumbers unnecessarily these rules by which we operate. If you are for reform, you will vote against this amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Chester, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Will the majority leader consent to brief interrogation?

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

Mr. SCHRODER. Mr. Speaker, it is rule 30, I believe, where you are making changes that will allow the Rules Committee to make substantive amendments to bills that have come over on concurrence from the Senate. Mr. Speaker, is there a similar rule that would, say, prevent the Appropriations Committee from making any substantive amendments in your amendment?

Mr. EACHUS. This rule does not change any rule that applies to the Appropriations Committee. It has the full spirit of the Reform Commission within it.

Mr. SCHRODER. I will get to that in a minute.

Mr. Speaker, continuing on then, as I understand your answer, the Appropriations Committee would still retain the ability to pass gut-and-run amendments even though you say you are preventing the Rules Committee from doing so because you could come to the floor and we could revert to a prior printer's number and send it back, but the fact is, under your amendment, the Appropriations Committee, you can get around that by going to the Appropriations Committee, can you not?

Mr. EACHUS. Not on concurrence votes, Mr. Speaker. Let me say to you that the Appropriations' ability to amend was a bipartisan amendment offered by your minority chairman, Mr. Civera, and the gentleman, Mr. Evans, our chairman.

Mr. SCHRODER. And I will get to that in a minute.

Getting back to the question at hand, though. You have – I just want to make sure – you have no restrictions on the ability of Appropriations to make substantive amendments in this amendment.

Mr. EACHUS. This resolution makes no changes to anything to do with changes in amendments at the Appropriations level.

Mr. SCHRODER. Then how can you assure us that the same tactics will not be applied in Appropriations that we are talking about in Rules?

Mr. EACHUS. I am not sure what tactics you are referring to, Mr. Speaker. Could you be more specific?

Mr. SCHRODER. Making substantive amendments; let us say that.

Mr. EACHUS. Let me just make a point. In amendment 40, the Eachus amendment, and HR 39, offered by the gentleman, Mr. Dally, there is the exact same language that deals with the Appropriations Committee in both the Republican, original version, that I am amending, and the amendment we are adopting right here.

Mr. SCHRODER. But not the exact same language dealing with the Rules Committee and amendments.

Mr. EACHUS. I thought your question was applied to the Appropriations process, Mr. Speaker.

Mr. SCHRODER. And you responded vis-à-vis the Appropriations Committee, but I am now saying that the language about amending in those committees is not similar between your amendment and the resolution offered by Representative Dally.

Mr. EACHUS. Mr. Speaker, would you like me to once again tell you what changes to the Rules process this amendment does? I have done that in previous questions, but I am happy to do it for you if you would like.

Mr. SCHRODER. All I am trying to get clear on is whether or not you will be able to accomplish in Appropriations what you might not be able to accomplish in Rules.

Mr. EACHUS. I really cannot apply your question in real terms. What I can tell you is that the attempt to change the way we work only on concurrence bills within the Rules Committee, I believe, allows – as I said before – the people of Pennsylvania's voices to be expressed, that we represent here in the House, in a way that allows for amendments to take place that are changed in the Senate in a way that does not create inequality between the two chambers.

Mr. SCHRODER. I will apply it to real terms, Mr. Speaker.

May I speak on the amendment? I will take that as a "yes."

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

Mr. SCHRODER. Mr. Speaker, the fact is, it has been suggested that the Rules changes offered by the majority leader

will not return us to the days of gut-and-run amendments. Mr. Speaker, I do not see the so-called safeguards that have been put in there as really balancing the playing field between us and the Senate at all. I think what has been put in there is largely a distraction to take our minds away from the problem that is really at hand here.

Mr. Speaker, you say you cannot put my question into real terms. Well, Mr. Speaker, last session when we adopted the permanent rules, you are right, Representative Civera offered an amendment to take out the Reform Commission's change, which also prohibited Appropriations from making substantive amendments, and it was done so based upon the assurances of your side of the aisle, of your Appropriations chair, that there would be no substantive amendments in Appropriations, and there was nothing to worry about. Well, lo and behold, within about 2 months they started amending in Appropriations. Mr. Speaker, to just have assurances that it is nothing to worry about, it is not going to happen, it is all so that the 12 million Pennsylvanians who somehow understand these intricacies of the rules – you got me on that one – to suggest that it is all for that is just a bit nonsensical here.

Mr. Speaker, we are indeed opening up the door to returning to the bad old days, to returning to legislation being totally rewritten at the last minute and then brought to the House floor for a vote, brought to the House floor without adequate time for both members and the public to have a full appreciation of what the major changes may or may not be.

Mr. Speaker, it was suggested earlier that we should return to these rules because, after all, the Republicans did it when we were in charge; the Republicans did it when we held the majority. Mr. Speaker, I will be the first to admit, as you probably know, that we did do some things procedurally that I was upset about and not pleased about when we were in the majority. In fact, Mr. Speaker, it was a group of Republican members who rose up and challenged our leadership on that very process and on those very rules when we formed the Jefferson Reform Initiative. Do you know what one of the key components of the JRI was? To prevent gut-and-run amendments. We challenged our own leadership on that issue. Mr. Speaker, I hope some of you challenge your own leadership tonight on this same issue and make the right vote.

Mr. Speaker, turning now to another matter, the appealing of the ruling of the Chair. I think some very unfortunate characterizations were made to justify the changes being put forth here tonight on that rule. The majority leader claimed that we need to make these changes because, quote, "orchestrated efforts" were made to overturn the ruling of the Chair. Mr. Speaker, I made one of those efforts. I made a successful motion to appeal the ruling of the Chair late during the session last year. Here is a news flash, especially to freshman members on both sides of the aisle: You do not have time to orchestrate an effort when you appeal the ruling of the Chair; it happens immediately. It is not something we sat in caucus and talked about and plotted and planned and conspired. It just does not work that way. We appealed the ruling of the Chair, one, because we sincerely and honestly felt the ruling was incorrect, and enough of your members, to their credit, also thought the ruling was incorrect and voted with us, and we thanked them for that, and it was the right vote on those very limited times that it happened. This did not happen often. It happened twice, I think – twice that it was successful, I believe.

Mr. Speaker, I think what has happened here is that the reform that passed, the openness that we did manage to bring to the system, has proved to be a bit inconvenient. You know, it was stated earlier that this was an attempt to make the General Assembly run smoother, to enhance the operations. Mr. Speaker, that is not what the Reform Commission had intended at all. The Reform Commission did not set out to hinder the movement of legislation in the General Assembly, and in fact, we did not do that. But when you add in rules and safeguards and protections for greater openness to make sure that legislators have time to read and digest a bill as amended, to make sure the press and the public have time to digest these changes, it does slow down the system a bit. It is part of the trade-off, part of the price you pay for a little openness. I think apparently what has happened here is it has become inconvenient for the majority side to care about that anymore. Mr. Speaker, I do believe that there were some provisions that had this been done properly, it probably could have been agreed to by both sides of the aisle and tweaked a rule here or there to make it operate better. But, Mr. Speaker, what we have here tonight in the Eachus amendment is a full-scale retreat from the work, the good work, of the bipartisan Reform Commission, a full-scale retreat sending us back to the Dark Ages, the bad old days of gut-and-run, of voting after 11, with ignoring 24-hour rules.

Mr. Speaker, I hope – and I would ask especially the freshmen to consider this – when something is explained to you in the cozy confines of a caucus, it might sound good, it might sound just fine. All the people you look up to and respect and have helped you so far say it is a good idea. They say we abuse the system or something like that, and you do not have anything to base it on as to whether you believe it or not. I understand that. But just remember what might sound good explained to you in the cozy confines of a caucus room can often take on quite a different light in the harsh glare that the public will put on these rule changes once they are put into practice. So I ask for a "no" vote on the Eachus amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Montgomery, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I would ask the gentleman, Representative Eachus, to stand for brief interrogation, please.

Mr. Speaker, with regard to the 11 o'clock rule, can you, I know you have explained this before, but can you explain to me the difference between what we passed in the Reform Commission and what you are attempting to offer today?

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

This amendment allows for an express motion, which requires a three-quarter vote of this House – 75 percent of the members, Democrats and Republicans – to advance that express motion, which would allow for the content that is currently before the House at that moment to be completed. That would take, in real terms, a consensus between the Democratic majority and the Republican minority to advance beyond the 11 o'clock rule. I can only see the circumstance where we both felt in a bipartisan way that that policy, the completion of that policy that we were working on, was of the utmost importance to the House. That would be the only way this could be done. Beyond that, there is each day allowed at 11 o'clock committee announcements from chairmen, some administrative items, very innocuous things that would just keep the business of the House rolling at that moment right after 11 o'clock. No roll-call votes,

no other legislation, no additional legislation would come up or amendments offered.

Mr. VEREB. So that is if the vote is not taken and the 11 o'clock hour arrives and while we may adjourn business, you may not necessarily adjourn the House for those types of housekeeping items. Is that your suggestion?

Mr. EACHUS. Any amendment under our procedure would allow us to call for a roll-call vote, which would halt the process if it was not agreed to. Again, it requires 75 percent, three-quarters of the membership, which is exactly the language that was referred to over and over again in last year's rules reform.

Mr. VEREB. Mr. Speaker, on line 22 of this amendment, the words "exigent circumstances exist," what are exigent circumstances?

Mr. EACHUS. That language conforms to last session's rules adopted by the House, and those exigent circumstances would be determined by members of the House at that moment – by a three-quarters vote, of course.

Mr. VEREB. Mr. Speaker, in your mind, what is an exigent circumstance? If we were not able to come to a vote on the rules by 11 p.m. this evening, would you consider it an exigent circumstance and potentially offer up a vote to suspend the rules? I realize there is a technicality to that, but is it any type of business that would arrive to the 10:15 hour that you would offer that vote or offer that motion?

Mr. EACHUS. I think it is hard to say, but I do believe that it would be something, as I said, that would be agreed to by the minority and the majority leaders and the body. I assume that it would be caucused to determine the interest in the membership to take up that rule, and it would be very rare. I know that we did suspend the rules a number of times last session, very rarely, but it is hard to consider exactly what that moment might be, but as I said, it would be something that would be bipartisan in nature. I would assume it would be something of importance to the body.

Mr. VEREB. Thank you, Mr. Speaker.

I was not here in the House the days when the midnight sweatshop was run here in the House, so my question would be, at midnight does the clock change to a different legislative day or does it remain the same legislative day until business is adjourned?

Mr. EACHUS. That really would be up to the interpretation of the Speaker and this body, Mr. Speaker.

Mr. VEREB. Mr. Speaker, is it appropriate for me to ask the Chair the interpretation, if this were to be passed? Is it appropriate now or how would it be appropriate to ask that question, since you certainly would make that determination?

The SPEAKER. It would not be appropriate.

Mr. VEREB. Ever or now?

The SPEAKER. We could have a sidebar, but the Speaker does not debate.

Mr. VEREB. Thank you, Mr. Speaker.

What are your thoughts as the author? Does business continue? Does the date clock stop at midnight and it is the same legislative day going forward? In other words, would we collect another legislative day of per diems if we are here past midnight?

It got quiet in here, Mr. Speaker.

Mr. EACHUS. Mr. Speaker, I am not in the business of making up hypotheticals, so it is hard for me to answer your question, but I do think that in the spirit of last session, we never went beyond 11 o'clock, not once. I would expect that that

moment in time would be an extraordinary moment. I cannot imagine what that would be, but again, it takes three-quarters of this body. There are only 104 votes on the Democratic side. It could not be the majority imposing its will on the minority, so it would take a bipartisan conversation at that moment, but it is hard for me to calculate what that would be.

Mr. VEREB. I agree with your notion of the three-quarters vote, but obviously, the difference between now and what the Reform Commission did is the last time it was a rule suspension, and this time it is just a flat-out vote so members would not be called up on rule suspensions, but I guess the reason why I am asking is I happen to think you and my leadership have been here long enough to know what has happened in the past at midnight, and would we use that? I mean, is there such a thing as a past practice in what happens at midnight here in this chamber?

Does it go like the rest of Pennsylvania and go on to the next day, or does it stay on the same day?

Mr. EACHUS. I am not sure I understand the core of your question, Mr. Speaker. I am not trying to be difficult, but if you can give it to me straight. I am trying to understand.

Mr. VEREB. If we suspend – not suspend the rules – if we pass a motion to stay past 11 and we hit midnight, my question is, do we change legislative days, and I think legislative days drive bills, drive amendments, drive a lot of our rules. So the question would be, do we continue the same legislative session and is it part of the same legislative day or do we go into a new legislative day?

So if we stayed here tonight until midnight, at 12:01 would it continue on today's business as today? In the Journal would it be today or would it be tomorrow?

Mr. EACHUS. I would have to refer to the Parliamentarian, but I do believe that if we ever went beyond midnight, that it would be the next day, and I think that most of America knows that. It is the same here in the legislature.

The other thing, though, is that the end result of this process allows for – once again I will repeat it – an express amendment, which will take three-quarters of this body in a bipartisan way for exigent circumstances, whatever those might be, to go beyond 11 o'clock. Like I said, last session we never went beyond 11 o'clock, and I really doubt that— I cannot hardly think of a scenario that would compel us to do that, but it does allow for it under this rule.

Mr. VEREB. Mr. Speaker, my question is not— I have a great deal of respect for you, but my question is more legislative, institutional. Obviously, tomorrow is tomorrow in Pennsylvania, and I think we all understand that I was asking an institutional question, but I will move on, and I will just ask you this then. If, traditionally, in the last 2 years we did not go past 11 o'clock, then why are we attempting to change the process that obviously worked and I guess in some cases discouraged us from going past 11 o'clock? Why the change?

Mr. EACHUS. I have to tell you, I do think that we have to have the flexibility within the rules to respond to what we believe in this body to be an extraordinary moment. Without the flexibility in the rules, we cannot do it. So in this case I think it is a good improvement to the process, allowing for us to have the agility in that exigent moment to respond to it in a bipartisan way.

Mr. VEREB. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the resolution.

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

Mr. VEREB. Thank you, Mr. Speaker.

With the indulgence of the fine gentleman from Greene County, I would like to read a quote about the House rules that we were passing in 2007: "Magnanimity should be a preeminent virtue in this whole dialectic. Without the wonderfully unusual dynamics of swearing-in day and the accession to the dais of the inimitable O'Brien and the offering of the 24-person Speaker's Reform Commission, this would not be happening. If the status quo antebellum had been established, this would not be happening. We would not have this 24-hour waiting period. We would not have this session closing at 11 o'clock at night phenomenon."

The former leader, I could not have agreed with him more then, and I cannot agree more with this quote now than what he said. And I think there was a time when he had stated that he was on the reform train; he may have been on the caboose at times, he said, but he was on the reform train. And I suggest that some of the freshmen on both sides of the aisle and my colleagues in the sophomore class might want to remember how passionate our constituents were for reform, more specifically the 11 o'clock rule, as many of us had heard with some of the pieces of legislation that had passed. Legislation passed after 11 p.m. – with pay raises or gaming – we could see that mistakes were made, some political and some legal mistakes, perhaps.

So I suggest to the freshman members who came here and stood on the great steps of our Capitol and held a press conference pushing for reform how enthused I was, and I will be even more enthused if you will join us tonight and not participate in this reform train wreck that is about to happen and throw everything that we did, the passion of 24 members, I being one of them, who embraced the message of Speaker O'Brien – he has run away from me right now; he knew I was going to call him out – but it was a great opportunity as a freshman member to be part of a 24-member panel to bring reforms to this House, and I think the operations of this House over the last 2 years of not going past 11 p.m. is living proof that the rules worked.

I will just say this to the freshmen, specifically my colleagues on the Democratic side: The President of the United States, Mr. Barack Obama, signed an Executive order closing Guantanamo. Well, this is Guantanamo Tactics 101. You will be sweat down, and you will be passing legislation that is completely unacceptable to Pennsylvanians. Remember, yes, we can, and no, we should not.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

Mr. EACHUS. Yes, Mr. Speaker.

Mr. VITALI. I just wanted to clarify an interpretation of language that was raised by the gentlelady from Montgomery County, and this relates to rule 24. Basically, in your amendment it— Well, I do not have the page and number, but it deals with the issue of the amount of time that must elapse moving from second consideration to third consideration, and the bill talks about— I will just read the passage: "...however, a bill may not receive action on final passage until at least

24 hours have elapsed from the time the bill [was amended] and its amendatory language was available to the public...."

Now, the key point here is when that 24-hour period starts. It is my understanding that that 24-hour period starts once the bill is actually amended and passed on second consideration, not perhaps days before when it may have appeared on the calendar. Am I correct in that interpretation of the words "amendatory language"?

Mr. EACHUS. Your interpretation is correct. It is when the bill and the amendatory language is amended, then it would be available to the public, and that clock starts to tick.

Mr. VITALI. Okay. That concludes my interrogation.

I would like to speak on the amendment.

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

Mr. VITALI. Thank you, Mr. Speaker.

As some members know who have been around awhile, I have worked on reform issues for the bulk of my 16-year career, and it is my honest opinion that this is a good amendment, and I commend the maker for it. As I view the terms of this, this keeps intact the public's right to be part of the process, and I think it does that, the key provisions here are prior to each of the votes – the vote from second to third that we just established, the vote on concurrence – they all require that 24-hour time period. This way, if we vote on something at 11 o'clock in the evening, we go to bed, we get up, we review it, we consult with our experts, and it is not until 11 the next evening when it has had a full airing that it is actually voted. I think that is a real key safeguard, and I think that is a very solid protection – protection that we have not had in terms past.

Now, with regard to the other provisions here – I think they are relatively minor – the provisions we put in with regard to increasing a vote or two to appeal the ruling of the Chair or the provisions with regard to debate on the extending of the 11 o'clock rule, I think these were legitimate adjustments to deal with some problems we ran into last term. I think that part of doing the public's business is retaining our right to govern, and I think we do have to, in light of our past experience and the experience of the last term and, frankly, some dilatory tactics that were engaged in, we have to maintain our right to govern. So I think the adjustments we have made really enhanced our ability to govern and enhanced our ability to serve the public.

So for those reasons, I commend the maker of the bill, and I am intending to support this. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Centre, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you Mr. Speaker.

I would like to interrogate the majority leader for one moment on a question.

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

Mr. BENNINGHOFF. Thank you very much.

I actually had thought I would not need to stand because I thought you were going to answer this in Representative Vitali's questioning, but my concern was raised again when you qualified his question about the timing of when does the 24-hour clock actually start.

If I look at the language in rule 24, it says that "...a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill" – and then in parentheses – "[was amended]" – which I interpret as being pulled out – "and its amendatory language was available to the public...."

I need to have you clarify to me, when does the 24-hour clock actually start? Not when it is made available to the public because you qualified your answer with when it becomes available to the public. Well, it could become available to the public days before it is actually physically amended.

Mr. EACHUS. The House would have to adopt amendments to a bill before the clock would start ticking. I hope that is clarifying for you.

Mr. BENNINGHOFF. If I adopted an amendment tonight, my colleagues will have 24 hours before that thing will be voted on final passage.

Mr. EACHUS. Yes, Mr. Speaker. If we were to vote right now – and I am hopeful we will at 6 o'clock on amendment 40 that is before us – it would take— These are the rules that apply, but if it was an amendment for a bill, it would take 24 hours from that time.

Mr. BENNINGHOFF. I appreciate your answer. I would ask you to ask your staff to look at that, only because it appears in the printing as though they are in brackets as though it was removed out of the bill.

If I could make a quick comment on the overall amendment.

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

Mr. BENNINGHOFF. Thank you very much.

Very briefly, I am actually kind of saddened that we are spending as much time as we are debating an issue, which, frankly, is unnecessary. I look across this chamber and I am surprised that in two short election cycles, 90 new members have come into this chamber. The majority of you 90 that came here came because the public was sick and tired of what was going on in Harrisburg. They were frustrated with the Republicans, they were frustrated with Democrats, because frankly, there was more trickery and parliamentary gymnastics going on than real business of the people. Well, here we sit almost 30 days past our swearing-in day, where we swore to an oath to come serve the public, come serve the people, and yet 30 days later we do not even have a simple procedure done – having our rules to conduct business. So frankly, what have we done for 30 days? Pretty much nothing.

Mr. Speaker, it is very simple. We have rules here to govern ourselves, many of which, all of us, a large majority of us, supported and, frankly, in a very bipartisan manner through the rules reform. There were other initiatives I would have loved to have seen passed, but in the spirit of democracy, we passed the ones that we could get through this chamber. To digress anywhere away from those previous rules, to back away from the rules reform is not progress, and that is not what the public expects from us. Progress, reform, only goes forward. It does not go backwards. The changes to the rules that we had governed ourselves in the previous session under, in any manner, whether it is 11 o'clock stop time, whether it is 11:05, 24 hours, 23 hours, or any other changes, it is simply a backslide. It is a slap in the face to the public, who brought 90 new members to this chamber and said we want real change and we are depending on you to see that it happens.

Please, let us end this. We can end it as soon as I am done talking and move on to doing the real important things of the public. Your constituents are not calling talking about this. They are calling because they are worried about taxes, they are worried about energy, and they are worrying about a budget that is going out of control with spending. We can end this right tonight, as the majority leader said. Vote for the Dally

amendment as it was, and turn down the rest of these. The rules that we have are fine.

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

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

Would the majority leader stand for questions?

The SPEAKER. Will the majority leader stand for interrogation? The gentleman indicates he will. The gentleman may proceed.

Mr. SAYLOR. Mr. Speaker, if you would summarize and clarify the intent of the changes to House rule 15. I would like you to address the changes that have been made in House rule 15, and particularly, Mr. Speaker, I would like you to talk about page 13, lines 32 to 37, which seem to indicate that the administrative matters can be tended to after 11 p.m. without the consent of the House. Is this accurate?

Mr. EACHUS. Mr. Speaker, I was just learning about the tradition of how we do things administratively. They are done traditionally by the "yeas" and "nays" here. However, members can object and ask for a recorded vote at any time.

Mr. SAYLOR. Mr. Speaker, would you please—

Mr. EACHUS. And let me just add one caveat to that: If it were to happen after 11 o'clock and someone would call for a vote of the "yeas" and "nays," then that administrative matter would be set aside.

Mr. SAYLOR. Okay. Mr. Speaker, would you give me the meaning of what administrative matters means? What is "administrative matters"? Define that for the House.

Mr. EACHUS. Sure; I will give you a specific example, Mr. Speaker. If the chairman of the Insurance Committee were to rise and say that he has a committee meeting, that would be an announcement. An administrative matter would be something that the Speaker might have – there is a process that would require a "yea" and "nay," and there are many of those things that happen here every day as a tradition, but the members can object and require a vote of the House, and as I said, if it happened after 11, that administrative matter would have to be set aside.

Mr. SAYLOR. Mr. Speaker, so you would say that the administrative matters include reports of committees, messages from the Senate and the Governor?

Mr. EACHUS. Yes, Mr. Speaker. That is the tradition.

Mr. SAYLOR. Thank you, Mr. Speaker.

I have concluded my interrogation. I would like to make comments on the rules.

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

Mr. SAYLOR. The change to rule 15 is a perverse gutting of what may have been the most critical and bright-line rules of last session. Now, under the new rule 15, the House committees will be able to meet in the dark of night, after 11 o'clock, and report legislation back from the committee and have those reports read across the desk without giving any member the ability to object to the report of the committee.

Once again, the House Democrats have completely removed the ability of members to participate in the legislative process, and that to me, I have no doubt, will mean that the rules change will mean manipulation here on the House floor. I remember last session being the dawn of a new day. I stand here now having no option but to vote "no" on the proposed rules changes as proposed by the majority leader.

Thank you. I ask for a "no" vote on the rules.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Crawford, Mr. Roae.

Mr. ROAE. Thank you, Mr. Speaker.

I would like to speak on the amendment.

I was on the Reform Commission last session, and it was a real pleasure to serve with Republicans and Democrats both to reform the House rules. When I look at HR 39, what I see is basically the rules from last session. When I look at the amendment that is being offered, I basically see the rules that were in place during the 2005 pay raise vote or the 2004 slot machine vote. Some of the most controversial votes this chamber has had for several years took place under the old way of doing things. The rules we had last year were the new way of doing things.

I was kind of interested, what do other members feel about the rules? So I did an Internet search, and I found an article that was on another member's Web site about the new House rules. There are 13 bullet points on the Web site – this is a Democratic Web site, by the way – there are 13 bullet points about the good things that the Speaker's Commission for Legislative Reform did. The number one bullet point was, "Changes to promote openness and fairness in legislative process:

"Normal House session hours limited to 8 a.m. to 11 p.m." That was the first bullet point.

The second bullet point was, "Require at least 24 hours before a concurrence vote on a bill that has come from the Senate with amendments."

And the third bullet point out of the 13 bullet points stated, "Changes to shift power from a few House leaders to all the representatives:

"The Rules Committee may not amend bills returned from the Senate on concurrence."

I find it interesting, Mr. Speaker, that a prominent Democrat had these on his Web site as the three most important rules – at least they are listed first – that the Reform Commission came up with, and now the Democrats are seeking to drastically alter those rules so they will not be as strong.

Mr. Speaker, I would like to urge the members to please vote "no" on this amendment and vote for the reform that we voted by a unanimous vote last session. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Will the majority leader stand for brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, I thank you for standing for so many questions. I know you have already been through a lot, and I have tried listening very carefully to some of the responses. Some of your responses to the questions from Representative Vereb prompted some more questions.

So if I could, in referring to the language of the amendment affecting rule 15, "Time of Meeting," I believe the language states, as you were relating, that "A motion to extend session may be made to extend session generally or to conclude business on a specific question or questions." Is that correct?

Mr. EACHUS. If I can take a moment to consult the language in the bill, Mr. Speaker; thank you. Can you repeat the site?

Mr. REICHLEY. Well, it is under rule 15. I do not have a computer screen in front of me which shows the page of your amendment.

Mr. EACHUS. Can you repeat the question? Maybe I can get some clarification.

Mr. REICHLEY. Sure. I am just asking for confirmation that your amendment would insert a phrase that "No session of the House may begin before 8:00 A.M. nor" – and you are taking out "[end]" – "may any roll call votes be taken after 11:00 P.M...." Is that part correct?

Mr. EACHUS. That is correct, Mr. Speaker.

Mr. REICHLEY. "...unless exigent circumstances exist..." and you were describing the three-fourths of the vote for "...a roll call vote on a motion to extend session." So in your response to Representative Vereb's questions, you were stating that it would take three-quarters of the members to vote affirmatively to extend us past 11 o'clock. Is that correct?

Mr. EACHUS. For a roll-call vote, that is correct, Mr. Speaker.

Mr. REICHLEY. But following that portion of the rule, I believe the amended language is that "If a motion to extend session is made prior to 10:15 P.M. and a roll call vote has not been ordered, the arrival of 10:45 P.M. shall put an end to all debate and...bring the House to an immediate roll call vote...." Is that correct? Is that in the language of the amendment?

Mr. EACHUS. On the question to extend session, that is a correct characterization.

Mr. REICHLEY. Mr. Speaker, what happens then if the motion to extend the session is defeated to the ongoing debate that was occurring at the time?

Mr. EACHUS. It ends at 11 p.m.

Mr. REICHLEY. And is debate picked up the next day?

Mr. EACHUS. That is the way the rules have been operating. Yes, sir; the next day. We end the debate. The Speaker may allow for the administrative or announcement procedures preceding 11 o'clock, without objection to the membership, and we get back to work the next day after 8 a.m.

Mr. REICHLEY. But, Mr. Speaker, if that is the extent of the rule now, where debate ends at 11 p.m., why is there a necessity to have this amendment to allow for an extension of debate other than to do some housekeeping, as you have described it? To allow committee reports, is that the full extent of it?

Mr. EACHUS. Without a three-fourths vote of the House, there is no extension, which would require both sides of this aisle to concur that it would be an advantage to go beyond 11 p.m.

I talked about exigent circumstances that might occur. I do not know what that emergency moment could be or what the content would surround. Once again, it would be one of those things where we would likely caucus on it and then have some arrival in the determination between your leadership and ours to move forward.

Mr. REICHLEY. I understand, Mr. Speaker, but because the rules under the Dally resolution and which have prevailed for the last 2 years in session have the provision that members by three-quarters vote can suspend the 11 p.m. rule, what more does your amendment add?

Mr. EACHUS. It just adds the flexibility in that moment that we really— It is hard to describe what that moment would be where, in a bipartisan way, we wanted to finish the amendment or the bill that we were on. There may be some moment that— It is hard to describe what that would be, but it would take an

agreement of three-quarters of the membership. As I said earlier, we only have 104 votes out of 203 here in the House. We would have to be in agreement of this body to move forward on that amendment or bill that was on the House floor at that moment.

Mr. REICHLEY. I am sorry; could you state that last part once again?

Mr. EACHUS. Sure. It would be completing the thought for the public, completing the thing that we are working on that would be the work of the House. It would not be new content or a new bill or other legislation.

Mr. REICHLEY. But would it not also have the effect, Mr. Speaker, of cutting off debate of the question before the House at that time?

Mr. EACHUS. No, it would not, Mr. Speaker.

Mr. REICHLEY. The three-quarters motion is required to extend session, but you have also said that the debate would cease so the vote could take place on the motion to extend session.

Mr. EACHUS. It would only stop debate on the motion to extend.

Mr. REICHLEY. So it is on the House record now that you are stating that if debate is ongoing as of 11 p.m. and a motion to extend session fails, debate can be picked up the following day whenever the House reconvenes, whether it is 11 a.m. or 1 p.m.?

Mr. EACHUS. Correct.

Mr. REICHLEY. Yes; 1 p.m. Okay.

Next, Mr. Speaker, I would like to turn you to the amendments to rules – excuse me for a second – 21 and 24. Those are the rules dealing with concurrence and the 24-hour notice and also rule 24 for third consideration. Are you able to find that part?

Mr. EACHUS. I have the section.

Mr. REICHLEY. Thank you.

Let me just begin with your comments to Representative Vitali and Representative Benninghoff I believe most pertinent to the language in rule 24. Representative Vitali raised to you the issue of when the 24-hour clock would begin, and I think you have stated to both Representative Vitali and Representative Benninghoff that the period for consideration of 24 hours begins after the bill is amended. Is that correct?

Mr. EACHUS. As I said, when the bill is amended, at that moment the clock starts ticking, 24 hours. It is now 6:02. If we were to vote on an amendment to a bill, the clock would run 24 hours to keep the public access in place for that information until 6 p.m. the next evening.

Mr. REICHLEY. Well, Mr. Speaker, what is the need for the language then added into rule 24, which states, "...and its amendatory language was available to the public,..." and I think that is also in rule 21?

Mr. EACHUS. The language here in the House is consistent between second and third and concurrence. So it is just clarifying language.

Mr. REICHLEY. Well, Mr. Speaker, would it not be confusing to the general public and to the members? Let us say we convene on a Monday, amendments are filed by 2 p.m., a vote is taken on Tuesday, the bill is amended; would it not be that the amendatory period began or – excuse me – the 24-hour notice began from when the amendatory language was available to the public as of 2 p.m. on the previous day?

Mr. EACHUS. Mr. Speaker, it is not amendatory language until the amendment is adopted by the House.

Mr. REICHLEY. Well, is it not more concise and clear, Mr. Speaker, to have the rule stay the same language as it is now, leaving rule 24 and rule 21 intact?

Mr. EACHUS. Under the past rules, there was no structure that allowed for that language to be available on concurrence or conference committees for 24 hours, and this expands the spirit of access in those two scenarios so the public has more information on concurrence votes as well as conference committees.

Mr. REICHLEY. Well, the public's knowledge, Mr. Speaker, would start to be expanded once a member has filed an amendment, which would not yet even be voted upon because of the 2 p.m. deadline of the previous session day. That is out there and available to the public and to the members to review, and it would seem that the language in rule 24, at the very least, implies that the 24-hour clock begins from the time the bill and its amendatory language was available to the public.

Mr. EACHUS. The mere filing of an amendment is not the issue. It is when the bill, the actual amendment is amended to a bill that triggers the 24-hour notice.

Mr. REICHLEY. But if my amendatory language had been filed by the 2 p.m. deadline of the previous day, is it not available to the public?

Mr. EACHUS. Yes, the language is available, and it gives an additional time for the public to look at various amendments that are offered here in the House. But as you know, sometimes there are 100 amendments, 100 amendments that are offered to a bill but only 5 actually run. So it does allow on the voting system for the public to have knowledge of those amendments, but amendatory language and the clock begins to tick when a bill is actually amended.

Mr. REICHLEY. And that was the rule in the previous session. Is that correct?

Mr. EACHUS. Not for concurrence and conference reports, Mr. Speaker, where we have expanded the notice to the public.

Mr. REICHLEY. I am just referring to rule 24 right now.

Mr. EACHUS. Yes. This creates consistency between second and third, concurrence, and conference committee reports so that there is open access in all those areas, a 24-hour notice.

Mr. REICHLEY. And I appreciate the reference back to rule 21, but focusing just on rule 24, third consideration, was it not the situation, as I believe the Speaker has just described, that the 24-hour period, under the rules that prevailed during the last session, began from the point at which a bill was amended?

Mr. EACHUS. The answer is yes, and we wanted to make sure the language is available.

Mr. REICHLEY. It was always available, Mr. Speaker, because the amendments are filed publicly.

Mr. EACHUS. It is really not a question you are asking, but once again, we have expanded that to conference committee reports and concurrence bills.

Mr. REICHLEY. Now, having laid out, in what would appear to be ironclad terms, this 24-hour period, though, can be waived by language your amendment seeks to offer further down in the same rule, rule 24, "...or an affirmative vote of a majority of the members elected to the House indicates that they have had sufficient time to review the language of the bill and thereby approve proceeding with the bill." Is that not correct, Mr. Speaker?

Mr. EACHUS. No; I do not think this impacts the 24-hour waiting period at all. I think your interpretation is incorrect.

Mr. REICHLEY. Well, Mr. Speaker, would you agree that in reading rule 24, as your amendment would change the language, and I will refer to rule 24, "...a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill..." and it used to read, "was amended." Those two words are taken out, and you have added, "and its amendatory language was available to the public, unless the amendment was a technical amendment permitted under the first paragraph of this rule..." Now your new language starts "or an affirmative vote of a majority of the members elected to the House indicates that they have had sufficient time to review the language of the bill and thereby approve proceeding with the bill." You may not waive—

Mr. EACHUS. You may remember—

Mr. REICHLEY. —the full extent of the 24 hours, Mr. Speaker.

Mr. EACHUS. You are right, and you may remember earlier that I said there will be another amendment offered; there was a drafting error. Mr. Vitali will move that two-thirds, which will conform to the two-thirds requirement across this bill. So I apologize for not understanding this section.

Mr. REICHLEY. And I heard you refer to the amendment to be offered by Representative Vitali. When I scanned or scrolled through the amendments, I did not see one offered by Representative Vitali. Is there going to be an amendment that you had filed that he is going to become the sponsor of?

Mr. EACHUS. I think the gentleman will be happy to provide you the language on the amendment he will be offering.

Mr. REICHLEY. Is Representative Vitali going to amend the language of rule 21, as you are amending, to also make it a two-thirds vote to be able to waive the 24-hour period for a concurrence vote?

Mr. EACHUS. Yes, he is.

Mr. REICHLEY. Okay.

PARLIAMENTARY INQUIRY

Mr. REICHLEY. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. REICHLEY. Is the Chair aware of the Vitali amendment, or could he at least notify the members of the number of that amendment? Again, when I scrolled through the system, I did not see any amendment with Representative Vitali's name listed as the sponsor.

Mr. EACHUS. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader. He has the amendment number.

Mr. EACHUS. The gentleman, Mr. Vitali, has notified me that it is amendment 155, A155.

Mr. REICHLEY. Mr. Speaker, was that timely filed?

Mr. EACHUS. Yes, sir, Mr. Speaker.

Mr. REICHLEY. I guess I was directing that to the Chair, not the majority leader.

Was amendment 155 timely filed, Mr. Speaker?

The SPEAKER. It was. We have a corrective reprint from the Legislative Reference Bureau, and it will be the next order of business. Amendment 00155; it was originally

amendment 0049, and because of the software glitch at the Legislative Reference Bureau, it has been reprinted.

Mr. REICHLEY. I heard about that.

The SPEAKER. It will be the next amendment.

Mr. REICHLEY. Okay.

Mr. Speaker, may we be at ease just for a second so I can try to look at that amendment on this computer screen? Is it on the screen or any screen or do you have a hard copy of it?

The SPEAKER. The House will be temporarily at ease.

The House will come to order.

The Chair recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I appreciate the latitude and the explanation given to me regarding the Vitali amendment.

If I may speak on the amendment, Mr. Speaker.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, I think we do have a stark challenge ahead of us in reviewing the language that had been unanimously approved by this House last session, which constitutes the language in the Dally resolution, HR 39. We are taking a step backwards if we adopt the Eachus language within amendment 40.

I believe that my questions to the majority leader that related to rule 15 for the time factors do leave the question open whether this is going to be an attempt to cut off debate, to cut the ability of the minority to fully inform the public and the press alike that the legislation has serious ramifications and considerations, and the thing I do not think that we want to set as a precedent in this chamber, which we ordinarily and routinely describe for the school groups that come before us as the most historic body in the Western Hemisphere, the longest-serving, continuously elected democratic body, that we have a tradition of minority debate; that we are not some General Assembly in a banana republic that has a rubber stamp provided to the majority that allows debate to be shut off.

My colleagues on the other side of the aisle, who have a majority in the United States Senate, even they would not have the temerity to alter the rules of the United States Senate that allow for 40 members to prevent a closure of debate, and that is essentially what rule 15 as amended would do. When there is a vote to cut off the debate, to move to a motion to extend session, you are terminating the ability for the minority to fully air all of our concerns and grievances about a particular legislative question. So I think we have to have serious concerns about proceeding with a rule change of that extent.

On the other rule changes as described in rule 24 and rule 21, I believe that the explanation I have received is that the drafting of the amendment, which provides for the former language that 24 hours must elapse from the time the bill was amended, which would now be changed that 24 hours have elapsed from the time the bill and its amendatory language was available to the public, leaves us all up in the air as to what the true effect of this rule is.

I have been told that the intent is not to have the 24-hour clock start until the bill is amended. I would argue otherwise, that we are looking at the plain black-and-white language of the amendment, and to make sure that there is no confusion, we need to reject that proposition that somehow someone can game the system by saying, well, the amendatory language was available 24 hours ago, and so therefore, we can rush to a vote on this.

PARLIAMENTARY INQUIRY

Mr. REICHLEY. Mr. Speaker, a point of parliamentary inquiry at this time.

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

Mr. REICHLEY. Mr. Speaker, would the Eachus amendment be subject to a motion to strike and insert under rule 63?

Mr. EACHUS. No; it is not.

Mr. REICHLEY. Well, Mr. Speaker, under the temporary rules that utilize the rules from the last session, would not rule 63, which deals with a motion to strike out and insert, be applicable? We are not moving to divide; we are moving to strike out and insert.

The SPEAKER. Our practice has been to do that type of action by the regular amendatory process.

Mr. REICHLEY. Mr. Speaker, this is the rule that applies for motions. I am not seeking an amendment to be filed to the bill. This is a motion to strike out and insert.

The SPEAKER. Under our current rules, this motion is actually an amendment. For you to utilize this rule, you would have to suspend the rules in order to effectuate the rule.

Mr. REICHLEY. Mr. Speaker, are we still looking at rule 63 from the last session?

The SPEAKER. Yes.

Mr. REICHLEY. The language of that which was adopted as a temporary rule?

The SPEAKER. Yes. The motion to strike out and insert is indivisible.

Mr. REICHLEY. This refers to a division of a question, and I believe, Mr. Speaker, that the amendment filed by the majority leader will qualify that, which can then be subject to a motion, not an amendment, but a motion to strike out and insert.

The SPEAKER. Rule 63 is the same as an amendment. Therefore, it would require the suspension of the rules.

Mr. REICHLEY. Mr. Speaker, did we not, in the last session, do oral motions to divide amendments?

The SPEAKER. To divide, yes.

Mr. REICHLEY. Are you able to cite a precedent in which a motion to strike and insert had to be filed as a written amendment?

The SPEAKER. The problem, according to the Parliamentarian, is that as precedent, we have never utilized rule 63 because it is the same as an amendment.

PARLIAMENTARY INQUIRY**REQUEST TO DIVIDE AMENDMENT**

Mr. REICHLEY. Well, Mr. Speaker, if I may follow up with my parliamentary inquiry, is the Eachus amendment subject to the first paragraph of rule 63, a motion to divide?

The SPEAKER. It is not subject to that provision.

Mr. REICHLEY. And why not?

The SPEAKER. Resolutions are not divisible.

Mr. REICHLEY. But, Mr. Speaker, the Eachus amendment seeks to amend rule 63 to specifically preclude division of a resolution. The fact that you have to add that language to the rule would imply that you can currently divide it, because

otherwise, you would not have to add this specific language to prohibit the division.

The SPEAKER. Where do you propose the division?

Mr. REICHLEY. I would propose the division, Mr. Speaker, if I may, at page 19 of the amendment, line 43, at the bracket before "was" and to take out that following bracket and the rest of the amended language into line 44.

The SPEAKER. Page number again?

Mr. REICHLEY. I believe it is page 19 of the amendment.

The SPEAKER. The amendment at that portion is not divisible.

Mr. REICHLEY. Is there any rule under the available temporary rules, Mr. Speaker, that would allow for the House to consider removing the brackets on line 43 of page 19 of the amendment around the words "[was amended]" and the following amendatory language?

The SPEAKER. Mr. Reichley, the amendment would have to be divisible, and it would have to be able to stand on its own merit where you divide it.

Mr. REICHLEY. But I am more making the motion on the strike— I am asking, other than in rule 63, is there any other location within the rules, Mr. Speaker, which would allow me to seek to strike out those brackets and the amendatory language running from line 43 into line 44?

The SPEAKER. No; if you want to strike that language, you would have to file an amendment to strike the language.

Mr. REICHLEY. Unless I move to suspend the rules.

The SPEAKER. If you suspend the rules, yes; you can.

Mr. REICHLEY. All right. Well, I will seek to do that, Mr. Speaker.

The SPEAKER. You would like to make a motion to suspend the rules?

Mr. REICHLEY. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Reichley, what rule are you suspending?

Mr. REICHLEY. Well, Mr. Speaker, I guess I am moving— You are the ones that told me I had to suspend the rules to be able to waive the amendment requirement, I believe it would be. The language of this rule does not refer to a motion to strike as necessitating a written amendment. So I am seeking to suspend whatever rules are applicable under the temporary rules that would require a written amendment to be filed to proceed with a motion to strike and insert.

The SPEAKER. Is the gentleman suggesting an oral amendment?

Mr. REICHLEY. Mr. Speaker, could I also just file an appeal to the ruling of the Chair that I am required to suspend the rules to be able to proceed with the motion to strike out and insert?

The SPEAKER. The gentleman would be in order and could appeal the ruling of the Chair.

Mr. REICHLEY. All right. Well, let me do that one first, Mr. Speaker, if you do not mind.

RULING OF CHAIR APPEALED

Mr. REICHLEY. I would appeal the ruling of the Chair that I am not able to proceed with the motion to strike out and insert on rule 63.

The SPEAKER. The gentleman, Mr. Reichley, has appealed the decision of the Chair, and the decision is on the motion to strike in rule 63.

On the question,
Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On that appeal, the Chair recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Mr. Speaker, thank you.

I am appealing the ruling of the Chair. Mr. Speaker, I think the plain black-and-white language of the rule is that a motion to strike out and insert is divisible. There is no reference to the need for a written amendment. There is no precedent that has been cited by the Chair, and I am asking for support of the members to allow for a consideration.

The real effect of my motion would be that, as the majority leader has stated, his intention is to not alter the rules from what they have been under the previous session. Well, if that is true, then we should not have the amendment which strikes out the language, which we had in the last session, and his amendment would provide for this very confusing issue of when amendatory language is available to the public. He has told Representative Vitali, he has told Representative Benninghoff, he has told me, it is not my intention to have that 24-hour clock start until a bill is amended. Well, if that is true, let the language stand as it was.

I am asking for the support of the members so we can have that motion considered.

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

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to oppose the gentleman's appeal of the Chair and ask that the Democratic Caucus allow the debate on the amendment that I offered in its entirety. Thank you.

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

The SPEAKER. The Chair recognizes—

Mr. S. SMITH. Mr. Speaker, would you please restate the ruling just for the clarity of the members?

The SPEAKER. Will the gentleman restate the question.

Mr. S. SMITH. Mr. Speaker, would you please restate the ruling, just for the clarity of the members?

The SPEAKER. The ruling of the Chair is that the motion made by the gentleman is not available and that he must use the amendatory process to make a change in the paragraph that he cited.

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

On that appeal.

The SPEAKER. The Chair recognizes the gentleman.

Mr. S. SMITH. Mr. Speaker, I would respectfully rise to support the gentleman from the Lehigh Valley that the Speaker's ruling is incorrect. Clearly, Mr. Speaker, when you are looking at the temporary rules, which are, in essence, our House rules from the past session, and I believe this rule has been around for a while, rule 63, entitled, "Division of a Question," the rule clearly says that "Any member may call for a division of a question by the House,..." and it goes on to say that "A motion to strike out and insert is..." available. There is nothing in this rule, Mr. Speaker, that suggests that it requires a suspension of the rule. There is nothing in it that says that you should have used an amendment to take care of this order of business. In fact, my guess is, Mr. Speaker, this rule was there for exactly this kind of purpose, where the clear language in the proposed amendment is not doing what the member said it was doing.

The two brackets, Mr. Speaker, in this particular case, would do exactly what the majority leader has said he is doing. Removing those brackets is a simple process. Just because we have not used rule 63 in recent years does not say that it does not still exist, because it is right here in black and white. If it was the intention of the Rules Reform Commission of 2 years ago to say that that is the equivalent of an amendment and that it should have required a suspension of the rules, then it should have said that in that rule, but it does not say that, Mr. Speaker.

This rule clearly, the plain reading of this rule says that "A motion to strike...and insert is indivisible." There is no mention of a requirement to have a suspension of the rules in order to do this, and I think that the ruling of the Chair should be overturned, Mr. Speaker. It is plain and simple. Just because we have not used it does not mean it is not available.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentleman from Philadelphia, Mr. Bill Keller. His name will be taken off of leave.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who moves that the gentleman, Mr. MICOZZIE, be placed on leave. Without objection, the gentleman will be placed on leave.

CONSIDERATION OF HR 39 CONTINUED

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I understand that some members may think this is overly laborious and arcane and we are talking about the number of angels on a pinhead, but look, if we are going to start the session off this way – everybody talks about bipartisanship, everybody talks about transparency, everybody talks about common sense – look at the language of this rule, "A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert." If I did not have to file this as an amendment, why would it make reference to precluding me from filing an amendment?

This rule was written in this way so that a member could orally move to strike out portions of an amendment that is not divisible. As the Chair has I think correctly ruled, this is not a divisible amendment at this point, but that leaves the members no other option but to go through an entire process which is not called for by this rule.

So I would ask the members, especially those who are Reform Commission members who look to the integrity of this House, please vote in support of my motion to overrule the Chair.

My last question, Mr. Speaker, would be to please indicate to the members what a "yes" vote means and what a "no" vote means. Is a "yes" to affirm the ruling of the Chair or to overrule it? Thank you.

The SPEAKER. For the information of the members, it does not apply to amendments, because if it did, it would contradict

the Constitution under Article III, subsection 4, under "Consideration of bills. Every bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill and before the final vote is taken, upon written request addressed to the presiding officer of either House by at least 25% of the members elected to that House, any bill shall be read at length in that House. No bill shall become a law, unless on its final passage the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the journal, and a majority of the members elected to each House is recorded thereon as voting in its favor."

So on the question, shall the decision of the Chair stand as the decision of the House?

Mr. EACHUS. Mr. Speaker?

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

Mr. EACHUS. Just for clarification of the members, the "yes" vote affirms the ruling of the Chair?

The SPEAKER. Those voting to sustain the decision of the Chair will vote "aye."

On the question, the Chair recognizes the gentleman from Cumberland, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

Just very quickly. I am sorry; I got a little distracted. The Speaker was reading something to the chamber, to us, to the members, and I was not sure what the Speaker was reading to us or citing to us. You do not have to read it again. If you could just—

The SPEAKER. The Constitution of Pennsylvania.

Mr. GABIG. And what section was it?

The SPEAKER. Article III, subsection 4.

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

The SPEAKER. On the question, shall the decision of the Chair stand as the decision of the House?

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

Mr. MAHER. Thank you, Mr. Speaker.

Just for clarification, Article III, subsection 4, of the Constitution I think as you read it referred to bills. Is that correct?

The SPEAKER. That is correct.

Mr. MAHER. Is this amendment a bill? Is this resolution a bill? I am asking rhetorically. This is not a bill. This is an amendment dealing with a resolution. It is not circumscribed by that section of the Constitution, and if that was the basis for your decision, I now understand what the theory was and why it would relate, perhaps, to dealing with amendments to bills. But there is not a bill; there is an amendment dealing with a resolution, and the rule is obvious on its face.

And to say that a tail on a dog is a fifth leg does not mean dogs have got five legs. Vote for four legs. Vote against the decision of the Chair.

The SPEAKER. On the question, shall the decision of the Chair stand as the decision of the House?

Those voting to sustain the decision of the Chair will vote "aye"; those voting to overturn the decision of the Chair will vote "nay."

On the question recurring,

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

The following roll call was recorded:

YEAS—104

Barbin	Eachus	Levdansky	Samuelson
Belfanti	Evans, D.	Longietti	Santarsiero
Bishop	Fabrizio	Mahoney	Santoni
Boyle	Frankel	Manderino	Seip
Bradford	Freeman	Mann	Shapiro
Brennan	Galloway	Markosek	Sipthroth
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		

NAYS—94

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

NOT VOTING—0

EXCUSED—5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today with great concern. I was very excited to become a member of this chamber, one of the oldest continuously elected bodies in the world. Who would have thought that my very first vote of importance would be to roll back the clock on reform?

During last year's election, there were several candidates for the House of Representatives who signed a pledge of reform. That pledge was called the Pennsylvania Candidate Platform for Reform. Many of those candidates are in this room tonight, and I wonder if they remember that pledge. If they do, I call upon those reform members to stand up and to repudiate their leadership's amendment and to vote consistent with their pledge of reform.

So for my colleagues from Bucks, Chester, and Montgomery Counties in the southeast, to Centre County in the T, up to Erie in the northwest, I call on you to join with those of us on this side of the aisle who made that same pledge, and vote against this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland County, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment stand for brief interrogation?

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

Mr. GRELL. Thank you, Mr. Speaker.

Mr. Speaker, if I missed this question earlier, I apologize, but is there a change in the rule between the current reform rules and your amendment with respect to debating motions to lay a matter on the table?

Mr. EACHUS. Yes, sir. What we have done is we have changed the scope of who can debate that motion. What we are doing in this amendment would allow the maker of the motion and the two leaders, under a restricted debate motion, like we do in many other cases.

Mr. GRELL. And how does that differ from what the current rule is and the reform rules from last session?

Mr. EACHUS. What we saw last session, Mr. Speaker, was these simple motions would create hours and hours and hours of, really, what I found to be pointless debate and stalling. So what we have done, in order to advance an orderly process here on the House floor, is to make it a motion that would allow for a smoother control of time and flow of legislation by restricting that motion to a few speakers.

Mr. GRELL. Thank you.

Mr. Speaker, am I correct in saying that under your amendment, fewer members of the body would be allowed to debate a motion to lay a matter on the table?

Mr. EACHUS. It is correct in what my amendment does, but I have to tell you that before that process, none of it was debatable.

Mr. GRELL. But, Mr. Speaker, as a result of that process, more people were able to debate on that, and under your amendment, fewer people would be able to debate on that motion.

Mr. EACHUS. Well, I think what my amendment does is it achieves a reasonable middle ground that allows the maker of

the motion to state his case, the leaders to debate it, the members to vote it, and it keeps an orderly movement of the legislative process going on. Since we have agreed to time limitations from 8 a.m. to 11 p.m., it just creates a better, more orderly flow.

Mr. GRELL. So, Mr. Speaker, this is one of those inefficiencies or inconveniences that your amendment is to address. Is that correct?

Mr. EACHUS. Let me make another point to you: A motion to lay on the table is a motion to terminate debate – completely terminate it. So what this allows to happen is the ability to have a thorough debate among a number of members and try and get to that motion, but that termination of debate should offend the sensibilities of members in a more broad fashion. So I am just trying to make it a more orderly flow.

Mr. GRELL. Thank you, Mr. Speaker. That ends my interrogation. On the amendment.

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

Mr. GRELL. Thank you, Mr. Speaker.

Mr. Speaker, I have only been a member of the House for 4 years, but one of the true honors of my short tenure in the House has been my service on the Speaker's Commission on Legislative Reform. I was proud of that work, proud of the work product, mostly because that process was a bipartisan process and the work product was bipartisan. These rules were unanimously adopted by the Reform Commission, and they were unanimously adopted by the House of Representatives.

When we were in the Speaker's Reform Commission, we understood that sometimes we would be in the majority, sometimes we would be in the minority. Sometimes we would be rank-and-file members, sometimes we would elevate to leadership. But in all cases, the goal of the Reform Commission was to come up with rules that were fair and equitable to everybody, whether you are in the majority or the minority, whether you are a leader, whether you are a committee chairman, or whether you are a rank-and-file member, and we did that. We brought those rules to the House. They were widely praised and unanimously accepted, and they worked very well. Now we hear there are anomalies, there are inconveniences, there are inefficiencies in those rules. I pause at the question, will this body and will the people we serve be better served by fair rules that were passed unanimously or bipartisan rules which were forced on the minority and which are forced on the rank and file? I suggest that the fair rules that we adopted through the Reform Commission are the better rules.

Now, the Eachus amendment, which is the subject of this debate, no question about it, it represents a step back from where we were last session. Some will say it is just a minor step, some will say it is a major step, but in any event, it is a step backward. Most significantly, first of all, it reduces our workload by limiting the number of committees we are required to serve on, but it also limits our voice in limiting the number of committees we are allowed to serve on and allowed to contribute to. Most egregious, in my view, is that it allows those committees, consisting of 24 members, to report a bill out with less than a majority vote. Only 11 out of 24 votes can favorably report a bill out from committee.

We have heard a lot of debate on the 11 o'clock rule. Now, I do not know about all of you, but I tell my children about curfew, the phrase "nothing good ever happens after midnight," so there is no reason for you to be out after midnight. I suggest

that the people of Pennsylvania know that nothing good happens in here after 11 o'clock, and that is why they are very interested in seeing that that 11 o'clock curfew be enforced, just as a parent would enforce a curfew on their children.

There is some vagueness on the rule in terms of the 24-hour rule. We have been through that. We have, apparently, an amendment, a subsequent amendment, that is going to fix that. I do not know that we have an assurance that that amendment is going to be offered, and certainly we do not have an assurance that this Vitali amendment is going to be passed. So if it is not passed, if it is not offered, we do have a major backslide on the 24-hour rule.

And there is no question that these rules, the Eachus amendment, make it easier for the Rules Committee and more likely for the Rules Committee to engage in the kind of mischief that was prevalent before the Rules Commission spoke on that and before this body spoke on that last session. And now we also see another change that on a motion to lay something on the table, fewer members are going to be able to debate such a motion.

Now, I could stand here and I could force-feed the words of some of my colleagues to them. You all know what you said 2 years ago when we adopted these reform rules, whether it is the majority whip, whether it is the chairman, the Democrat chairman of the Reform Commission, whether it is a member of the commission. You all know what you said, how proud you were of the accomplishments, and how we all thought it was a major step forward when we adopted those rules. Today the adoption of the Eachus amendment takes a step back from that.

Now, I wanted to make an appeal to those members who came in in the class of 2006 and later. There were 50 of you, I believe, who came in almost unanimously on a platform of reform. In fact, I think at one time you even called yourselves the Reform 50. Well, I am telling the Reform 50 that today, right now, is a very important vote for you. You know the importance of this vote, or you should know the importance of this vote. Will you do what you were sent here to do or will you fall in line? Will you stand up and be heard? Will you vote your mind, your conscience, and your district, or will you vote the party line?

I urge you to reject the Eachus amendment and allow us to retain fair and equitable rules to majority, minority, leader, and rank and file. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Lebanon, Mrs. Swanger.

Mrs. SWANGER. Thank you, Mr. Speaker.

Mr. Speaker, Majority Leader Eachus has portrayed the rules changes in his proposed amendment as minor in nature and no big deal. The people I represent and our local media, however, perceive these change as a very big deal – antireform and a huge leap backwards. As we all know, perception is reality.

Do any members of this august body really want to be accused of reversing reform? I definitely do not, and that is why I will vote "no" on the amendment before us and ask my colleagues here in the House to join me. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Lancaster, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I was wondering if the majority leader would stand for a brief question or two?

The SPEAKER. The gentleman will stand for interrogation. The gentleman may proceed.

Mr. BOYD. Thank you, Mr. Speaker, and thank you for indulging the questions. I want to try and get some clarity on the issue of amending in Rules.

If I understood some of your responses – and I am not trying to put words in your mouth, so I wanted to ask this – if I understood some of your responses to some of the prior questions, your goal in making this change is to try and establish parity with the Senate. Is that kind of a fair statement?

Mr. EACHUS. That is one issue, Mr. Speaker. The other is to make sure that the imbalance in the two chambers' rules making, which puts our House at a disadvantage and also mutes and silences all the people that we represent and the values that they are concerned about in these concurrence bills to come from the Senate. So in order to achieve some parity, this tries to achieve that.

Let me add, though, Mr. Speaker, what I have done is I have prepared a letter to Majority Leader Pileggi in the Senate, and this letter, the context of it is to say to him very clearly that I would like to try and get with Senate leaders and talk about the way both bodies can have similar arrangements around rulemaking. Let me tell you what a part of my concern is, and I will read you the one sentence I think is clarifying: "It is... personally "...my preference that the Senate and House together adopt a policy that does not allow for..." amendments on concurrence bills. But I also state very clearly that that sets an imbalance between the interests of the people that we represent and the way that they set the rules on concurrence bills.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, if a bill is over from the Senate on concurrence and it is amended in the Rules Committee, one of the places that bill can end up is in a conference committee. Is that correct?

Mr. EACHUS. Yes, if we do not agree to the amendments.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak on the bill.

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

Mr. BOYD. Mr. Speaker, I am probably going to take a little different tack on this, and I do not think that this is necessarily a majority/minority party issue or a Republican/Democrat issue. I believe this rule change is more of an issue between rank-and-file legislators and leaders. I want to make this clear, particularly to the newer members who have not lived through the gaming vote and have not lived through the pay-raise vote: Those bills were orchestrated and directed by legislative leaders of both parties in both chambers, and at the end of the day, the votes up or down on those particular pieces of legislation were done in such a fashion that there was a simple yes or a simple no. They were constructed and used through the Rules Committee to land on our lap in a fashion that we were not able to amend, that we were not able to change, that we were not able to do anything but stand up and talk for like 8 or 9 hours about why we did not like the process and why we thought these were bad pieces of legislation.

This is about your 60,000 fellow rank-and-file members. I understand what the majority leader just said; it is about parity between the House and the Senate, and that 60,000 that I represent should have equal footing with the 250,000 that my Senator has. But I have to tell you that my 60,000 should have as much representation as the majority or the minority leader in this chamber, and the rule changes that we made last time gave rank-and-file members a voice. In fact, I would like to quote the

Deputy Speaker, who was one of the prime leaders of the Reform Commission, when he said in his speech that night on the floor, "We have empowered rank-and-file members and the committee chairmen by doing some of the following: for the first time in 17 years," we have eliminated "...the ability of the Rules Committee to amend bills in the Rules Committee and rather return the power to us...." Mr. Speaker, what this is about is delivering back into the hands of the leaders the ability to construct legislation that we simply have a "yes" or "no" vote.

Let me tell you a story: After the pay-raise vote of 2005 – HB 1521, Act 44 – after that vote, many of us went home who voted "no" on rules suspension and "no" on the bill and were asked, why did you not stop that piece of legislation? Why did you not do something to stop that pay raise? And they were interested why leaders got a 54-percent increase and chairmen got a large increase and rank-and-file members got 16 percent. Why did you not do something to stop it? And the answer is, because it was a simple "yes" vote or a simple "no" vote. And I said to my people, I could not offer amendments. I was not allowed to engage the change in that legislation. It was constructed in a deal behind closed doors by legislative leaders and delivered to our lap.

Now, if we are about openness and we are about trying to change that, this is a step backward, and in my opinion, it is going to empower the Rules Committee to do the same types of things. Mr. Speaker, the Reform Commission, the folks that came in in '06, it was about changing the way business was done around here. This is taking a step back and, in my opinion, is going to be empowering leaders to do what was done in 2005, and I, for one, do not think that that is a wise decision for rank-and-file members on the Democratic side nor in the interests of rank-and-file members on the Republican side. I am a "no," Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ROSS. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation, please?

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

Mr. ROSS. Mr. Speaker, in dealing with rule 30 and the bills on concurrence, I am wondering if we could just briefly walk through the timeline, the minimum timeline that the members would have on bills that are coming over from the Senate on concurrence. If I am understanding correctly, as it is written here, the bills would be referred immediately to the Rules Committee, and if there was an amendment to be proposed at the Rules Committee, that there would need to be a 1-hour notice prior to that amendment being considered in Rules. Am I right so far?

Mr. EACHUS. That is accurate, Mr. Speaker.

Mr. ROSS. Thank you.

Once that bill came out of Rules Committee, perhaps in an amended form – let us assume it was amended in Rules in a significant way – what is the minimum time that the members would have before a vote could be taken on the floor of the House?

Mr. EACHUS. 24 hours, Mr. Speaker.

Mr. ROSS. So there would be a 24 hours' notice after it came out of Rules.

Mr. EACHUS. Yes, Mr. Speaker. That 24 hours would allow members to study the content and also allow the public to have access to the information as a matter of public record.

Mr. ROSS. So in this case, you are referring essentially to the 24-hour notice that is mentioned under rule 21?

Mr. EACHUS. Yes, Mr. Speaker.

Mr. ROSS. So that would apply.

Thank you very much, Mr. Speaker. That concludes my interrogation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Christiana.

Mr. CHRISTIANA. Thank you, Mr. Speaker.

Tonight I rise in support of HR 39 and in opposition of the Eachus amendment.

Throughout this whole debate and interrogation this evening, rules from the 1990s and early 2000s were the justification for these rules changes. So it is clear that these new rules in this amendment represent the politics of the past, not the politics of the future. So I, too, am one of those new 90 members that have come in the last two election cycles, and I am proud to stand up tonight in support of HR 39, so that the people in Beaver County and the people that have sent change throughout here in the last two election cycles have a stronger voice and they do not lose that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Armstrong, Mr. Pyle.

Mr. PYLE. Thank you, Mr. Speaker. Much appreciated.

Would the prime sponsor please rise for interrogation?

The SPEAKER. The gentleman agrees.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, am I correct in that the majority party holds a majority of votes on the Rules Committee?

Mr. EACHUS. Mr. Speaker, that is correct.

Mr. PYLE. Could I ask for the number of members on the Rules Committee, Mr. Speaker?

Mr. EACHUS. Twenty-nine members, Mr. Speaker: 16 in the majority, 13 in the minority.

Mr. PYLE. Thank you, sir.

Mr. Speaker, on the amendment.

The SPEAKER. The gentleman is in order.

Mr. PYLE. Thank you, Mr. Speaker.

Tonight we have heard a lot of historical justification for the changes to these rules, many with merit and some I feel lacking in some merit. I would quote one of the founders of this nation, Thomas Jefferson, that democracy should be a joyous cacophony of discord, harmonious in its difference yet respectful of our wishes. Sir, in cutting down the size of the committees and enlarging the size of the Rules Committee, I would argue, Mr. Speaker, that we are disempowering large amounts of rank-and-file members.

I quote from an article in the Pittsburgh Press— May I have quiet, Mr. Speaker?

The SPEAKER. Will the House come to order. The gentleman has a right to be heard.

Mr. PYLE. As the gentleman has just pointed out, there are 29 members of the Rules Committee. When that is divided into the 12.8 million Pennsylvanians out there that honored us with

election, that means that each member of that Rules Committee is serving roughly 600,000 Pennsylvanians. By my math, every single honored member of this chamber represents 62,000 people, none more or less important than the other. We were each elected to represent our respective districts, not to cede heavy decisions like pay-raise votes, like gambling votes and other great issues of the day to a group of only 29 people.

I quote, Mr. Speaker, from the Pittsburgh Post-Gazette, February 27, 2007: "There will be no quiet, sequestered Rules Committee meetings anymore. We will open the process to a substantial degree...."

"Last-minute Rules Committee amendments strip the minority party of power or shut out lower-ranking members," said the quoter, whose party regained the majority last month after 12 years.

"This is one of the most significant efforts I can personally recommend."

Sir, there is experience and then there is bad experience, and what we are talking about now is bad experience. I shudder at the thought of being called before an editorial board and trying to justify this. Mr. Speaker, as somebody who voted against the pay raise and still withered great fire in my home district—

The SPEAKER. The gentleman will yield.

Will the House come to order. Members will please take their seats. Conferences in the hall will please break up. Members will please take their seats.

Mr. PYLE. Thank you, Mr. Speaker. May I continue?

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

Mr. PYLE. Mr. Speaker, I realize that I am just rank and file, no more special than any of the 65,000 people I represent. I am very blessed and honored to be here, but, Mr. Speaker, ceding power to a very select few is not the right direction to go. I understand my friend from Luzerne, the honorable leader, and I agree with him most forthwith, but we must restore a trust and an integrity in this institution, and consolidation of power is not to do that.

To quote another famous, beloved leader, former House Speaker Tip O'Neill, the only cure for the ills of democracy is more democracy, not closed doors. Mr. Speaker, I would encourage everybody, those who ran on a platform of reform and those who felt that they had always performed in honorable method, to please reject this consolidation of power, this shutting out of the districts of Pennsylvania from meaningful input in a most dire economic crisis.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, as we wade through the discussion on these rules which will guide this House for the next 2 years, it is highly appropriate that we spend the amount of time that we are. As one member on the other side said last term, it lays the foundation; good rules lay the foundation for good law. He was correct.

For those who are watching tonight, for those who are sitting here in this hall who were here 2 years ago, they understand that the changes that were made were made with great effort over a period of months of discussion. The changes that were adopted by this House unanimously were not changes that were rushed into, that were made on the spur of the moment, but they were made after in a very bipartisan fashion. All of those of us who

were on that commission debated hours and hours on every word of every change that went into the rules that guided this House.

They were not accidentally made; they were made because the public had pushed this institution – and rightly so – to set about running this House in a way that was more transparent and more open. The mantra was "reform." Many are here because of that demand for reform, and everyone on both sides of this aisle stood to see who was the best reformer of them all. And I heard many statements from many on both sides of the aisle. Tonight we are not witnessing in a very bipartisan fashion changes made in a bipartisan fashion, deliberated in an open fashion. We are looking at changes that hearken back, as one colleague said, to the bad old days, the days we tried to get away from. Now we are going back? Is that what the public wants? Is that what we want? It is not, frankly, in anyone's interest to give up ground that was very, very carefully, and sometimes painfully, gained.

I recall that at the end of about 2 years ago when the final rules of the Reform Commission were adopted, many, many people ran out of this House and issued press releases. One press release I am looking at here came from a member on the Democrat side of the aisle. I will not give his name because he is still here, but he is a member from the northeast. He said, "...reform legislation that was adopted unanimously in the state House Tuesday will improve accountability and transparency in the chamber's operations.

"The changes are the result of several weeks of work by the bipartisan House Speaker's Commission on Legislative Reform."

Quote: "The voters' call for reform was a driving force in the tremendous achievement we realized last night," this member said. He goes on to say that "These changes are less about us as legislators and more about the public whose business we are doing in Harrisburg," end quote. He went on to say that the resolution "...included several provisions to empower rank-and-file House members...." This is a Democrat release; compare it to tonight, "empower rank-and-file House members and improve oversight by the public," and he listed five things: One, "All voting sessions are to take place between the hours of 8...and 11...."

Two, "The Rules Committee, in the past used as an arm of legislative leadership, no longer has the ability to change legislation."

Thirdly, "A 24-hour waiting period is required before bills can be voted on."

He goes on to conclude, "The people deserve to know what their representatives are doing in Harrisburg and how we are voting. These changes establish a solid foundation for the House to build on..." That member was right. That member is here tonight. His comments are still right, and they are right for everyone else who sent out press releases 2 years ago on either side of the aisle. The problem is, anyone who is watching tonight looks and says, what is all the debate about tonight? Three issues: the 11 o'clock rule; Rules Committee change; 24-hour waiting period. That says it all for me, and I think everyone who is watching understands very clearly that if there is no change, there would be no debate. There is a debate because there is a change, and that change is not good. This amendment should not be passed.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Cumberland, Ms. Delozier.

Ms. DELOZIER. Thank you, Mr. Speaker.

As a newly elected legislator and replacing a retiring legislator that was a member of the Reform Commission, as many of you, I went door to door this last year and I kept hearing three important points: One was the property tax relief needs, the reducing of spending, and most important to many people were the ethics and trust of our elected officials.

This body's public relations last year for the positive changes were those changes that were implemented from the Reform Commission. I feel very strongly that this is the first time that we have had a chance to sustain these changes, and these rules that we have before us do not do that. They revert back and do not move us forward. I believe that those that we are accountable to in our districts would not be happy with removing their small steps of reform that were put into place. They would not be happy with it, and I am not happy with it. I just want to make sure that I go on record that this amendment is not a positive change for reform; it is moving us back.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentleman from Allegheny, Mr. Maher. He waives off. Thank you. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

As a newer member, I would just like to speak briefly to my fellow new members and that is in regards to how important the rules really are. I did not realize until after the rules were passed last session that the rules dictate everything else that we will be doing for the next 2 years. Therefore, as a prior colleague said, this truly does build the foundation as we go forward, and that is why we should spend this time debating these rules and making sure that they are properly drafted.

Now, I was proud to join my fellow colleagues last session as we passed rules that were incremental steps in reform. We heard quotes such as, "We blew some hinges off the back room doors where the deals were previously made"; "We restored public trust that had been broken"; and that "A new day had dawned in the era of reform."

Mr. Speaker, I would offer that A00040, the Eachus amendment, takes us back. We heard all of the excuses about how we used to do things, and that is the reason why we need to return to that. We heard all of the past sins about the ways that we used to do business, and that is why we need to go back. We heard the historical ratios on committees. Mr. Speaker, I am not interested in returning to those days. I do not believe that was why I was sent here. Mr. Speaker, of more concern, my colleagues pointed out in rule 24, the 24-hour time issue, the fact that we have an amendment forthcoming. However, I am not apt to buy a pig in a poke. I have got what I have in front of me, and I do not like what it says. All it says is a simple majority; a simple majority, which I know that the majority party currently in control has the votes. I understand that.

More concerning is the constitutional majority that is required to appeal the ruling of the Chair. That effectively shuts out the minority party forever. We could have more members present on the floor – and I think this is important – we could have more members on the floor; in theory, half of the majority

party could not even show up. We would have a quorum, and simply because we could not reach a constitutional majority, we would effectively disenfranchise every person that the minority party represents. And I do not bring this up solely as a member of the minority party, because I believe in the integrity of the institution. I recognize that the political winds blow, that the party that is in power at one point may not be so in the next election cycle. I happened to come in under the minority, and we maintain that status into this session and that is okay.

I understand, as one Speaker said previously, to the victor go the spoils. That is all right. But I also understand that at some point this will change, and I do not want the actions of tonight to be used to justify more bad rules and to go back on further reform.

This is nothing more than a consolidation of power by the majority, and perhaps this is nothing more than greasing the skids to prepare us for a tax vote that is coming up come budget time. I for one do not want to be a part of it. I think that the rule proposal that we have here before us, I think what that simply does, this handiwork, repairs the door on the back room so that the deals can be made. I think with this vote, the trust will be broken again, and I think that the sun perhaps has set on that era of reform, if this amendment goes in, and I for one will not support it and I urge my colleagues not to do so either.

Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Butler, Mr. Ellis.

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

Will the majority leader rise for interrogation?

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

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

If you could just clear something up for me: At the very beginning of this debate several hours ago, you made a suggestion that this product that we are going to be voting on here shortly was from a lot of members, that they put their efforts into this. And you know what? I have asked everyone around me, and none of us really had input on it. So what I was wondering was, who were the actual members that put this together?

Mr. EACHUS. Sure, Mr. Speaker; I would be happy to speak to that process point.

What I did within my own Democratic Caucus was convene a couple dozen members who were interested in talking about rules and were involved in rulemaking and concerned about rulemaking. We had an extremely good dialogue that lasted over a 3-week period, had consultation with your leadership in private that related to rules, had some very good dialogue with your leader and his staff. So over the course of that, I feel like, at least from the Democratic side, we have done some really good work.

I would also like to say that I really believe that some of the elements tonight in this debate are a mischaracterization of what we will get, and I will be able to talk to that on final passage. But we really feel strongly that what we are doing here is advancing really good components to improve these rules, no matter what the debate seems like tonight.

Mr. ELLIS. Okay. Well, Mr. Speaker, you indicated that you got together some of your members. I guess specifically one I want to know is, we had resolution 42 and we had resolution 39, and a lot of our members had drafted – as well as one on your side – had drafted amendments to that version. Did you

consult with any of them about it? Because I think there were some really good ideas on our side that maybe should have been debated tonight. Did you consult with any of them?

Mr. EACHUS. I did consult this morning with Representative Dally and told him that I felt his craftsmanship on HR 39 was good and that we wanted to amend this bill. The majority leader does have a choice which bills he posts.

Mr. ELLIS. Did you also, Mr. Speaker, consult with anybody that was actually on the Reform Commission last year? Were any of those members part of the discussions?

Mr. EACHUS. No, sir.

Mr. ELLIS. Thank you very much.

Mr. Speaker, on the amendment, please.

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

Mr. ELLIS. Mr. Speaker, earlier my colleague from Centre County made reference to what the people back home actually want to see. They want to see government getting better. And you know what? For the last 2 years I went around my district to town hall meetings and public appearances, and I told them, you know what? I know the papers are saying bad things about us, but we are getting better. We are making changes. We are doing things in the light of day. We are doing things, giving you 24 hours, and we are not that bad. The gentleman that actually led the Reform Commission and my colleague from Montgomery County and I, we agree on some things like business taxes or mandatory overtime, and we disagree on other things like I think he had some crazy ideas on global warming. But one of the things we did agree on is that we needed to do things better here in Pittsburgh, I mean here in Harrisburg. I am still thinking about the Super Bowl, Mr. Speaker; I apologize for that. But we agreed that the product that came out of the Reform Commission was a good product. Now I think what we are doing here tonight is rolling back the progress that we made. And, you know, maybe we are just moving it a little bit, but where does it end, Mr. Speaker? Are we going to take a look at the open records bill and just tweak that a little bit back to the way it was? Are we going to look at lobbyist disclosure and just tweak that back a little bit to the way it was? The question is, where does it end? This is just a small step, but I do not believe in the small-step theory, because it is like the guy that goes to the grocery store, he grabs a grape and he eats it. He is stealing. Pretty soon he is putting a candy bar in his pocket, and the next thing you know it is after midnight and he is stealing somebody's porch furniture. You never know where it is going to end, Mr. Speaker.

And I will tell you what, Mr. Speaker: As I sit here tonight, and there have been some good points made, I am glad that I am not a freshman anymore, because you know what? I know what they are telling you guys over there. They are telling you, do not worry; nobody ever loses an election because of a rules vote. Well, let me tell you a story. Three years ago I heard a similar saying: Nobody ever loses an election because of a pay-raise vote. I think we know where that went, Mr. Speaker. And I will tell you what: If you are buying into that philosophy tonight that nobody is going to lose, or whatever, and you are accepting that, then 6 months from now you are going to be buying into that same rhetoric that says, nobody ever loses an election for a tax increase vote. That is where it starts; it starts with this. This is bad legislation. We cannot pass this. I urge a "no."

The SPEAKER. The Chair recognizes the gentleman from Butler. He waives off.

The Chair recognizes the gentleman from Delaware, Mr. Lentz.

Mr. LENTZ. Mr. Speaker, tonight we have heard in great detail about the perils of any legislative body which would extend session past 11 p.m. by a simple motion, which would allow the Rules Committee to gut and replace legislation, would move bills and amendments with less than 24 hours' notice. Such a body, we are told, is to be rejected, reviled, and condemned.

Well, Mr. Speaker, I have evidence in my hand of such a body. You do not need to go to Guantanamo Bay to see it. You do not need a flux capacitor to get there. I think that is the first time in history that flux capacitor has been said twice on the House floor. You simply need to walk down the hall to the State Senate where they do all those things under their rules, which is one of the reasons that reform was advocated in the year that I ran for this office and the year that many people joined the Reform Commission and urged reforms. And guess what? We reformed our rules; the Senate did not. The Senate lives in the past when it comes to the conduct of the legislative business. We passed, with the help, we passed— And for those of you who have argued so passionately and so earnestly for the issue of reform and rules, I caution you against reading the Senate rules, because they will horrify you. They are not suitable for children or for those who are faint of heart. Also, I urge you to call your Senator and tell him to do something about it, because I know how passionately you all care about this issue. So get on your e-mail and start sending them.

But the truth is, we had a Reform Commission which substantially changed the rules of this House. You know it; I know it. Anybody that sat through the process of voting the last time we had this debate knows that the rules that we have today are substantially different from the past and that they did end the practice of midnight voting. They did end the practice of going into the committee room and gutting and replacing and shoving legislation down the throats of the people of Pennsylvania and their Representatives.

We made the rules better in the last session, and the Eachus amendment makes them better still, because it will end the obstructionist practices that some have used by abusing the spirit of reform and abusing the efforts that we have made to advance this body and make it more open. So if you are for the people of Pennsylvania, if you are for education, if you are for health care, if you are for investment of renewable energy, vote for the Eachus amendment and get back to work for the people of Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I served on the Speaker's Commission last year. I believe I am one of 20 members left who served on the Speaker's Commission. It was an experience. It was a lot of give-and-take. It was a very, very constructive experience. But we discussed not the high points of philosophy; we discussed the practices of the House of Representatives based on the collective experience of the members present, and we discussed what had happened in the previous session and the sessions prior to the previous session. Now we have had 2 more years of experience, and we have learned what happens under our rules that we had in the last session, and the rules last session were a theory. If we followed the rules, things would get better, and we

did follow the rules, and on the whole, things did get better, but not everything went right. Other things had consequences. They were not all positive. The Senate was able to manipulate us, because we had stripped ourselves of the power to amend Senate bills in the Rules Committee. Our rules system slowed everything down. There were good things about slowing everything down, because we got to the end of the session, and at other crunch times there were also bad things about slowing things down, because there is only so much time.

The rules are adopted every 2 years. They are not written into statute. The Governor has no voice in it. The reason we have rules every 2 years is so that we can have changes every 2 years, so we can adjust based on the experiences of the prior 2 years. This is an adjustment.

Basically, the debate about the rules is focused, as I recall, on two subjects: first, the change in the power of the Rules Committee, giving the Rules Committee the power to amend Senate bills. We are doing this to increase our bargaining power with the Senate. When we pass legislation in the House, it goes to the Senate Rules Committee, and the Senate Rules Committee can amend it as they see fit. But under the rules of last session, the House Rules Committee did not have that power, and if the House Rules Committee in prior sessions had abused the power that they had, the Senate in the last session abused the power that they had. Sometimes it is not a matter of rules, it is a matter of people. I feel confident that the people on the House Rules Committee this time are highly unlikely, highly unlikely to abuse the extra power that has been given to the Rules Committee in these amendments, which is merely a restatement of the power that had previously existed.

Second, there is concern about the number of members on each committee, and in the last session we had 16 members of the majority party and now we have 14 members. Last session we had 13 members of the minority and now we have 10 members. Again, like with the Speaker's committee, committee meetings are nice. It is exciting to have give-and-take on subject matter. People enjoy them. I enjoy them. But there is also the problem that when you have an awful lot of committee assignments, everybody cannot go to every committee meeting, and it becomes very, very difficult to get bills through because people are at other committee meetings and people are busy doing other things. So it is very, very difficult, and many, many chairmen reported – and I personally experienced this as a member of three committees – the great difficulty myself in making every committee meeting and the great difficulty chairmen have in seeing that there were enough people to pass legislation at committee meetings.

So that is a negative side effect, and the test ultimately is, how does the House function? Are we able to get bills out of committee to be voted on the floor? Are the bills we get out of committee reflective of the will of the membership? Do the rules allow the will of the membership to be expressed? And the answers to those questions are not just going to be found in today's votes on the rules but are to be found in how we conduct business over the next 2 years.

Eric Sevareid, a great television announcer of many years ago, once said that the greatest cause of problems is solutions. Last year's solutions caused problems. The Eachus amendment is an attempt to keep the vast majority of the reforms adopted last year intact, but to deal constructively with the problems caused last year.

I strongly urge a vote for the Eachus amendment. Last year's rules were an improvement. This year's rules could be a bigger improvement. Hopefully, 2 years from now the rules will be an even bigger improvement. I urge support for the Eachus amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from the Westmoreland, Mr. Pallone, who waives off.

The Chair recognizes the gentleman from Montgomery, Mr. Mensch.

Mr. MENSCH. Thank you, Mr. Speaker.

Would the maker of the amendment please rise for a question or two?

The SPEAKER. The gentleman will stand for interrogation. The gentleman may proceed.

Mr. MENSCH. Mr. Speaker, as you can tell, there is a great deal of concern, there is some passion about this particular amendment. And it may appear to be partisan, but I know most of these people speaking on both sides of the aisle, I believe it really is quite genuine. There is a question about the integrity of the process, and those of us who came here very recently – I am here in my third year – we came here with a real concern that we heard from our constituencies about the integrity of the process. So I am going to ask you a question about that, and right now we are talking about an amendment that you have offered to HR 39. But I believe, Mr. Speaker, that you also offered this as HR 40, did you not?

Mr. EACHUS. Actually, Mr. Speaker, it was HR 42, and the entirety of that language is included in this amendment.

Mr. MENSCH. I understand that, and that goes to the heart of my question then and the issue about integrity, Mr. Speaker. Why would your resolution not have stood alone? Why was it necessary to do a gut-and-replace into HR 39?

Mr. EACHUS. Well, Mr. Speaker, I mean, there are various choices in day-to-day operations of the House. This amendment process conforms with the spirit of our rules.

As I said this morning about this morning's meeting with your leadership, this is the preferred course that my position as majority leader allows me to do. I have to tell you, once again I make the argument to you, and I know that there is debate, long debate, about this, and I really think this is improvement, this amendment, and a significant move forward for our ability to compete on a high level, to rectify some real properties within the rules making of last session that were either out of sync with current State law in a number of areas, but also give the citizens that we represent here in the House equal footing with the rules making in the Senate.

Mr. MENSCH. Thank you, Mr. Speaker. But I am not even questioning whether or not your amendment is a good amendment. What I am questioning is why you sought the process of gut-and-replace as to letting it stand alone?

Mr. EACHUS. Mr. Speaker, this is an amendment to a House resolution. The choice to amend was just one of the variety of things that the majority leader has at his disposal, and there was really no real advantage other than to try to move this process forward.

Mr. MENSCH. So your desire to do the gut-and-replace then, did it substantively change the wording or the context of your resolution, now amendment, in any way?

Mr. EACHUS. Let me say that everything within HR 39 is also encompassed in the amendment that I have offered here,

No. 40. I just added additional reforms that we think make a stronger case for change in the right direction for our rules.

Mr. MENSCH. On the amendment, Mr. Speaker.

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

Mr. MENSCH. Thank you.

As I started out by saying, I think there is some question about the integrity of the process, and the simple fact that the author chose not to offer this as a stand-alone resolution but rather to do a gut-and-replace amendment raises, in my mind, a certain issue of integrity. If it is that good a piece of legislation, then it should be able to stand on its own merits.

I have listened to a lot of finger-pointing here tonight, and people say, the Democrats did it this way and the Republicans did it that way. We all grew up understanding an axiom, which is, two wrongs do not make a right. There is a variant on that, and I would like to offer it to all of us. It is called the Nixon axiom, and if two wrongs do not make a right, you try a third. It seems to me that given the finger-pointing that we are doing here tonight, we are just trying to pursue other wrong endeavors, at least for the wrong reason.

One-third of this House has served for less than 3 years. We do not care about what happened 4 or 5 or 10 years ago. It is not important to us, and those of you who make that an issue, you are certainly a reducing group within the House. It is not important. It is not important to our people that we represent. It is not important to us. We need to deal much more aggressively and in a much more focused way on the issues of integrity.

Mr. Speaker, thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Berks, Mr. Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

In reference to the 24-hour rule, I would like to read what rule 24 says and has said for the last 2 years. It says, "...a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill was amended..." Let me read to you what it will read with this amendment, it says "...a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill...and its amendatory language was available to the public..."

For 2 years it did not say "the public." This defines it much, much more clearly for the public to access an amendment and review it for 24 hours prior to it being voted on.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, 2 years ago, I and 23 other members of this House were charged by the former Speaker O'Brien with trying to remake the legislative process with an eye toward more openness, more transparency, and accountability to the public. That effort led to a significant rewrite of our House rules, a new open records law, and the beginning, the beginning of a change in the culture in Harrisburg. The rule changes were consistent with the principle that we needed to change the old ways of doing business in Harrisburg. We imposed a 24-hour rule before bills could be considered on concurrence and between second and third consideration after they were amended. We ended the late-night voting sessions. We eliminated certain perks like private car leases and limited others like PSAs (public service announcement) before an election. We ended the stealth Rules Committee, subject only to the whim of a former Speaker, and

required that the Rules Committee sunshine its meetings and meet in the light of day. We made all of the expenditures of the House and its members available to public inspection. Many of us on the commission were motivated to end the era of back-room lawmaking and shine light on the process, and each of us had stories of the abuses in the past that helped guide our efforts.

So fast-forward 2 years, under Speaker McCall and Leader Eachus's direction, House members again reviewed the rules. Initially, initially, the draft, the proposal, included rollbacks of many of the reforms that we fought so hard for on a bipartisan basis last term. I and others spoke out vociferously against some of those changes that could have returned us to the practices of yesteryear. We had a spirited but very cooperative dialogue. At the same time in these meetings, we acknowledged that changes were needed to address the unforeseen issues with the rules from last session. That give-and-take, I believe, is reflected in this amendment before the House. To be sure, there are things I might draft differently if I was the lone voice in this process, but this is a collaborative process and reflects the needs of all members of the House, all members of the House. This amendment preserves those core principles that guided our process 2 years ago: openness, transparency, and accountability. It maintains the 24-hour waiting period throughout the process. It continues the tradition of no votes after 11 p.m., unless a three-quarters majority says otherwise. The perks are still out. The finances are still available for public inspection, and the back-room deals that never see the light of day are part of our history, not part of our present or our future, not part of our present or our future.

This amendment does in fact change how the Rules Committee will function, and therein lies my greatest concern about this package. My sensitivity to this issue, frankly, is heightened because of an experience I had as a freshman lawmaker in the minority. That term, much to the recollection of Speaker McCall, who was then the minority chair of the Transportation Committee, I had worked for a significant period of time to ban the use of handheld cell phones while driving. I know it remains a controversial issue. But after more than a year of strategizing, it was determined that the best chance of passage, the best chance, would be for the Senate sponsor to pass this measure and send it over to the House for its consideration. After passage in the Senate as planned, the bill came to the House and was referred to the Rules Committee under then-Speaker Perzel. As I prepared for floor debate, the bill was called up in the Rules Committee and within seconds, the so-called committee met, amended the bill, and put it before the full House for a vote. Much to my surprise, when that bill appeared on the floor, the language I had worked so hard for, the language that I had strategized with Republicans and Democrats about, had been taken out in this stealth action by the former Speaker.

I suppose that my experiences and those of the countless others shared during our Reform Commission deliberations combined with former majority leader DeWeese's insistence that we remove the Rules Committee's ability to amend, drove this process 2 years ago. The objective at that time was to eliminate the arbitrary and heavy-handed practices of the Rules Committee, as was in the case with my amendment on cell phones. In reality though, two things happened: First, we did end the abuse in the Rules Committee and gave all 203 members a voice in the final legislative process. We

accomplished that goal that we all set out to achieve. Second, I am afraid we may have put the House and our constituents at a disadvantage, and here is why: The House no longer had a chance to make final changes to a bill in its own chamber. We had to rely on Senators to carry our changes forth in the legislative process. In fact, that very scenario played out when this House tried to cover children with autism here in Pennsylvania.

I felt then, and still feel today, that the optimal policy is for the Senate to follow the House's lead, to reform its rules as the gentleman from Delaware spoke of earlier, and do away with lawmaking in the Senate Rules Committee. So far, Senators have refused to do that. As such, I believe this House must act if we are to protect the will of the House and our constituents and be in a position to fight for the issues that our constituents sent us to Harrisburg to deliver on. The amendment before us remedies that imbalance without undermining the will of the rank and file and improperly powering leadership. Again, the amendment before us remedies that imbalance without undermining the will of the rank and file and without improperly powering leadership.

Again, it takes only two rank-and-file members of either party to object to the action in the Rules Committee and call their actions before this House for a vote. It is not a take-it-or-leave-it scenario as it was under that former Speaker. It subjects any amendment in the Rules Committee to the same 24-hour requirement as any other amendment, thereby ensuring that members and the public have a chance to read and understand the matter before them, and it is well within the spirit of the reforms that we set out to accomplish 2 years ago. It may not be the best result. The best thing to do would be for the Senate to end its practice of amending in the Rules Committee, and I am pleased that majority leader Eachus agrees with that view and has written to leader Pileggi and asked that they eliminate this practice and level the playing field between both Houses. This amendment, on balance, preserves the reforms adopted 2 years ago, protects the will of the rank and file, and empowers our chamber, and through us, the constituents that send us here to do their work. I respectfully ask for your support of the Eachus amendment.

The SPEAKER. The Chair thanks the gentleman. The Chair is about to recognize the floor leaders. Is there any other member wishing to debate?

The Chair recognizes the gentleman from Bucks, Mr. Petri.

Mr. PETRI. Thank you, Mr. Speaker. Thank you, members. I will be brief.

I am not going to redebate all of the potential evils and dangers of the amendment that have already been discussed because they have been covered by my colleagues amply, but I do have to comment with respect to my good friend from Montgomery County, because I think his comments reflect part of the problem with the process of these rules. Unlike the Reform Commission, there was no process, there was no give-and-take, there was no debate, at least not for rank-and-file members. And in the end, there was no real opportunity to amend or reform these rules. We were cut out of the process. In fact, the only opportunity we have is to take the mike and offer our complaints, which we are going to do.

I want to talk, though, a little bit about the committee process. Committees, of course, are very important to all of us as members of this House. In the years that I have been here, I have had the opportunity to be on four committees, and

contrary to what the majority leader said, I never saw a process where there was difficulty or inefficiencies. In fact, I think that cutting down the number of members on the committee is bad for our constituents. In Bucks County, we represent a diverse area; we have suburban, we have semirural, we have farmers, we have businessmen, we have teachers, just like all of you. Therefore, we all want to be on as many committees as we can, and four has been a very manageable number. But I think if you really want to know why I believe – and why many of our members believe – that the committee process is being used for a purpose other than efficiencies, just look at how it was done. Two members of the majority party are eliminated so you would think two members of the minority party would be eliminated. Oh, no; that would be too logical. Instead, we are eliminating three members, so what is the real purpose? Well, I do not think I have to tell my constituents at home. They can see the railroad when it is coming, they can hear the horn blowing, and they know to get off the tracks. This is about railroading agendas through. This is about control. This is not about serving our constituents, and I am, quite frankly, offended because many of my colleagues who have developed expertise in certain areas are not going to be able to share it.

We have members who are solicitors to townships, but they cannot serve on Local Government because there is not enough room on the committee. We have environmental experts; they cannot serve on the committee because there is not enough room for them on the committee. Many of us have developed expertise on these committees. We wanted to remain on them, but we will lose that opportunity. Do not do that to yourself. As a rank-and-file member, stand up for yourself and say, if for no other reason, I want to serve on the committees that are going to serve my constituency. Vote "no."

The SPEAKER. The Chair thanks the gentleman. Any other member seeking recognition?

The Chair recognizes the minority leader, Mr. Smith.

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

Mr. Speaker, before us is HR 39, which as it reads at this moment would be essentially the same rules that we operated under last year with the exception of the changes that were required by the newly enacted open records law. By and large, they are the same rules as last year. What you have before you is the Eachus amendment, A00040, which as has been discussed here, was also embodied in HR 42. The majority leader was asked earlier tonight why he did not just run Resolution 42 out of the Rules Committee earlier today. It was exactly what you wanted. HR 42 is exactly the same thing. The fact is, Mr. Speaker, that that was the first move to try to avoid the process. There were a lot of good amendments filed that were in order to HR 42, and the fact is that the real operation here was trying to avoid consideration of those amendments. That is simply what is going on. This procedure is all about trying to avoid dealing with other good amendments.

Mr. Speaker, I also have heard a lot tonight about— I am going to cover a couple of these other issues, I will back up just to the last one about the size of the committees. I have heard different reasons for the size of the committees, and while I know there are many of our members that are not thrilled with the fact that most of them will only be on three committees and a few of our members will only be on two committees, I wonder, Mr. Speaker, if the real reason that we are reducing the size of the committees, in the temporary rules as well as following up with what is in this amendment before us, during

the last session – just a quick couple of numbers for you – during the last session, there were 2,387 votes in committee; 1,281 of those votes – more than 50 percent – 1,281 of those votes would have been lost by the majority party because of lack of sufficient numbers. However, in fact, most of those bills and amendments were approved because Republican members were present to provide the sufficient votes to pass legislation out of committee. Half of the votes could not have been done because of Democrat members who were not in committee when their committees were meeting.

Mr. Speaker, there has been a lot of discussion about this 24-hour rule, and I am not going to belabor it because it has been pretty well beaten to death, but when you are looking particularly at rule 24, third consideration and final passage of bills, and you look at the language that says "...a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill...and its amendatory language was available to the public..." and in that same old phrase, they deleted the two words "[was amended]," yet stand on the floor today and say, well, that is their intention, that no bill would be voted until after it was amended. Mr. Speaker, it is kind of like when you are doing an audit. You do not really look at what is there; sometimes what you are really looking for is what is not there. Next week when you read these rules, when they are in print, you are going to be looking for what is not there, and "[was amended]" is not going to be there. So if you want to hang your hat on it, it is not going to be there next week, Mr. Speaker. And that means that the 24-hour rule, essentially, has been eviscerated; it is gone.

Mr. Speaker, a few of the latter members that spoke, a majority of the members that spoke were talking about the ability of the Rules Committee to amend on concurrence. I found some amazing logic in the gentleman from Delaware's comments. He talks about the Senate rules and says, the Senate is living in the past, but yet, we are going to move back to the past with these rules then. The other side of the logic, you guys have been told this is about the House being able to be on a level playing field with the Senate. If only the Senate would do it right, that would be okay, but since they are wrong, well, we are going to be wrong too. Mr. Speaker, that is incredible logic. But, Mr. Speaker, you know what else? That is not even accurate. The Senate rules do not prohibit members of the Senate from proposing an amendment to a bill that was amended in Rules. So when their Rules Committee amends a bill on concurrence and brings it back in front of the Senate, guess what? If a member of the Senate wants to propose an amendment to that bill, they are in order – no suspension of the rules, no supermajority vote – they get a vote on amendment if that is what they want to do. This rule, as it is currently before us in the Eachus amendment, not only does it not allow the members of this House to amend that bill, it says that we need 102 people to kick it back to Rules. On top of that, just for the heck of it, it is a double motion. It not only reverts it back to Rules, it reverts to a prior printer's number. Now normally, in parliamentary procedure, it seems to me that you avoid double motions. If a member stood here before you in the House and made a motion to the Speaker and said, I move that we do this and this, he would be ruled out of order and be required to make that in two separate motions. It has been done time and time again over the years here.

This rule, as it is drafted, is actually creating a rule that allows for a double motion. But worse, Mr. Speaker, it does not

even allow for a majority of the members of the House, it requires a constitutional majority. It requires a majority of the members elected. A subtlety; the average person looks at that, they might not catch it. There is a difference between the majority of the members elected and the majority of the members voting. This resolution we are voting on, how many votes does it take? A majority of the members voting. We can adopt this resolution with just a majority of the members voting. We do not even need a constitutional majority to enact this amendment, but you are going to be so gracious and empower us so that two members can stand up and say, I object to that bill that came out of Rules. Oh yeah, I can object, but guess what? I need 102 – not a majority even of the members here – more than it takes to pass this amendment. I have to do that to get it back into Rules, and it is also a double motion to boot. So do not believe the fact that this rule is somehow empowering members of this legislature. It is actually worse than what the rules used to be that were so maligned, because in the old rules, years ago – more than 2 years ago – if the Rules Committee kicked a bill out that was amended in Rules, a concurrence bill amended and sent to the floor, do you know how many votes it took to rerefer that bill to Rules Committee? Do you know how many votes? Just a simple majority of the members voting, not a constitutional majority. Now, I know that is not a big issue because I know everybody is here in their seat every day, voting every bill.

The fact is, Mr. Speaker, if you want to go home tonight and you want to go back home and say, this is an improvement, this is better, that is inconsistent with saying the Senate is in the Dark Ages, but we are going to go there, too. I think maybe that is what the gentleman from Delaware was kind of getting at with his "Back to the Future" reference a long time ago. Mr. Speaker, the bottom line is this is not about parity with the Senate so much, and it is not about being more open and deliberative, Mr. Speaker. This is just your old-fashioned— This is the old-time, we are in the majority, we have the power, we are going to do what we want to do. So do not fool yourselves. Do not be lulled to sleep that this is about any of those other things. Those are just feel-good statements so that you can go home and maybe sleep with a clear conscience and all that, but trust me, this is about majority power. It is about shutting down the minority voice. It is about saying, we are going to do what we want to do and we do not really care what you guys think. It is that simple, Mr. Speaker. It is that simple.

And one last point, Mr. Speaker. I mentioned the difference between a majority of the members voting and a majority of the members elected. Interesting, under rule 4, "Questions of Order. The Speaker shall decide all questions of order subject to an appeal by two members." New language being added to that, "The decision of the Speaker shall stand as the decision of the House unless so appealed and overturned by a majority of the members elected..." So it only takes a majority of the members present to put this amendment into this resolution, but if there is a question of the Chair, that is going to take a constitutional majority.

You know, Mr. Speaker, that is a huge power play. It is a huge power play, and anybody that has been here a while knows that is the truth. Some of the newer members, the freshman members, would not have experienced it, but they will, and some days it will be to their advantage and some days it will not. I still believe that rule 102 is the real rule in this place. If you have 102 votes, 26 in the Senate, and 1 in the Governor's

Office, you can do almost anything you want to do. That applies, and I accept that and other members have mentioned that, but that does not mean that that makes this place more open or transparent. So spare us the platitudes of how wonderful this amendment is. Save that stuff. That is not what it is about, it is about empowering the majority, plain and simple. I urge the members to vote against the Eachus amendment and allow the HR 39, the rules of last session, to become the permanent rules of this body for this session.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the majority leader, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I have listened all day, I think I have been fairly patient and even and fair in the debate today, but in listening to the gentleman from Jefferson's comments, it really is an amalgamation, his argument, of what I would call really three things: First, revisionism – he is revising history to some respect; defensive Senate rulemaking, which is aggressive and really antireform-minded; and thirdly, Rip Van Winkleism – he must have been asleep for a decade, because I know what happened under Republican leadership from the time I arrived here in 1996 until we decided, in this majority, with a bipartisan coalition between a Speaker of the Republican side and leaders across this body who felt strongly about reform. That is what reformed this place. It was a decade of really aggressive power that really perverted the public's access to information, warped our ability in the minority to have any equitable say on the issues from day to day – both at the committee level and on the House floor – and in the end, the ladies and gentlemen of this House damaged this democracy. That is what led to the reforms.

What I offer today is a measured approach, a tweak to the good work of that Reform Commission. We focus on a number of key issues, making sure that we did not roll back the reform intent that the gentleman from Montgomery led from our side and articulated so eloquently. We are not going to work after 11 o'clock. We are not going to roll back ghost voting. We are not going to do the things that we saw here for 10 years that manipulated majority authority and suppressed minority. In all cases, in all cases, the 24-hour rule for the public access to information in this body is maintained in the Eachus amendment. Second, we guarantee that the two-thirds vote, on most things other than the Rules Committee – and I will address that in our change to the Rules Committee – two-thirds vote of this House, and three-quarters in many cases, of this body is maintained, which is the work of the commission. Also openness, as the Representative from Montgomery again stated, the willingness for us to audit our accounts, be more transparent about them, be more open about information on access, not only for the public but for the members, because the revisionism in the gentleman's comments was that for 10 years there were no Rules Committee meetings. They would happen right here. In 5 minutes, we would have a 180-page, 300-page amendment without any ability for the members to contemplate their position and make good policy.

I have to say that I have listened to a lot today, and what I say to you is that this change allows us at the core to maintain the intent of the Speaker's Commission, but also rectify the imbalance that the aggressive rulemaking that the gentleman from Delaware put together in his comments, that that allows us to have an equitable say and balance our approach at the Rules Committee level.

Let me review, once again, what we are doing with the Rules Committee. One, only on concurrence bills can the Rules Committee amend. When they are amended, they have to be posted for an hour before for all members of this House, and we have to wait 24 hours before that amended bill in Rules goes so the public has access to the information and the membership has the ability to review the facts. When it gets to the House floor, if two members, merely two of us, stand up and reject the work of the Rules Committee, what that will allow us to do then is with 102 votes – and it was characterized as some lower number; it is a constitutional majority of 102 – 102 of us send it back to the Rules Committee without the amendment language in it to tell the members of the Rules Committee that this body, the rank-and-file membership, so that we do not have an imbalance between the number of leaders on the Rules Committee and this body's intent, the rank-and-file's intent, it goes back to the Rules Committee for us to either amend or let die. I think it is a fair approach to the imbalance of the aggressive rulemaking that is taking place in the Republican Senate. And let me say to you, as a matter of fairness, inside my own caucus we had 3 weeks of deliberation on this with reform-minded members. I have no idea how your caucus on the Republican side of the aisle calculated this, but we had a thorough discussion with members who cared about these issues. As a number of members indicated, we had differences of opinion, but on our side of the aisle, what we do is we reach a consensus. This is not about majority power; it is about consensus. I have to say to you, we have reached a consensus today, and I am asking the members of the Democratic Caucus and this body to uphold these modest changes to the rules today and move forward amendment 40, the Eachus amendment, in the earnest and thoughtful way I think we have put this together.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the minority leader, Mr. Smith.

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

I see consensus. I see what it is. It is going to be kind of red and green; that is a consensus. We have a consensus that we disagree, that is for sure.

Mr. Speaker, just a couple of quick comments in response. I will not belabor it too long. I seem to think that I was not defending Senate rules, I was comparing Senate rules. It was your members who said, we are going to go do what they do as bad as they are, although I did compare the Rules Committee thing because their Rules Committee thing is not near as abrasive and power-laden as the one that is in here.

Mr. Speaker, I will also talk about that little ability to amend bills on concurrence in a Rules Committee. When I came here in 1986, the House did not have that authority. Democrats were in control, and I think it was somewhere in that first session, '97-'98, I am not positive which year it was, but I think it was in there. It could have been 1 year after, 1 year into my second term, with the House Democrats who led the charge to give the House the ability to amend bills on concurrence in Rules. And believe me, Mr. Speaker, I am not revising history because I remember the history of the late eighties and early nineties, and the Rules Committee did not change back then either; it met in the blink of an eye when Democrats were in control, and we woke up at a moment's notice with an amendment that nobody had seen. So if we are going to talk about history, let us maybe enjoy a little farther back in history.

Mr. Speaker, I would also point out that when the Rules Committee did function in those ways – and I am not defending it, I am just restating the historical fact with a little bit of speculation here, I will admit – I do not know the exact number of votes, but when the Rules Committee operated in years gone by, I bet you there were not 4 or 5 percent of the times that the minority members even requested a "no" vote. So if everything that was being done in the Rules Committee was so bad, why did not the minority members vote "no"? Almost all the time it was a unanimous vote. So you can talk about revising history, but sometimes you need to look at the facts and the facts are that it was a compliant, it was agreed to. It was not something the Rules Committee just kind of moved the stuff forward. Now, I am not defending that, I am just stating what it was. The fact is, Mr. Speaker, this amendment reverts back to those old rules, plain and simple. You cannot deny it. It is not an improvement. If that was bad, this is not an improvement, Mr. Speaker. That is all I am saying. If those days were wrong, if those days were bad, this is going back to them. It is that simple. If that is what you want, then do it. You have the majority; you can do it, and I understand it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—104

Barbin	Eachus	Levdansky	Samuelson
Belfanti	Evans, D.	Longietti	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		

NAYS—94

Adolph	Everett	Marshall	Rapp
Argall	Fairchild	Marsico	Reed
Baker	Fleck	Mensch	Reese
Barrar	Gabig	Metcalfe	Reichley
Bear	Gabler	Metzgar	Roae
Benninghoff	Geist	Millard	Rock
Beyer	Gillespie	Miller	Rohrer
Boback	Gingrich	Milne	Ross

Boyd	Grell	Moul	Saylor
Brooks	Grove	Murt	Scavello
Causer	Harhart	Mustio	Schroder
Christiana	Harper	O'Brien, D.	Smith, S.
Civera	Harris	O'Neill	Sonney
Clymer	Helm	Oberlander	Stern
Cox	Hennessey	Payne	Stevenson
Creighton	Hess	Peifer	Swanger
Cutler	Hickernell	Perzel	Tallman
Dally	Hutchinson	Petri	Taylor, J.
Day	Kauffman	Phillips	True
Delozier	Keller, M.K.	Pickett	Turzai
Denlinger	Killion	Pyle	Vereb
DiGirolamo	Krieger	Quigley	Vulakovich
Ellis	Maher	Quinn	Watson
Evans, J.	Major		

NOT VOTING—0

EXCUSED—5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

On the question,

Will the House adopt the resolution as amended?

Mr. **VITALI** offered the following amendment No. **A00155**:

Amend Resolution, page 18, line 13 (A00040), by striking out "a majority" and inserting

2/3

Amend Resolution, page 18, line 24 (A00040), by striking out "a majority" and inserting

2/3

Amend Resolution, page 19, line 46 (A00040), by striking out "a majority" and inserting

2/3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

This is a relatively straightforward amendment that has been referred to numerous times this evening. It basically deals with three separate votes. In rule 21, a concurrence vote and a conference committee vote, and with regard to rule 24, the vote from second to third consideration. This amendment and bill as a whole now provides a 24-hour waiting period for each of these three votes, which protects the public. As the resolution is currently drafted, this can be waived, this 24-hour period can be waived, and we can vote in a shorter period of time if a simple majority of people vote to waive it. What this amendment would do would be to say it has to be a supermajority or a two-thirds majority in order to waive that 24-hour period. The reason for this is, frankly, to protect both the majority and the minority and any member who has an interest in making sure he understands what he is voting on. The real purpose of allowing the waiver of this 24-hour period is to deal with those

noncontroversial situations where we know we are going to do it at 11 in the morning, but we have to wait until, let us say, 6 at night, and it just seems silly to wait and everyone agrees we should just get on with the vote. That is the uncontroversial situation. That is a situation where everyone agrees. That is the situation that this is designed for. So this protects all of our rights to cast a thoughtful vote, and it is a vote I think to make the rules more reflective of the reformist position, and I ask for an affirmative vote.

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

Mr. MAHER. Thank you, Mr. Speaker.

I thought I had understood the majority leader to have expressed that the amendment which was considered at some length, that he had offered, had a technical drafting error and that there was a corrective amendment on this point. Did I understand that correctly?

The SPEAKER. Who are you referring the question to?

Mr. MAHER. Mr. Eachus.

The SPEAKER. Will the gentleman, Mr. Eachus, stand for interrogation?

Mr. EACHUS. Let me say to the gentleman from Allegheny, what happened as I talked about the consensus building of our reform-minded members, that the gentleman, Mr. Vitali from Delaware County, in his advocacy for the 24-hour rule was very, very specific in why he felt 24 hours was important to open this for the public, transparency for all of us, and to guarantee that members had time to study. In the spirit of that, he is offering this amendment to improve the quality of the amendment that just passed. It was what I would consider accidental, but this amendment is a clear improvement and was the intent of our original bill. He puts this forward because he has a sincere interest in guaranteeing the public— He has been a reformer since the time he walked in this door. So maybe there was a lack of clarity in how I stated it, but the sincerity in the gentleman's advocacy on behalf of openness of this body and improving the quality of our debate has always been there.

Mr. MAHER. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to offer a few remarks.

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

Mr. MAHER. The gentleman who just spoke, spoke about his lack of clarity, which he illustrated once again by seeming unable to answer a simple yes-or-no question. But I am happy if I understand that he understands that the amendment of his, the travesty that subverts the openness and reform of this body accomplished under a Republican Speaker— Last session we had a Republican Speaker and we had great reform. This session we have a Democratic Speaker and it is going backward. Now, if you are serious about entertaining—

The SPEAKER. Will the gentleman yield. Will the gentleman yield.

The question before the House is the Vitali amendment. You will speak to the Vitali amendment.

Mr. MAHER. Thank you, Mr. Speaker.

I am speaking to the Vitali amendment and insofar as the majority leader has confessed to us here on the floor that there are improvements that are needed. I think we should embrace that confession and proceed to consider any number of other amendments that were filed to this resolution.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. Will the House agree to the amendment?

The Chair recognizes the minority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, it would appear on this amendment, there is a little more consensus.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Levdansky	Reese
Argall	Evans, D.	Longietti	Reichley
Baker	Evans, J.	Maher	Roae
Barbin	Everett	Mahoney	Rock
Barrar	Fabrizio	Major	Roebuck
Bear	Fairchild	Manderino	Rohrer
Belfanti	Fleck	Mann	Ross
Benninghoff	Frankel	Markosek	Sabatina
Beyer	Freeman	Marshall	Sainato
Bishop	Gabig	Marsico	Samuelson
Boback	Gabler	Matzie	Santarsiero
Boyd	Galloway	McGeehan	Santoni
Boyle	Geist	McI. Smith	Saylor
Bradford	George	Melio	Scavello
Brennan	Gerber	Mensch	Schroder
Briggs	Gergely	Metcalfe	Seip
Brooks	Gibbons	Metzgar	Shapiro
Brown	Gillespie	Millard	Siptroth
Burns	Gingrich	Miller	Smith, K.
Buxton	Goodman	Milne	Smith, M.
Caltagirone	Grell	Mirabito	Smith, S.
Carroll	Grove	Moul	Solobay
Casorio	Grucela	Mundy	Sonney
Causer	Haluska	Murphy	Staback
Christiana	Hanna	Murt	Stern
Civera	Harhai	Mustio	Stevenson
Clymer	Harhart	Myers	Sturla
Cohen	Harkins	O'Brien, D.	Swanger
Conklin	Harper	O'Brien, M.	Tallman
Costa, D.	Harris	O'Neill	Taylor, J.
Costa, P.	Helm	Oberlander	Taylor, R.
Cox	Hennessey	Oliver	Thomas
Creighton	Hess	Pallone	True
Cruz	Hickernell	Parker	Turzai
Curry	Hornaman	Pashinski	Vereb
Cutler	Houghton	Payne	Vitali
Daley	Hutchinson	Payton	Vulakovich
Dally	Johnson	Peifer	Wagner
Day	Josephs	Perzel	Walko
Deasy	Kauffman	Petrarca	Wansacz
Delozier	Keller, M.K.	Petri	Waters
DeLuca	Keller, W.	Phillips	Watson
Denlinger	Kessler	Pickett	Wheatley
DePasquale	Killion	Preston	White
Dermody	Kirkland	Pyle	Williams
DeWeese	Kortz	Quigley	Youngblood
DiGirolamo	Kotik	Quinn	Yudichak
Donatucci	Krieger	Rapp	
Drucker	Kula	Readshaw	McCall,
Eachus	Lentz	Reed	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Farry Miccarelli Micozzie Perry
Godshall

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

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

Mr. **BRIGGS** offered the following amendment
No. **A00166**:

Amend Resolution, page 28, line 18 (A00040), by inserting brackets before and after "43" and inserting immediately thereafter
45

Amend Resolution, page 28, by inserting between lines 34 and 35 (A00040)

(e) Subcommittee on Criminal Justice

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

The **SPEAKER**. On the amendment, the Chair recognizes the gentleman, Mr. Briggs.

Mr. **BRIGGS**. Thank you, Mr. Speaker.

I would like to introduce a simple amendment, number 166, which will add a Subcommittee on Criminal Justice to the Appropriations Committee. Thank you.

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

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

The following roll call was recorded:

YEAS—108

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

NAYS—90

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

NOT VOTING—0

EXCUSED—5

Farry Miccarelli Micozzie Perry
Godshall

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

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

Mr. **EACHUS** offered the following amendment
No. **A00170**:

Amend Resolution, page 9, line 49 (A00040), by inserting after "reimbursement."
In no event shall any payment or reimbursement be made for any otherwise allowable expense incurred on or before March 12, 2007.

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

The **SPEAKER**. On the amendment, the Chair recognizes the gentleman, Mr. Eachus.

Mr. **EACHUS**. Mr. Speaker, this rule was encompassed in the temporary rule that we are currently under and allows for an orderly reimbursement process for members. In the spirit of the work of the Reform Commission, I ask for an affirmative vote.

Mr. **S. SMITH**. Mr. Speaker? Mr. Speaker? We do not have a copy of this amendment. I do not know if it is a replacement amendment or what, but could we at least see what we are looking at?

The **SPEAKER**. It is a replacement amendment of amendment 00054.

On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I just want to make sure members understand the medicine you are being asked to take. If you have a lease entered into prior to the date set forth in this amendment and if you examine that lease, you may well find – whether it is for your district office or if it is for other facilities or for equipment – that it will contain something known as an acceleration clause, which means that in the event that for whatever reason you wish to discontinue the lease, you have to pay as if it continued. So in a very real sense, the obligation, the entire obligation for that lease is incurred on the date that lease is signed. So think very carefully about all the leases you may have, whether it is for phones or if it is for computers or if it is for your offices or for those who are still enjoying the luxury of a leased automobile. This rule, written as it is, actually will serve to supersede any other mention about leases in the rules because it says "In no event shall any..." of these payments "...be made...." Now, it may be illegal for the House to try to buy rule-breach contracts that may already exist out there. Maybe the majority leader has a bad lease he is trying to get out of, I do not know, but my guess, my guess is that you will find that there are unintended consequences, and I will hope that the Chief Clerk and the Comptroller will be scrupulous in their attention to ensure that any payment made pursuant to an agreement that encumbers the entirety of an agreement at the inception will no longer be paid if it predates March the 13th of 2 years ago.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair also recognizes the gentleman from Adams, Mr. MOUL.

Mr. MOUL. Would the maker of this amendment please rise for some interrogation, please?

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

Mr. MOUL. Mr. Speaker, I must apologize, I did not read every word of the new rules word for word, but at the beginning of last session, I introduced an amendment to the Rules Committee that disallowed any reimbursements for any receipt entered after 90 days. After reading the wording on this, which takes us back to 2007, I have to ask, has the 90-day rule been taken out or does this supersede the 90-day rule?

Mr. EACHUS. Mr. Speaker, I am wondering if I can get the— Mr. Speaker? Mr. Speaker, I think the gentleman may want to ask me a question in the form of interrogation.

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

Mr. EACHUS. Thank you, Mr. Speaker.

The 90-day rule still applies. It still applies.

Mr. MOUL. Mr. Speaker, if the 90-day rule still applies, why are we talking about March 2007?

Mr. EACHUS. That is the very date that the 90-day rule went into effect by the Reform Commission, so we are just codifying that date.

Mr. MOUL. Okay, Mr. Speaker. As long as the 90-day rule is still in effect, that is my main concern. Thank you.

Mr. EACHUS. Yes, sir, it is.

The SPEAKER. The Chair recognizes the minority whip, the gentleman from Allegheny, Mr. TURZAI.

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

Just on behalf of the leader, we are telling members that on this particular amendment, whatever the members think on the merits, they should vote accordingly. There is not a House Republican Caucus position.

Thanks very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—174

Adolph	Donatucci	Longiatti	Roae
Argall	Drucker	Maher	Roebuck
Baker	Eachus	Mahoney	Rohrer
Barbin	Ellis	Major	Ross
Barrar	Evans, D.	Manderino	Sabatina
Bear	Evans, J.	Mann	Sainato
Belfanti	Everett	Markosek	Samuelson
Benninghoff	Fabrizio	Marshall	Santarsiero
Beyer	Fairchild	Matzie	Santoni
Bishop	Frankel	McGeehan	Saylor
Boback	Freeman	McI. Smith	Scavello
Boyd	Gabig	Melio	Schroder
Boyle	Gabler	Metcalfe	Seip
Bradford	Galloway	Metzgar	Shapiro
Brennan	Geist	Millard	Shiptroth
Briggs	George	Milne	Smith, K.
Brooks	Gerber	Mirabito	Smith, M.
Brown	Gergely	Mundy	Smith, S.
Burns	Gibbons	Murphy	Solobay
Buxton	Goodman	Mustio	Sonney
Caltagirone	Grucela	Myers	Staback
Carroll	Haluska	O'Brien, M.	Stevenson
Casorio	Hanna	O'Neill	Sturla
Causer	Harhai	Oberlander	Tallman
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harkins	Pallone	Taylor, R.
Cohen	Harris	Parker	Thomas
Conklin	Hennessey	Pashinski	True
Costa, D.	Hess	Payne	Turzai
Costa, P.	Hickernell	Payton	Vitali
Cox	Hornaman	Peifer	Vulakovich
Cruz	Houghton	Perzel	Wagner
Curry	Hutchinson	Petrarca	Walko
Cutler	Johnson	Petri	Wansacz
Daley	Josephs	Phillips	Waters
Dally	Keller, W.	Pickett	Watson
Day	Kessler	Preston	Wheatley
Deasy	Killion	Pyle	White
DeLuca	Kirkland	Quigley	Williams
Denlinger	Kortz	Quinn	Youngblood
DePasquale	Kotik	Rapp	Yudichak
Dermody	Kula	Readshaw	
DeWeese	Lentz	Reed	McCall,
DiGirolamo	Levdansky	Reichley	Speaker

NAYS—24

Christiana	Grell	Krieger	O'Brien, D.
Creighton	Grove	Marsico	Reese
Delozier	Harper	Mensch	Rock
Fleck	Helm	Miller	Stern
Gillespie	Kauffman	Moul	Swanger
Gingrich	Keller, M.K.	Murt	Vereb

NOT VOTING—0

EXCUSED—5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

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

SPONSORSHIPS WITHDRAWN

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

Mr. GRELL. Thank you, Mr. Speaker.

To correct the record.

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

Mr. GRELL. Mr. Speaker, in light of the significant adverse changes to HR 39 effected by the Eachus amendment, I would like the record to reflect my withdrawal of cosponsorship.

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

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

Mr. MARSICO. Mr. Speaker, I would like to do the same.

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

Mr. MARSICO. I would like to, for the purpose of the record, remove my name as a cosponsor of HR 39.

Thank you.

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

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

Mr. PYLE. Parliamentary procedure, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary procedure.

Mr. PYLE. Thank you. Pardon me, parliamentary inquiry, sir.

My name is listed as cosponsor and I wish to be removed from this resolution.

Thank you, Mr. Speaker.

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

Are there any other amendments? Are these all corrections of the record? We will take the corrections of the record at a later time.

PARLIAMENTARY INQUIRY

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

Mr. PALLONE. Thank you, Mr. Speaker; parliamentary inquiry.

It is my understanding under the House rules that to have your name removed from a bill or a resolution, there is a set of documents that have to be executed and filed. It is not an oral request that needs to be made. Am I correct or incorrect?

The SPEAKER. The gentleman is correct. Members can log on to LDPC (Legislative Data Processing Center) and have their names deleted from the resolution, and when the resolution is reprinted, the names will be removed.

Mr. PALLONE. The oral request then is not effective?

The SPEAKER. That is correct. Their remarks are spread upon the record.

Mr. PALLONE. Thank you, Mr. Speaker.

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

Mr. PYLE. Point of clarification from the Speaker, sir. You just moved that my name be removed from this resolution and spread upon the record. Should I disregard your directive, Mr. Speaker?

The SPEAKER. Your remarks were spread upon the record. You still have the ability to go to LDPC and request that your name be removed from that resolution.

Mr. PYLE. Thank you, Mr. Speaker.

The SPEAKER. Are there any other amendments to HR 39?

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. Maher, for the purpose of offering an amendment.

Mr. MAHER. Mr. Speaker, I think the Republican leader was seeking recognition, and I am not declining to be recognized, but I am deferring.

Perhaps I will simply proceed. Mr. Speaker, I rise—

The SPEAKER. Will the gentleman yield.

Are there any other members who are going to offer amendments to HR 39?

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

Mr. MAHER. Thank you, Mr. Speaker.

Embracing the newfound determination towards repairing the defects embraced in the Eachus amendment, I stand to offer amendment 163, which would prohibit members of this body from receiving compensation for being employees of lobbying firms.

The SPEAKER. The gentleman would have to suspend the rules to offer amendment 00163. It is late filed.

RULES SUSPENDED

Mr. MAHER. Thank you, Mr. Speaker.

I move that we suspend the rules so that the public can have faith in the integrity of this body and know that this body prohibits its members from being paid by lobbyists while members of this body.

The SPEAKER. The gentleman, Mr. Maher, moves that the House do suspend its rules so it can immediately consider amendment 00163.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion to suspend the rules—

Mr. S. SMITH. Mr. Speaker?

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

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

I just wanted to try to clarify one thing about this amendment. It was an amendment that originally – and I do not have the number in front of me – it was originally filed to some of the other resolutions by Representative Reichley. I am assuming, as part of the Legislative Reference Bureau's technical snafus when it was late filed to this amendment, it was actually put under my name, because I do not even know what name it is under at this point, but I am assuming it was part of

the Legislative Reference Bureau's technical snafu. But as a point of reference, it is actually the same as the Reichley amendment that had been introduced to several of the other resolutions dealing with the subject of lobbying, working for a firm that lobbies this legislature, and also being a member. So just to be clear on that, Mr. Speaker.

I would ask members to suspend the rules, however.

The SPEAKER. The Chair recognizes the majority leader on the suspension of rules.

Mr. EACHUS. Mr. Speaker, a point of order.

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

Mr. EACHUS. Maybe the Parliamentarian can help me. Under the Ethics Act, in our Ethics Committee rules, are there members who are allowed to be paid by a lobbying firm? Can you be instructive to me?

(Conference held.)

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

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to support the gentleman's amendment on suspension.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Maher	Reichley
Argall	Evans, J.	Mahoney	Roae
Baker	Everett	Major	Rock
Barrar	Fabrizio	Manderino	Roebuck
Bear	Fairchild	Mann	Rohrer
Belfanti	Fleck	Markosek	Ross
Benninghoff	Frankel	Marshall	Sabatina
Beyer	Freeman	Marsico	Sainato
Bishop	Gabig	Matzie	Samuelson
Boback	Gabler	McGeehan	Santarsiero
Boyd	Galloway	McI. Smith	Santoni
Boyle	Geist	Melio	Saylor
Bradford	George	Mensch	Scavello
Brennan	Gerber	Metcalfe	Schroder
Briggs	Gergely	Metzgar	Seip
Brooks	Gibbons	Millard	Siptroth
Brown	Gillespie	Miller	Smith, K.
Burns	Gingrich	Milne	Smith, M.
Buxton	Goodman	Mirabito	Smith, S.
Caltagirone	Grove	Moul	Solobay
Carroll	Grucela	Mundy	Sonney
Casorio	Haluska	Murphy	Staback
Causar	Hanna	Murt	Stern
Christiana	Harhai	Mustio	Stevenson
Civera	Harhart	Myers	Sturla
Clymer	Harkins	O'Brien, D.	Swanger
Cohen	Harper	O'Brien, M.	Tallman
Conklin	Harris	O'Neill	Taylor, J.
Costa, D.	Helm	Oberlander	Taylor, R.
Costa, P.	Hennessey	Oliver	Thomas
Cox	Hess	Pallone	True
Creighton	Hickernell	Parker	Turzai
Cruz	Hornaman	Pashinski	Vereb
Curry	Houghton	Payne	Vitali
Daley	Hutchinson	Payton	Vulakovich
Dally	Johnson	Peifer	Wagner
Day	Josephs	Perzel	Walko
Deasy	Kauffman	Petrarca	Wansacz
Delozier	Keller, M.K.	Petri	Waters
DeLuca	Keller, W.	Phillips	Watson

Denlinger	Killion	Pickett	Wheatley
DePasquale	Kirkland	Preston	White
Dermody	Kortz	Pyle	Williams
DeWeese	Kotik	Quigley	Youngblood
DiGirolamo	Krieger	Quinn	Yudichak
Donatucci	Kula	Rapp	
Drucker	Lentz	Readshaw	McCall,
Eachus	Levdansky	Reed	Speaker
Ellis	Longietti	Reese	

NAYS—5

Barbin	Grell	Kessler	Shapiro
Cutler			

NOT VOTING—0

EXCUSED—5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

On the question recurring,

Will the House adopt the resolution as amended?

Mr. MAHER offered the following amendment No. **A00163**:

Amend Resolution, page 49, by inserting between lines 13 and 14 (A00040)

(4) Members may not receive compensation for affiliating with or being employed by a lobbying firm registered with the Department of State pursuant to 65 Pa.C.S. § 13A04(b) (relating to registration).

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I believe that our constituents deserve to know that this House will not tolerate its members being paid by lobbying firms while they are serving as members.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Levdansky	Reese
Argall	Evans, D.	Longietti	Reichley
Baker	Evans, J.	Maher	Roae
Barbin	Everett	Mahoney	Rock
Barrar	Fabrizio	Major	Roebuck
Bear	Fairchild	Manderino	Rohrer
Belfanti	Fleck	Mann	Ross
Benninghoff	Frankel	Markosek	Sabatina
Beyer	Freeman	Marshall	Sainato

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

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

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

Mr. MAHER. Mr. Speaker, I am assuming we are moving on to the resolution itself?

The SPEAKER. There are further amendments.
Mr. MAHER. Thank you, Mr. Speaker.

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

Mr. EACHUS offered the following amendment
No. A00044:

Amend Resolution, page 28, line 19 (A00040), by inserting a bracket before "14"

Amend Resolution, page 28, line 19 (A00040), by inserting after "14"

115

Amend Resolution, page 28, line 20 (A00040), by inserting a bracket before "ten"

Amend Resolution, page 28, line 20 (A00040), by inserting after "ten"

111

Amend Resolution, page 33, line 24 (A00040), by inserting a bracket before "11"

Amend Resolution, page 33, line 24 (A00040), by inserting after "11"

112

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, if I may just get the body's attention for a moment.

The SPEAKER. The House will come to order. Members will take their seats. The members will please take their seats.

Mr. EACHUS. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will yield.

Members will please take their seats.

The Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

In the spirit of bipartisanship, I have an approach that may be a little bit different than others in the past. I do not have a tin ear to the concerns of this body, neither the members on my side of the aisle or on the Republican side of the aisle.

What this amendment will do is move the committee size from 14 to 0, as it was in my earlier amendment, to 15 to 11 to accommodate the interests of more members who have come down during this debate on both sides of the aisle and asked that that number be rectified and advanced to a higher number to allow more members to be part of committees.

I ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

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

Mr. GRELL. Thank you, Mr. Speaker.

Under the amendment, the total number of committee members will be what?

Mr. EACHUS. Mr. Speaker, 15 on the majority side, 11 on the minority side; 26 total.

Mr. GRELL. And do I read it correctly that only 12 members out of 26 will be able to report a bill out favorably?

Mr. EACHUS. Yes, sir, Mr. Speaker. It is the same rules that would have applied under the other proportional number that I had in the earlier amendment.

Mr. GRELL. Nevertheless, a bill could be reported out of committee with less than a majority vote. Correct?

Mr. EACHUS. The same rules apply, Mr. Speaker.

Mr. GRELL. Thank you, Mr. Speaker.

On the amendment.

The SPEAKER. The Chair recognizes the gentleman.

Mr. GRELL. Mr. Speaker, I would suggest that the gentleman still has one ear that is tin. Part of our concern was being able to report a bill out with less than a majority of the members of the committee. That has not been corrected, and I urge a rejection of the amendment for that reason.

The SPEAKER. The Chair recognizes the gentledady, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Inasmuch as I had objected to the rule that reduced the number of committee members, I am in support of this amendment. I think the majority leader for offering it. I think the House works better when we are involved at the committee level to work legislation out in that forum.

So thank you very much. I will be voting "yes."

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Allegheny, Mr. Maher. Waives off.

The Chair recognizes the gentleman, Mr. Freeman, from Northampton County.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment offered by the gentleman, Mr. Eachus. I think this addresses a real concern that has been raised by members on both sides of the aisle with the reduced size of the committees that we had with our temporary rules.

And I want to compliment the majority leader for hearing the concerns of both Republican and Democratic members on this issue and allowing us to bring some of those members who were bumped from those committees, who have institutional knowledge of the working of those committees, and a real contribution to those committees to allow them to come back onto the committee.

I think it is a step in the right direction, and I would urge all the members to support this.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

The SPEAKER. The Chair recognizes the gentleman, Mr. Maher, from Allegheny County.

Mr. MAHER. Thank you, Mr. Speaker.

I would like to divide this amendment between lines 10 and 11.

The SPEAKER. Did the gentleman say lines 10 and 11?

**REQUEST TO DIVIDE AMENDMENT
WITHDRAWN**

The SPEAKER. The Chair recognizes the gentleman.

Mr. MAHER. For the good of the order, Mr. Speaker, I am going to withdraw that division request. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—188

Adolph	Ellis	Maher	Reichley
Argall	Evans, D.	Mahoney	Roae
Baker	Evans, J.	Major	Rock
Barbin	Everett	Manderino	Roebuck
Barrar	Fabrizio	Mann	Rohrer
Bear	Fairchild	Markosek	Ross
Belfanti	Fleck	Marshall	Sabatina
Benninghoff	Frankel	Marsico	Sainato
Beyer	Freeman	Matzie	Samuelson
Bishop	Gabig	McGeehan	Santarsiero
Boback	Gabler	McI. Smith	Santoni
Boyd	Galloway	Melio	Saylor
Boyle	Geist	Mensch	Scavello
Bradford	George	Metzgar	Schroder
Brennan	Gerber	Millard	Seip
Briggs	Gergely	Miller	Shapiro
Brooks	Gibbons	Milne	Siproth
Brown	Gillespie	Mirabito	Smith, K.
Burns	Gingrich	Moul	Smith, M.
Buxton	Goodman	Mundy	Smith, S.
Caltagirone	Grove	Murphy	Solobay
Casorio	Grucela	Murt	Sonney
Causer	Haluska	Mustio	Staback
Christiana	Hanna	Myers	Stern
Civera	Harhai	O'Brien, D.	Stevenson
Clymer	Harhart	O'Brien, M.	Sturla
Cohen	Harkins	O'Neill	Taylor, J.
Conklin	Harper	Oliver	Taylor, R.
Costa, D.	Harris	Pallone	Thomas
Costa, P.	Helm	Parker	True
Cox	Hennessey	Pashinski	Turzai
Cruz	Hess	Payne	Vereb
Curry	Hickernell	Payton	Vitali
Cutler	Hornaman	Peifer	Vulakovich
Daley	Houghton	Perzel	Wagner
Dally	Johnson	Petrarca	Walko
Day	Keller, M.K.	Petri	Wansacz
Deasy	Keller, W.	Phillips	Waters
Delozier	Kessler	Pickett	Watson
DeLuca	Killion	Preston	Wheatley
Denlinger	Kirkland	Pyle	White
DePasquale	Kortz	Quigley	Williams
Dermody	Kotik	Quinn	Youngblood
DeWeese	Krieger	Rapp	Yudichak
DiGirolamo	Kula	Readshaw	
Donatucci	Lentz	Reed	McCall,
Drucker	Levdansky	Reese	Speaker
Eachus	Longietti		

NAYS—10

Carroll	Hutchinson	Metcalfe	Swanger
Creighton	Josephs	Oberlander	Tallman
Grell	Kauffman		

NOT VOTING—0

EXCUSED—5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

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

AMENDMENT A00170 RECONSIDERED

The SPEAKER. The Chair has in its possession a reconsideration motion on amendment No. 00170 that was passed by the House to HR 39 on the 4th day of February, the reconsideration motion being signed by the gentlemen, Mr. Smith and Mr. Turzai.

The question is, will the House reconsider the vote, to HR 39, on amendment No. 00170?

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

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Levdansky	Reese
Argall	Evans, D.	Longietti	Reichley
Baker	Evans, J.	Maher	Roae
Barbin	Everett	Mahoney	Rock
Barrar	Fabrizio	Major	Roebuck
Bear	Fairchild	Manderino	Rohrer
Belfanti	Fleck	Mann	Ross
Benninghoff	Frankel	Markosek	Sabatina
Beyer	Freeman	Marshall	Sainato
Bishop	Gabig	Marsico	Samuelson
Boback	Gabler	Matzie	Santarsiero
Boyd	Galloway	McGeehan	Santoni
Boyle	Geist	McI. Smith	Saylor
Bradford	George	Melio	Scavello
Brennan	Gerber	Mensch	Schroder
Briggs	Gergely	Metcalfe	Seip
Brooks	Gibbons	Metzgar	Shapiro
Brown	Gillespie	Millard	Siptroth
Burns	Gingrich	Miller	Smith, K.
Buxton	Goodman	Milne	Smith, M.
Caltagirone	Grell	Mirabito	Smith, S.
Carroll	Grove	Moul	Solobay
Casorio	Grucela	Mundy	Sonney
Causer	Haluska	Murphy	Staback
Christiana	Hanna	Murt	Stern
Civera	Harhai	Mustio	Stevenson
Clymer	Harhart	Myers	Sturla
Cohen	Harkins	O'Brien, D.	Swanger
Conklin	Harper	O'Brien, M.	Tallman
Costa, D.	Harris	O'Neill	Taylor, J.
Costa, P.	Helm	Oberlander	Taylor, R.
Cox	Hennessey	Oliver	Thomas
Creighton	Hess	Pallone	True
Cruz	Hickernell	Parker	Turzai
Curry	Hornaman	Pashinski	Vereb
Cutler	Houghton	Payne	Vitali
Daley	Hutchinson	Payton	Vulakovich
Dally	Johnson	Peifer	Wagner
Day	Josephs	Perzel	Walko
Deasy	Kauffman	Petrarca	Wansacz
Delozier	Keller, M.K.	Petri	Waters
DeLuca	Keller, W.	Phillips	Watson
Denlinger	Kessler	Pickett	Wheatley
DePasquale	Killion	Preston	White
Dermody	Kirkland	Pyle	Williams
DeWeese	Kortz	Quigley	Youngblood
DiGiroalamo	Kotik	Quinn	Yudichak
Donatucci	Krieger	Rapp	
Drucker	Kula	Readshaw	McCall,
Eachus	Lentz	Reed	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

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

The clerk read the following amendment No. **A00170**:

Amend Resolution, page 9, line 49 (A00040), by inserting after "reimbursement."

In no event shall any payment or reimbursement be made for any otherwise allowable expense incurred on or before March 12, 2007.

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

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Levdansky	Reese
Argall	Evans, D.	Longietti	Reichley
Baker	Evans, J.	Maher	Roae
Barbin	Everett	Mahoney	Rock
Barrar	Fabrizio	Major	Roebuck
Bear	Fairchild	Manderino	Rohrer
Belfanti	Fleck	Mann	Ross
Benninghoff	Frankel	Markosek	Sabatina
Beyer	Freeman	Marshall	Sainato
Bishop	Gabig	Marsico	Samuelson
Boback	Gabler	Matzie	Santarsiero
Boyd	Galloway	McGeehan	Santoni
Boyle	Geist	McI. Smith	Saylor
Bradford	George	Melio	Scavello
Brennan	Gerber	Mensch	Schroder
Briggs	Gergely	Metcalfe	Seip
Brooks	Gibbons	Metzgar	Shapiro
Brown	Gillespie	Millard	Siptroth
Burns	Gingrich	Miller	Smith, K.
Buxton	Goodman	Milne	Smith, M.
Caltagirone	Grell	Mirabito	Smith, S.
Carroll	Grove	Moul	Solobay
Casorio	Grucela	Mundy	Sonney
Causer	Haluska	Murphy	Staback
Christiana	Hanna	Murt	Stern
Civera	Harhai	Mustio	Stevenson
Clymer	Harhart	Myers	Sturla
Cohen	Harkins	O'Brien, D.	Swanger
Conklin	Harper	O'Brien, M.	Tallman
Costa, D.	Harris	O'Neill	Taylor, J.
Costa, P.	Helm	Oberlander	Taylor, R.
Cox	Hennessey	Oliver	Thomas
Creighton	Hess	Pallone	True
Cruz	Hickernell	Parker	Turzai
Curry	Hornaman	Pashinski	Vereb
Cutler	Houghton	Payne	Vitali
Daley	Hutchinson	Payton	Vulakovich
Dally	Johnson	Peifer	Wagner
Day	Josephs	Perzel	Walko
Deasy	Kauffman	Petrarca	Wansacz
Delozier	Keller, M.K.	Petri	Waters

DeLuca	Keller, W.	Phillips	Watson
Denlinger	Kessler	Pickett	Wheatley
DePasquale	Killion	Preston	White
Dermoddy	Kirkland	Pyle	Williams
DeWeese	Kortz	Quigley	Youngblood
DiGirolamo	Kotik	Quinn	Yudichak
Donatucci	Krieger	Rapp	
Drucker	Kula	Readshaw	McCall,
Eachus	Lentz	Reed	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

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

AMENDMENT A00163 RECONSIDERED

The SPEAKER. The Chair has before it another reconsideration motion to reconsider the vote by which amendment A00163 to HR 39, PN 219, was passed on the 4th day of February, to be reconsidered, signed by members Phyllis Mundy and Rich Grucela.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Maher, on the question.

Mr. MAHER. Thank you, Mr. Speaker.

Just moments ago this body voted unanimously to adopt a rule that would prohibit members of the House of Representatives from being compensated or employed by lobbyists while they are members of the House of Representatives. It was a unanimous vote. Now, I would be very interested in hearing why anyone would want to retreat from that position that clearly puts the public interest ahead of any personal interest of any member in this chamber before agreeing that that vote should be reconsidered. That vote is in fact the only stride forward this year for reform. The rest of what has happened today has been sliding backward. That vote was a huge step forward.

The SPEAKER. Will the gentleman yield.

Mr. MAHER. The public deserves—

The SPEAKER. Will the gentleman yield.

The question before the House is reconsideration. If the amendment gets before us, you could make those arguments. The question right now is whether or not to reconsider the amendment.

Mr. MAHER. Mr. Speaker, I am speaking on whether to reconsider the amendment, and my view is very clear. The facts have not changed in the last 2 or 3 minutes. It was a unanimous vote. Therefore, the courtesy necessary to allow— Sometimes

we allow each member who may have inadvertently recorded a vote in one direction or another, that we will clear the board and recast the ballot. There is no need for that courtesy. It was a unanimous vote, a unanimous vote to set the record clear that the members of this House of Representatives will not also be on the payroll of registered lobbyists, and I would ask that we not retreat from that position, that we not reconsider that vote.

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

The following roll call was recorded:

YEAS-101

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

NAYS-97

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

NOT VOTING-0

EXCUSED—5

Farry Miccarelli Micozzie Perry
Godshall

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

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

The clerk read the following amendment No. **A00163**:

Amend Resolution, page 49, by inserting between lines 13 and 14 (A00040)

(4) Members may not receive compensation for affiliating with or being employed by a lobbying firm registered with the Department of State pursuant to 65 Pa.C.S. § 13A04(b) (relating to registration).

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

A few minutes ago every member of this House had a reason to be proud of something that had been done today. A few minutes ago every member of this House took a firm stance that if you are supposed to be serving the people as a member of this House that you are not being paid and employed by lobbyists.

Now, apparently the Democrat members of this House want to make it clear to the people of Pennsylvania that members of this body are not prohibited by our rules from being compensated by lobbyists. What are you thinking? How can that possibly be a desirable course, to retreat from a standard, a crystal clear, bright-line standard that was embraced just moments ago and head back into the shadows? It would be astonishing.

I am not surprised, I am not surprised that on the motion to reconsider, there was no one willing to speak as to why, why we should consider retreating from this just-adopted standard. Perhaps now, instead of just whispering up the aisles, there will be someone who can explain to the people of Pennsylvania why they believe it is desirable for members of the House of Representatives to not be prohibited by House rules from being compensated by lobbyists. I will look forward to that education. I do not think I will be persuaded, but I will be amazed to hear from a member who thinks that our rules should now be rolled backward to allow lobbyists to pay legislators while they are serving as legislators.

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the Maher amendment.

Although I think the general concept he is trying to convey is something we can all agree on, I think the language he has drafted is really imprecise and it really captures people who are not lobbying but, rather, have legitimate jobs at law firms doing legal work having nothing to do with lobbying, but that firm happens to be registered as a lobbyist. So I think that the problem here is imprecise drafting. I would suggest that

Mr. Maher go back and change his language to prohibit legislators from being compensated for lobbying, because I think that is what he is really getting at. He wants legislators to be prohibited from being compensated for lobbying.

We in the legislature, many of us have jobs in various professions. We may happen to have a private business, we may teach, we may do many things and receive compensation for it, and if we want to go down that road, perhaps we should just ban all side income, but we just should not choose lawyering, for example.

So I think the Maher language, while sounding good on its surface, really needs to be tweaked a bit. So therefore, I am going to be voting "no" on Maher.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Will the gentleman from Allegheny, Mr. Maher, consent to interrogation?

Mr. MAHER. I am flattered, Mr. Speaker.

The SPEAKER. The gentleman has agreed to interrogation. The gentleman may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker—

The SPEAKER. Will the gentleman yield.

The House will come to order. Members will please take their seats.

Mr. COHEN. By lobbying firm—

The SPEAKER. Will the gentleman yield.

The members will please take their seats.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I think concern with this amendment is due in large part because there is no definition of "lobbying firm" either in this amendment or in the House rules. Now, in the absence of a clear definition of a lobbying firm, a lobbying firm could be whatever anybody wants it to be. Like, for instance, Mr. Speaker, the University of Pennsylvania lobbies. I assume it is not your intention that any employee of the University of Pennsylvania, if there is such a person in the House – I have no knowledge whether there is or not – who is employed by the University of Pennsylvania—

Mr. MAHER. At which point is there a question mark here, sir?

Mr. COHEN. Mr. Speaker, I am asking the question.

Mr. Speaker, is it your intention that any firm, that any organization which hires a lobbyist is a lobbying firm?

Mr. MAHER. If that is your question, sir, the answer is very simple. No.

Mr. COHEN. Even if that—

Mr. MAHER. If I may answer your question. It is fun to be on this side of a question, I might add.

The amendment is very, very specific, sir. If you were to read it, it says that—

Mr. COHEN. The University of Pennsylvania is registered as a lobbyist, Mr. Speaker.

The SPEAKER. Will the gentleman yield. Will the gentleman yield.

The gentleman, Mr. Cohen, is in the act of interrogation.

Mr. MAHER. Any time there is a question mark, I will be happy to respond.

The SPEAKER. The gentleman, Mr. Cohen, may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, when you referenced that section, which has reference to lobbyists, the University of Pennsylvania, like many other universities in this Commonwealth, it registers with the State Ethics Commission because it hires lobbyists.

So the question is, does anybody who works for the University of Pennsylvania count as an employee of a lobbying firm because the University of Pennsylvania, like the vast majority of other universities in this Commonwealth, registers under this section?

Mr. MAHER. Is that a question? I do not want to get ahead of you, sir.

Well, I will assume that was a question mark. Well, maybe not. Is that your question?

Mr. COHEN. Yes, Mr. Speaker.

Mr. MAHER. Thank you.

The answer is very simple. With your hypothetical, the University of Pennsylvania and not any employee of the University of Pennsylvania nor even their librarians, for instance, would have to be subject to this prescription. This deals specifically, sir, with lobbying firms as the term is defined in statute and a statute that I would have hoped you would have been familiar with. I know I spent years waging the battle to overcome the intransigents of your party about getting the public's sunlight on lobbyists. Now that has been accomplished, and I will note, so far as I know, the Speaker has not appointed anybody to the lobbying regulations board yet, although perhaps he has, but I am astonished that you do not know that that is a defined term in the statute.

Mr. COHEN. Thank you, Mr. Speaker.

I have no further questions for the gentleman.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

A point of parliamentary inquiry, initially, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. REICHLEY. I believe we are still operating under the temporary rules. Would that be correct?

The SPEAKER. That is correct.

Mr. REICHLEY. Would it be correct that under rule 65(1), "A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon." Would that apply to this particular amendment as well, Mr. Speaker?

The SPEAKER. Mr. Reichley, if anyone is affected in the House chamber and they are a member of a class, rule 65 would not apply.

Mr. REICHLEY. Well, Mr. Speaker, does that mean that if an individual is employed by a law firm that does lobbying with the Commonwealth of Pennsylvania on matters that could come before the House, you are telling me they are a member of a class that does not have to notify the Speaker of that?

The SPEAKER. We would take that on a case-by-case basis and make a ruling on that.

Mr. REICHLEY. Well, Mr. Speaker, do you not think that the Parliamentarian should advise any member who has listed income on their statement of financial interests last year listing outside income is advised to note or at least question the Chair as to whether they must recuse themselves if they are employed with an outside firm, for instance, a law firm or the University of Pennsylvania, that does lobbying or lobbies the Commonwealth for any matter which would come before the House?

The SPEAKER. They could ask the Ethics Committee for a ruling. They could inquire to the Parliamentarian. There are options to the members on questions before the House that would come to the Chair, but they are on a case-by-case basis, but if they are a member of a class, again, rule 65 would not apply.

Mr. REICHLEY. Well, Mr. Speaker, when you define "class," do you mean all attorneys in the Commonwealth of Pennsylvania, all people who have any income coming from a lobbying firm are a class, or is it the individual members here?

The SPEAKER. Would you restate your question.

Mr. REICHLEY. Sure. I am just trying to get it clarified, because I want to be clear for all the members. Look, I am an attorney but I did not receive any outside income, certainly not from a lobbying firm, but I want to make sure that any of the attorneys in the room, for instance, know whether they must seek an opinion from the Chair to at least notify the Chair under rule 65(1).

The SPEAKER. We have always handled it on a case-by-case basis depending on what the issue is before the House.

Mr. REICHLEY. And I appreciate it, Mr. Speaker. On that case-by-case basis, if a member knows that they are receiving income from a lobbying firm or from any entity which is registered as a lobbyist, does that not put them in a position where they at least have to notify the Chair and gain a ruling from the Parliamentarian?

The SPEAKER. There is really not a single answer to that question other than it is reviewed on a case-by-case basis depending on what is before the House.

Mr. REICHLEY. So if a member was not to ask an opinion of the Chair and was to then vote on this amendment, receiving income from a law firm that does lobbying, would that person then be in violation of rule 65(1)?

Mr. Speaker, may we have order? I think this is an important question for all the members.

The SPEAKER. And you are referring to the temporary rule.

Mr. REICHLEY. Well, because I do not believe we are under the new rules yet. I believe that the rules from the 2007-2008 session were adopted roughly 48 days ago as the temporary rules, and this is rule 65(1) from those rules.

The SPEAKER. We, again, would handle it on a case-by-case basis. However, if there is concern raised by the member, he has the option of going to the Ethics Commission and asking for an opinion of the Ethics Commission.

Mr. REICHLEY. Would that be a public request, Mr. Speaker?

The SPEAKER. The Ethics Commission is bound by the issue of confidentiality. However, they do in fact issue opinions at times, advisory opinions. However, most of the opinions are confidential.

Mr. REICHLEY. I am sorry, Mr. Speaker. You said the Ethics Commission as opposed to the Ethics Committee of the House. Is that correct?

The SPEAKER. The Ethics Commission; correct.

Mr. REICHLEY. And the Ethics Commission—

The SPEAKER. The Ethics Committee.

Mr. REICHLEY. I am sorry. Which is it?

The SPEAKER. Committee.

Mr. REICHLEY. The Ethics Committee of the House?

The SPEAKER. Correct.

Mr. REICHLEY. Well, not that I want to delay the proceedings, Mr. Speaker, but would it be appropriate for a recess to be taken so the Ethics Committee can meet to entertain any questions from members who are concerned about that?

The SPEAKER. No. We do not have any permanent rules yet, Mr. Reichley. We are working on that right now.

Mr. REICHLEY. All right. I appreciate that.

CONSTITUTIONAL POINT OF ORDER

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

Mr. PALLONE. Thank you, Mr. Speaker.

I think while the maker of the amendment is certainly well intentioned and this House is certainly looking for the opportunity to operate in the light of day with all of the open books necessary, I believe and I would make a motion that the amendment in its current form is unconstitutional pursuant to the Pennsylvania Constitution, Article V, section 10, relative to administration of the courts and court-related personnel, particularly licensed attorneys. The current form is overbroad in its present language.

The SPEAKER. The gentleman raises a question of constitutionality. Will the gentleman state the section of the Constitution.

Mr. PALLONE. Article V, section 10.

The SPEAKER. The gentleman, Mr. Pallone, raises the point of order that amendment No. 00163 to HR 39 is unconstitutional.

The Speaker, under rule 4, is required to submit questions of constitutionality of an amendment to the House for decision.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. On the point of order, the Chair recognizes the gentleman, Mr. Pallone.

Mr. PALLONE. Thank you again, Mr. Speaker.

For the stated reasons, in its current form, after continued review, it kind of came up fast and we all did not have a chance to fully digest the amendment as presented. In my opinion, it violates the Constitution based on Article V, section 10, relative to the court and court-related personnel.

The SPEAKER. The Chair thanks the gentleman.

On the question before the House, constitutionality, the Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Mr. Speaker, with all due respect to my colleague, the Representative from, I believe, Westmoreland, who is also an attorney, in legal circles we look for more specific language, and in this situation, under the Constitution

of Pennsylvania, Article III, section 13, dealing with legislation, this body— It states, "A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon."

Now, the question really is whether the ability of a member to be able to vote on the amendment which Mr. Maher offered originally. It is not a question of regulation of conduct of attorneys. It deals with the qualifications of the members of the House. We have, by these rules and by the Pennsylvania Constitution, the ability to place qualifications and requirements upon the membership here. This is not a matter of the judiciary regulating attorneys. This is a matter of, under Article III, the legislature regulating itself, and the amendment which Mr. Maher had introduced, which dealt with ensuring that members do not have a conflict of interest, falls squarely within Article III, in Article III, section 13, and rule 65(1) of our temporary rules.

Now, we can play political games here all night, but this gets to the very integrity of the process here, Mr. Speaker. Just yesterday the member that the President had nominated for the Secretary of Health and Human Services had to resign because of questions regarding his involvement with law firms, even though he was not registered as a lawyer and is an attorney, but for his position as a strategic adviser. And we want to ensure that the Commonwealth of Pennsylvania and the House of Representatives has as high a level of integrity as the President, a member of the opposing side here, has wished upon his own executive branch employees. I would think the members on the other side would join us in ensuring that we have as clean a record of integrity as the people the President is trying to appoint down in Washington. He wants to change the way things are done in Washington. We want to make sure that things are changed right here in Harrisburg. We want to make sure there cannot be a scintilla of an allegation of a conflict of interest by a member of this House that somehow you worked for a lobbying firm or worked for a law firm that receives income from doing lobbying.

So I would really question the members to look very, very closely as to whether you want to be on the side of those twisting the Constitution with an inapposite section to somehow let a couple of members skirt by and receive income from a way that we are trying to preclude.

I would urge you to defeat the Pallone motion to rule this amendment unconstitutional. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Maher, on constitutionality.

Mr. MAHER. Thank you, Mr. Speaker.

My good friend from Westmoreland County is a learned attorney, and I have a great, great admiration, and in his speed to get to Article V, I am afraid he skipped over Article II. Article II provides that the legislature shall have the power to establish its own rules, and in fact the rules currently require that a broader range of lobbyists, that members receiving compensation from a broader range of lobbyists, not just lobbying firms, but all lobbyists that register must file reports to that effect with the Chief Clerk. So it has been long established that this body can recognize there is a public interest to be served. There is a separation of powers built into our Constitution. The separation of powers allows this House to establish its rules for better or for worse. Article II, section 11, provides the power for this legislature to determine its rules. We

have years and years of precedent already in the rules that provide that the relationship to lobbyists needs to be on the public record. This merely goes a step forward and says that members shall not be compensated. It is clearly by lobbyist firms. It is clearly constitutional.

I do appreciate the occasion to revisit Article V that we are keenly aware of from when we wrote the lobbying law. And the lobbying law, the statute which is invoked by this rule, the definition of "lobbying firm" in that statute that requires registration in that statute has been unchallenged in the courts. For several years it has been out there; it has been unchallenged. So we did a good job when we wrote the lobbying law of defining "lobbying firms" in a way that did not cause the courts to intervene as they had in the past and say that the statute is out of bounds. If that statute and that definition of "lobbying firms" is not out of bounds in the view of the Supreme Court, and they have certainly not been shy about expressing such views over the years on other matters that if they were concerned about the definition of "lobbying firms" being an encroachment, I am sure we would have heard from them by now, but we have not. So this rule simply embraces our not just prerogative but duty under the Constitution to establish rules and makes it a crystal clear standard that I believe is entirely constitutional.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Just to add to the points of the prior two speakers, I would respectfully disagree with the gentleman from across the aisle specifically to our House rules. Article II, section 11, clearly states that each House shall – that is a mandatory provision – shall have the power to determine what rules its proceedings.

In addition to that, while I realize that this particular point and the question that the court decided in this case is not on point, the basic logic that they used to get there, I believe, is. In deciding on whether or not the House could determine the procedures by which absentee votes could be cast, they said in the *Dintzis v. Hayden* case in the Commonwealth Court, it said, quote, "The House may, if it so chooses, permit absentee voting by its members. It may also...on occasion...suspend the" House "Rules...so that members who are not present may vote on important legislation."

Now, I recognize that this is about an entirely different issue substantively. However, it gets to the point that this is a nonjusticiable question. The courts have no jurisdiction over what our House rules are. It is up to us to decide what our House rules are, and while I respectfully understand the point the gentleman was trying to make regarding Article V, section 10, regarding the Supreme Court's authority over attorneys and their ability to practice law in the court system, this is not about attorneys practicing law. This is about lobbying firms. This is about lobbyists and people who are registered there.

And additionally, we have already delegated that authority to the Department of State as referenced in the honorable gentleman's amendment that he has offered here today. In our statute, Title 65, 13A04, we have given that authority for lobbyists to be registered to the Department of State as we are permitted to do. In addition to that, we as the House have the right to go ahead and make our own rules over what will govern our members.

So the question is not whether or not we can do this, the question is whether or not we will do this, and I believe we should. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Constitution of the United States gives Congress the power to make laws but Congress cannot pass unconstitutional laws. The Constitution of Pennsylvania gives us the power to pass laws but we cannot pass unconstitutional laws. Just because we have the power to pass rules does not mean we can pass unconstitutional rules.

We are sworn to obey the Constitution. The Constitution of Pennsylvania gives to the Supreme Court of Pennsylvania the power to regulate the practice of law. We are not talking here about engaging in legislative acts in the Maher amendment. We are talking about affiliating with or being employed by a lobbying firm. Now, what is a lobbying firm? Well, a lobbying firm is an entity that engages in lobbying for economic consideration on behalf of a principle other than the entity itself, according to the reference made by Mr. Maher.

Now, what is an entity? The fact is that many law firms are divided into divisions, and they have all sorts of very, very complicated ways of governing themselves. If someone is a member of a law firm and his or her division of a law firm does not engage in lobbying and there is another division that employs other people that engages in lobbying, that is for the Supreme Court to decide as to how that ought to be regulated. That is not for us to decide. And when we have language that includes the possibility but it is not limited to this possibility but includes the possibility that someone would have to leave a job with a law firm, we are regulating the practice of law, and if we want to be constitutional, we have to pass rules that do not force people to leave law firms or do not stop people from practicing law with a given law firm.

This amendment is too vague. It is not at all clear what it means because it has vague terms like "entity" and it puts the term "lobbying firm" in a context in which it was not intended to be in when it was written in the Ethics Act, and I certainly agree that this amendment is unconstitutional.

I would urge all members to vote "no" on the question of whether this amendment is constitutional.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to enter the debate on whether or not this motion is constitutional, Mr. Speaker. I certainly do not have the legal credentials as being an attorney like some of my colleagues who have already spoken, although I think we have had more attorneys on our side speak, and I think they have actually offered better arguments. It may come from a biased view, but I think our lawyers have put forward a better case for all those young, doe-eyed freshmen, as the gentleman from Greene County would probably call them.

But, Mr. Speaker, I think as Joe or Jane the Plumber might be watching the debate and considering whether or not this motion is constitutional, I think it comes down to a very basic question, a very basic consideration. Mr. Speaker, the only reason that this is being raised as a constitutional issue is to give political cover for those who want to back away from this—

The SPEAKER. Will the gentleman yield.
 Mr. METCALFE. —very commonsense position.
 The SPEAKER. Will the gentleman yield.

On the question of constitutionality, stick to the question.
 Mr. METCALFE. Thank you, Mr. Speaker.

Speaking to the motion of constitutionality, Mr. Speaker, I believe that this is definitely a constitutional amendment, that it is a very clear-cut, commonsense question of conflict of interest. If you are employed by a registered lobbying firm, taking payment from them and taking payment from the people that represent them, I think it is a very clear conflict of interest and it is very clearly constitutional. It is very clearly constitutional, Mr. Speaker. I think that Joe or Jane the Plumber would see that, that by weighing the two options – is this constitutional or is it not constitutional – that it is constitutional to say that a member of this General Assembly would have a conflict of interest receiving payment from a lobbying firm while they are working here.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I rise on this side as a Republican, a member of the bar since 1985, a member of the Commonwealth. When I first was elected here and took office in 2001, I did have outside income as an attorney and I reported it. I did not think it conflicted with my job. I served as a Navy JAG (Judge Advocate General) officer. I know there are others that have served here on both sides. It did become somewhat of a conflict with me just time-commitment-wise, but I did not feel that was a conflict of interest, and I am just not understanding these arguments, quite frankly. They say it is unconstitutional to do this.

I look at the current rule 65, which we are operating on under our temporary rules, and it specifically references in section 1 that we had to talk about and the Speaker addressed, Speaker McCall addressed, but that is Constitution Article III, section 13, specifically cited. That is a constitutional provision that we were talking about. More specifically, here it references the lobby act that we passed and everybody hooplaed about. It is referenced in there. Right now it says, to address the gentleman from Philadelphia that asked if you work for Penn that lobbies us; right now if you are getting paid to do that as a member of this House, our rules, citing the law that we passed under our Constitution, say we have to file a form with the Chief Clerk. I am not sure who the Chief Clerk is right now. I know we are in a transition. But with the Chief Clerk, we are supposed to file paperwork, and I guess that is open records and people are supposed to know that so that people know that. So is that unconstitutional?

And to say you could not have any outside income, I think that was mentioned; we cannot have any outside income. If we did that, what is the difference between saying you cannot have any and you cannot have some, which might be more of a conflict?

Again, I was in the Navy, and I know that some other people have some jobs outside which really do not conflict here very often or at all. But here, if you are— What the gentleman, Mr. Maher, from Allegheny County, how can it be unconstitutional if this is the law we are working on, if it is currently under our rules. All we are saying is, you should not take money, you should not take money if you are working for a

lobby group that is lobbying this chamber. You are elected to represent the people from your district, and if you are getting paid to represent a private interest, how can that be unconstitutional?

The SPEAKER. The gentleman will yield.

Mr. GABIG. How can that be unconstitutional, Mr. Speaker?

The SPEAKER. The question before the House is constitutionality.

Mr. GABIG. That is right, and I am asking the question, Mr. Speaker: How in the world could that be unconstitutional to say, we do not want somebody in this House getting paid by a private firm to represent their private interests when they are supposed to be public servants and representing their people back home? We say we think that is a conflict of interest. And I know as an attorney, we work under professional rules of responsibility, and if you have this kind of conflict, and we say in this House we are regulating you as a legislator saying we do not want you to have that conflict of interest. You should not be taking money from somebody else for private gain, and I do not see how that violates our Constitution. If that does, then all these other rules do and our lobby disclosure rules would, and I think that is a legitimate debate.

There are arguments to be made on the other side on the merits, but to try to hide behind this, that it is somehow unconstitutional, you have got to be kidding me. Let us get to the merits and see whether or not it is good to take money from private interests when you are an elected official trying to represent the people back home.

Thank you very much, Mr. Speaker.

The SPEAKER. On the question, those who believe the amendment is constitutional will vote "aye"; those believing the amendment is not constitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—98

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

NAYS—100

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
Casorio	Grucela	Mundy	Taylor, R.
Cohen	Haluska	Murphy	Thomas
Conklin	Hanna	Myers	Vitali
Costa, D.	Harhai	Oliver	Wagner
Costa, P.	Harkins	Pallone	Walko
Cruz	Hornaman	Parker	Wansacz
Curry	Houghton	Pashinski	Waters
Daley	Johnson	Payton	Wheatley
Deasy	Josephs	Petrarca	White
DeLuca	Kessler	Preston	Williams
DePasquale	Kirkland	Readshaw	Youngblood
Dermody	Kortz	Roebuck	
DeWeese	Kotik	Sabatina	McCall,
Donatucci	Kula	Sainato	Speaker
Drucker	Lentz		

NOT VOTING—0

EXCUSED—5

Farry	Miccarelli	Micozzie	Perry
Godshall			

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

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

The SPEAKER. The question before the House is, will the House adopt HR 39? The Chair recognizes the gentleman from Montgomery, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.
Is this the appropriate time to correct the record?

The SPEAKER. Not at this moment.

Mr. VEREB. I thought you had said when amendments were done, we could address the chamber and correct the record.

The SPEAKER. After the question before the House, Mr. Vereb.

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

Mr. MAHER. Thank you, Mr. Speaker.

It is a remarkable day. This House has just decided on party lines that there is a constitutional right for members to be paid by lobbyists while they are members.

The SPEAKER. The gentleman is out of order.

Mr. MAHER. I am speaking on—

The SPEAKER. The gentleman is out of order. The question before the House is HR 39 and the merits of HR 39 and nothing else.

The question before the House is the adoption of HR 39. On that question, the Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

And if you had allowed me the same liberty you allowed others today, you would have heard that I might have been persuaded, despite its flaws, to vote for HR 39, if we could have had one avenue of progress that might have counterbalanced all the avenues of heading back into the darkness.

And I wish to draw the members' attention to a subject that has not been talked about today but was talked about on swearing-in day. On swearing-in day, I raised concerns about whether or not the temporary rules would allow the destruction of financial records of this House. I was advised that when the Democratic leader returned from the mountaintop with his stone tablets that that would have been addressed. But apparently, something happened in all these secret meetings, all these meetings that did not entail public notice, all these meetings that happened behind closed doors, all these meetings that happened without public input, all the drafts that were circulated without the public ever having a peek. A lot of things happened that we have talked about, but something that did not happen is that these rules are a slap in the face to the new Right-to-Know Law, because although references are made to the Right-to-Know Law very carefully, almost to the point that they have no effect, the most important aspect of all in this era is the retention of records, and these rules in HR 39 as drafted will allow many records, as recent as last June 30, June 30 of 2008 and before, there will be many records that can be destroyed under these rules.

The opportunity of the public to ever see these records is, of course, destroyed when the records are destroyed. And other records, oh my goodness, they have got to keep them for up to 3 years. So a record, the longest required retention of any financial record of the House of Representatives under these rules would be a record through February 4 of 2006.

Now, in our private lives, when we are dealing with governments, whether it is the State Department of Revenue or the Federal Internal Revenue Service or your local tax collectors, you certainly would be taking a risk if the longest you ever kept a financial record was 3 years, and you certainly would be inviting adverse consequences if you started destroying records that were just 7 months old. But these rules permit the House to destroy records, some of which are just 7 months old, others of which no more than 3 years do they need to be retained.

Now, on swearing-in day, the majority leader said, yeah, but it is just for 30 days; it is a temporary rule. And I asked the question then, how many records can you destroy in 30 days? Apparently not enough, because in spite of our open records law, in spite of our open records law, the majority leader, the Democratic leader wants to persist in the practice that permits records to be destroyed and the public to never have the right to know. And in the interest of openness and transparency and the public's right to know, I am not going to pretend that this House is honoring the spirit of the Right-to-Know Law by adopting rules that allow the destruction of records from June 30 and prior.

The SPEAKER. Will the gentleman yield. The gentleman will yield.

Will the gentleman come to the desk?

(Conference held at Speaker's podium.)

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

Mr. MAHER. Thank you, Mr. Speaker.

For the benefit of the members, I was offered some guidance, and I appreciate it, and that guidance is to say – and I am paraphrasing, obviously – no matter what this rule might say, that certainly is not what it means, because apparently the Bipartisan Management Committee has its own record retention schedules. And while that is all well and good, the Right-to-Know Law looks to each entity to establish record retention – chapter 6, section 507. Our rules, as embraced in HR 39, page 10, lines 10 and following, and that is speaking to the amendment that gutted and replaced HR 39, says that for a minimum of 3 years, reports, vouchers, and receipts from which reports are prepared and filed must be kept. There are loads of financial records that are none of those.

And I may have been too generous in saying that there is a 6-month period, because I suppose for the financial records, which are neither reports nor vouchers nor receipts, that there is no retention requirement at all in the rules.

Now, I know what the other side will say is that gosh, I am wrong, and that is not how they read it. But I will remind the members, I raised this very point on January 6. I was advised it would be addressed, but apparently in terms of the hierarchy of important issues and the secret meetings where these rules were contrived, sunlight, daylight, transparency, and making sure public records are retained did not rise to the level of importance to put into our rules, but rather I am told that certain people who are not elected by the public for their roles have adopted some policies, and that may be well and good. But I would say, if we mean to have record retention that means something, our rules ought not to say something else. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS–104

Barbin	Eachus	Levdansky	Samuelson
Belfanti	Evans, D.	Longietti	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		

NAYS–94

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

NOT VOTING–0

EXCUSED–5

Farry	Miccarelli	Micozzie	Perry
Godshall			

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

BILLS REMOVED FROM TABLE

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

- HB 22;
- HB 89;
- HB 92;
- HB 94;
- HB 95;
- HB 105;
- HB 106;
- HB 107;
- HB 109; and
- HB 196.

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

BILLS RECOMMITTED

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

HB 22;
 HB 89;
 HB 92;
 HB 94;
 HB 95;
 HB 105;
 HB 106;
 HB 107;
 HB 109; and
 HB 196.

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

CALENDAR**RESOLUTION PURSUANT TO RULE 35**

Mr. EACHUS called up **HR 32, PN 105**, entitled:

A Resolution honoring the Boy Scouts of America on the centennial anniversary of the organization's founding.

On the question,
 Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 32 be removed from the active calendar and recommitted to the Committee on Rules.

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

SPONSORSHIP WITHDRAWN

The SPEAKER. Are there any other corrections to the record?

For what purpose does the gentelady rise?

Mrs. SWANGER. Mr. Speaker, a correction to the record, please.

The SPEAKER. The Chair recognizes the gentelady from Lebanon, Mrs. Swanger.

Mrs. SWANGER. I request that the record reflect the fact that I have removed my name as cosponsor to HR 39. Thank you.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker?

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

Mr. S. SMITH. A point of parliamentary inquiry.

I was just informed that the resolution that was just passed, that all 67 of the cosponsors of HR 39 had withdrawn their names as sponsors, and I am curious, Mr. Speaker, if a resolution can actually be voted that does not have a sponsor? Sixty-seven cosponsors withdrew, and to my knowledge, that was every one of them. I am just curious if that was even proper for us to have voted that resolution when there was not a sponsor.

The SPEAKER. One name has been added, Mr. Smith.

Mr. S. SMITH. A name has been added?

The SPEAKER. There has been a name added to the resolution.

Mr. S. SMITH. Could the record reflect who the sole sponsor is?

The SPEAKER. Let the record reflect that the gentleman, Mr. Eachus, is a sponsor of the resolution.

Mr. S. SMITH. Thank you, Mr. Speaker. Sixty-seven members off, one on. That is good.

The SPEAKER. Are there any announcements?

The House will be in nonvoting session tomorrow.

RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. There is a motion before the House that this House do now adjourn. That motion is being made by Representative Bradford from Montgomery County, who moves that this House do now adjourn until Thursday, February 5, 2009, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:10 p.m., e.s.t., the House adjourned.