

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 7, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 105

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. KAREN BOBACK, member of the House of Representatives, offered the following prayer:

Merciful Father, bless us as we gather now in prayer. Keep our focus straight and our thoughts upright as we carry out today's tasks. Strengthen our resolve to meet all challenges with fortitude and courage. Enable us to build consensus in the name of the common good. Remind us of the work we were entrusted to do within the walls of this chamber. Inspire us as we participate in debate and discussion while representing our home districts. Give us the ability to continue to build and shape this great Commonwealth in a positive manner, and grant us true desire that the goals we set and accomplish as a legislature will always reflect the needs of the people we serve.

Today, O God, we also pray for the healing of the daughter of one of our members and friends.

In Your goodness and mercy we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER. The Chair recognizes the majority leader for an announcement. The majority leader is recognized.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, for the information of the members, I would like to announce an immediate meeting of the Rules Committee, an immediate meeting of the House Rules Committee in our majority caucus room. I would also like to announce right after that, as soon as it is done, a House Appropriations Committee meeting. As soon as those two meetings are done, we will be back here at 1:15.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate Rules Committee meeting followed by an Appropriations Committee meeting, both in the majority caucus room.

#### RECESS

The SPEAKER. This House stands in recess until 1:15, unless sooner recalled by the Speaker.

#### AFTER RECESS

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

The SPEAKER. Members will please report to the floor of the House.

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, October 6, 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 gentleman from Greene County, Representative DeWeese, who requests the following leave of absence for: the gentleman, Representative DeLUCA, from Allegheny County for the day. Without objection, the leave will be granted.

The Chair recognizes the majority leader, Representative Eachus, who requests a leave for the gentleman from Greene County, Representative DeWEESE, for the day. Without objection, the leave will be granted.

The Chair recognizes the gentleman from Allegheny County, Representative Turzai, who requests leaves of absence for: Representative HENNESSEY from Chester County for the day; Representative BENNINGHOFF from Centre County for the day; Representative Sam SMITH from Jefferson County for the day. Without objection, the leaves will be granted.

#### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Chester County, Representative Hennessey, on the House floor.

#### MASTER ROLL CALL

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

The following roll call was recorded:

**PRESENT—197**

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—6**

Benninghoff	DeWeese	Perry	Smith, S.
DeLuca	Miccarelli		

**LEAVES ADDED—1**

Drucker

**LEAVES CANCELED—4**

Benninghoff	DeLuca	DeWeese	Drucker
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The SPEAKER. A quorum being present, the House will proceed to conduct business.

**BILL ON CONCURRENCE  
REREPORTED FROM COMMITTEE**

**HB 1531, PN 2748**

By Rep. EACHUS

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 exclusions, for time for filing returns and for time of payment; in personal income tax, further providing for classes of income, reenacting provisions on contributions and further providing for operational provisions and for payment of withheld taxes; in corporate net income tax, further providing for definitions; in capital stock franchise tax, further providing for definitions and reports, for imposition and for expiration; in gross receipts tax, further providing for imposition; in cigarette tax, further providing for definitions, for incidence and rate, for floor tax, for liability for collection of tax, for the Health Care Provider Retention Account, for stamp to evidence tax and for commissions on sales and providing for return and payment of tax for unstamped cigarettes and further providing for sales of unstamped cigarettes, for possession of unstamped cigarettes and for other violations; in research and development tax credit, further providing for carrying of credit; providing for educational improvement tax credit; repealing tax amnesty provisions; providing for reduction of tax credits; providing for tax amnesty for fiscal year 2009-2010; providing for penalties for corporate officers and for examination of books and records; and making related repeals.

**RULES.**

The SPEAKER. That bill will go to the House supplemental calendar.

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1607, PN 2747**

By Rep. EACHUS

An Act amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, consolidating the law relating to constables; in Title 42, further providing for deposits into the Judicial System Augmentation Account and providing for surcharges; in Title 44, repealing obsolete provisions on recidivism and revising provisions on second and third class cities, on boroughs, on townships, on the Constables' Education and Training Board, on use of firearms, on the Constables' Education and Training Account and on statutory authority; making editorial changes; and making related repeals.

**RULES.**

The SPEAKER. That bill will go to the House supplemental calendar.

**BILL REREPORTED FROM COMMITTEE**

**HB 1407, PN 1729**

By Rep. D. EVANS

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for property held by financial institutions, for property held by insurers, for property held by utilities, for property held by business associations, for property held by fiduciaries, for property held by courts and public officers and agencies and for miscellaneous property held for or owing to another.

**APPROPRIATIONS.**

The SPEAKER. That bill will go to the House supplemental calendar.

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

**HB 125, PN 2770** (Amended) By Rep. McGEEHAN

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions; and providing for regulation of genetic counselors.

PROFESSIONAL LICENSURE.

**HB 127, PN 2771** (Amended) By Rep. McGEEHAN

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions; and providing for regulation of genetic counselors.

PROFESSIONAL LICENSURE.

**HB 523, PN 2768** (Amended) By Rep. FRANKEL

An Act establishing the Landslide Insurance and Assistance Program within the Department of Environmental Protection; providing for related powers and duties of the Pennsylvania Emergency Management Agency; establishing and providing for the powers and duties of the Landslide Insurance and Assistance Board; establishing the Landslide Insurance Fund and the Landslide Assistance Fund; and providing for loans from the Coal and Clay Mine Subsidence Insurance Fund.

INSURANCE.

**HB 1049, PN 2769** (Amended) By Rep. FRANKEL

An Act providing mandatory insurance coverage for general anesthesia for dental care for certain persons.

INSURANCE.

**SB 922, PN 1462** By Rep. D. EVANS

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for establishment of county boards and expenses and for lifetime limit; further defining "general acute care hospital"; providing for a definition; and further providing for authorization, for administration, for no hold harmless, for tax exemption and for cessation.

APPROPRIATIONS.

**SB 1036, PN 1451** By Rep. D. EVANS

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

**SB 1037, PN 1452** By Rep. D. EVANS

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis

for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

**SB 1038, PN 1453** By Rep. D. EVANS

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University—Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

**SB 1039, PN 1454** By Rep. D. EVANS

An Act making an appropriation to the Trustees of the University of Pennsylvania.

APPROPRIATIONS.

**SB 1040, PN 1455** By Rep. D. EVANS

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

**SB 1085, PN 1463** By Rep. D. EVANS

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide for the additional appropriation of Federal and State funds from the General Fund, from the State Lottery Fund and from the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2008 to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; and making interfund transfers for the fiscal year July 1, 2008, to June 30, 2009.

APPROPRIATIONS.

**SB 1093, PN 1415**

By Rep. D. EVANS

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

APPROPRIATIONS.

**SB 1094, PN 1416**

By Rep. D. EVANS

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

APPROPRIATIONS.

**SB 1096, PN 1418**

By Rep. D. EVANS

An Act making an appropriation to Salus University, Philadelphia.

APPROPRIATIONS.

**SB 1097, PN 1419**

By Rep. D. EVANS

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

APPROPRIATIONS.

**SB 1098, PN 1420**

By Rep. D. EVANS

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

APPROPRIATIONS.

**SB 1099, PN 1421**

By Rep. D. EVANS

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

APPROPRIATIONS.

**SB 1101, PN 1423**

By Rep. D. EVANS

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for AIDS research.

APPROPRIATIONS.

**SB 1102, PN 1424**

By Rep. D. EVANS

An Act making an appropriation to the Central Penn Oncology Group.

APPROPRIATIONS.

**SB 1103, PN 1425**

By Rep. D. EVANS

An Act making an appropriation to Lancaster Cleft Palate for outpatient-inpatient treatment.

APPROPRIATIONS.

**SB 1104, PN 1426**

By Rep. D. EVANS

An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.

APPROPRIATIONS.

**SB 1105, PN 1427**

By Rep. D. EVANS

An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.

APPROPRIATIONS.

**SB 1106, PN 1428**

By Rep. D. EVANS

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

APPROPRIATIONS.

**SB 1107, PN 1429**

By Rep. D. EVANS

An Act making an appropriation to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions for continuation of pediatric services.

APPROPRIATIONS.

**SB 1108, PN 1430**

By Rep. D. EVANS

An Act making an appropriation to the Beacon Lodge Camp.

APPROPRIATIONS.

### UNITED KINGDOM DELEGATION INTRODUCED

The SPEAKER. The House will come to order. Members will please take their seats. Could I have the attention of the members for one moment, please.

Today in our chamber we have some very special guests. They are part of the British-American Parliamentary Group and were brought to Harrisburg at the invitation of the gentleman from Delaware County, Representative Greg Vitali.

The Chair welcomes to the hall of the House two members of the British Parliament – John Robertson and David Heath. Both are members of the British House of Commons.

They are joined by Jane Kozinski, who is a Senior Climate Change and Energy Policy Advisor for the British Embassy as well as being a Philadelphia native.

The British-American Parliamentary Group was formed after World War II to enhance United States-United Kingdom relations. Members of this group come to the United States to explore issues of mutual interests to the two countries.

I will ask John Robertson to stand. He is a member of the Energy and Climate Change Select Committee in the United Kingdom. He was elected to the Parliament in 2000, and he hails from Scotland. John, will you please rise. Welcome to the hall of the House.

Joining John is David Heath, who has held numerous committee appointments since he was elected to the Parliament in 1997. He hails from Britain. David, will you please rise. Welcome to the hall of the House.

Accompanying them is Jane Kozinski, who works for the British Embassy's Climate Change and Energy team. She also has served as a partner in the law firm of Saul Ewing and was a research hydrologist at the Water Resources Division of the United States Geological Survey. Jane, welcome to the hall of the House as well.

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 369, PN 1450**, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

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

Mr. **GERGELY** offered the following amendment No. **A04053**:

Amend Bill, page 4, lines 27 and 28, by inserting a bracket before "certified" in line 27 and after "member," in line 28

Amend Bill, page 5, line 4, by inserting after "Commonwealth]" certified hazardous material response team member.

Amend Bill, page 5, line 10, by inserting after "Commonwealth]" certified hazardous material response team member.

Amend Bill, page 5, line 12, by inserting after "officer"; certified hazardous material response team member.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Gergely.

Mr. GERGELY. Thank you, Mr. Speaker.

This is just a technical amendment in its scope, and I believe this is agreed to.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster County, Representative Bear.

Mr. BEAR. Thank you, Mr. Speaker.

This is an agreed-to amendment. I ask all Republican members to vote for this. 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—197

Adolph	Fabrizio	Longiotti	Reese
Baker	Fairchild	Maher	Reichley
Barbin	Farry	Mahoney	Roe
Barrar	Fleck	Major	Rock
Bear	Frankel	Manderino	Roebuck
Belfanti	Freeman	Mann	Rohrer
Beyer	Gabig	Markosek	Ross
Bishop	Gabler	Marshall	Sabatina
Boback	Galloway	Marsico	Sainato
Boyd	Geist	Matzie	Samuelson
Boyle	George	McGeehan	Santarsiero
Bradford	Gerber	McI. Smith	Santoni
Brennan	Gergely	Melio	Saylor
Briggs	Gibbons	Mensch	Scavello
Brooks	Gillespie	Metcalfe	Schroder

Brown	Gingrich	Metzgar	Seip
Burns	Godshall	Micozzie	Shapiro
Buxton	Goodman	Millard	Siproth
Caltagirone	Grell	Miller	Smith, K.
Carroll	Grove	Milne	Smith, M.
Casorio	Grucela	Mirabito	Solobay
Causer	Haluska	Moul	Sonney
Christiana	Hanna	Mundy	Staback
Civera	Harhai	Murphy	Stern
Clymer	Harhart	Murt	Stevenson
Cohen	Harkins	Mustio	Sturla
Conklin	Harper	Myers	Swanger
Costa, D.	Harris	O'Brien, D.	Tallman
Costa, P.	Helm	O'Brien, M.	Taylor, J.
Cox	Hennessey	O'Neill	Taylor, R.
Creighton	Hess	Oberlander	Thomas
Cruz	Hickernell	Oliver	True
Curry	Hornaman	Pallone	Turzai
Cutler	Houghton	Parker	Vereb
Daley	Hutchinson	Pashinski	Vitali
Dally	Johnson	Payne	Vulakovich
Day	Josephs	Payton	Wagner
Deasy	Kauffman	Peifer	Walko
Delozier	Keller, M.K.	Perzel	Wansacz
Denlinger	Keller, W.	Petrarca	Waters
DePasquale	Kessler	Petri	Watson
Dermody	Killion	Phillips	Wheatley
DiGirolamo	Kirkland	Pickett	White
Donatucci	Knowles	Preston	Williams
Drucker	Kortz	Pyle	Youngblood
Eachus	Kotik	Quigley	Yudichak
Ellis	Krieger	Quinn	
Evans, D.	Kula	Rapp	McCall,
Evans, J.	Lentz	Readshaw	Speaker
Everett	Levdansky	Reed	

NAYS—0

NOT VOTING—0

EXCUSED—6

Benninghoff	DeWeese	Perry	Smith, S.
DeLuca	Miccarelli		

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1607, PN 2747**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, consolidating the law relating to constables; in Title 42, further providing for deposits into the Judicial System Augmentation Account and providing for surcharges; in Title 44,

repealing obsolete provisions on recidivism and revising provisions on second and third class cities, on boroughs, on townships, on the Constables' Education and Training Board, on use of firearms, on the Constables' Education and Training Account and on statutory authority; making editorial changes; and making related repeals.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Representative Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, I support this bill with some reluctance because the Senate amendments reduce the amount of money for Pennsylvania legal services, the people who serve the low-income people, but it is the judgment of the legal services community that the money they will get from the fees in this bill, although considerably less than the money they would have gotten from the House bill, is much better than nothing. There is still about \$1 million in fees for legal services. I further, after talking to staff people, have learned that there are possible efforts that could be made to increase the money for legal services in other ways.

So I strongly urge a "yes" vote for HB 1607.

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

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

The following roll call was recorded:

YEAS—137

Adolph	Fabrizio	Kotik	Quinn
Barbin	Fairchild	Kula	Readshaw
Belfanti	Farry	Lentz	Reichley
Beyer	Frankel	Levdansky	Roebuck
Bishop	Freeman	Maher	Sabatina
Boyle	Galloway	Mahoney	Samuelson
Bradford	Geist	Manderino	Santarsiero
Brennan	George	Mann	Santoni
Briggs	Gerber	Markosek	Saylor
Brown	Gergely	Marshall	Seip
Burns	Gibbons	Marsico	Shapiro
Buxton	Gingrich	Matzie	Siptroth
Caltagirone	Godshall	McGeehan	Smith, K.
Carroll	Goodman	Melio	Smith, M.
Casorio	Grell	Micozzie	Solobay
Christiana	Grucela	Mirabito	Staback
Civera	Haluska	Moul	Sturla
Cohen	Hanna	Mundy	Taylor, J.
Conklin	Harhai	Murphy	Taylor, R.
Costa, D.	Harhart	Murt	Thomas
Costa, P.	Harkins	Myers	Vereb
Cruz	Harper	O'Brien, D.	Vulakovich
Curry	Harris	O'Brien, M.	Wagner
Daley	Helm	O'Neill	Walko
Dally	Hennessey	Oliver	Wansacz
Day	Hess	Parker	Waters
Deasy	Hornaman	Pashinski	Watson
Delozier	Houghton	Payne	Wheatley
DePasquale	Johnson	Payton	White
Dermody	Josephs	Peifer	Williams
DiGiolamo	Keller, W.	Perzel	Youngblood
Donatucci	Kessler	Petrarca	
Drucker	Killion	Petri	McCall,
Eachus	Kirkland	Phillips	Speaker
Evans, D.	Kortz	Preston	

NAYS—60

Baker	Fleck	Metcalfe	Rock
Barrar	Gabig	Metzgar	Rohrer
Bear	Gabler	Millard	Ross
Boback	Gillespie	Miller	Sainato
Boyd	Grove	Milne	Scavello
Brooks	Hickernell	Mustio	Schroder
Causer	Hutchinson	Oberlander	Sonny
Clymer	Kauffman	Pallone	Stern
Cox	Keller, M.K.	Pickett	Stevenson
Creighton	Knowles	Pyle	Swanger
Cutler	Krieger	Quigley	Tallman
Denlinger	Longiitti	Rapp	True
Ellis	Major	Reed	Turzai
Evans, J.	Mcl. Smith	Reese	Vitali
Everett	Mensch	Roae	Yudichak

NOT VOTING—0

EXCUSED—6

Benninghoff	DeWeese	Perry	Smith, S.
DeLuca	Miccarelli		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Allegheny County, Representative DeLuca, on the House floor. His name will be added to the master roll.

SUPPLEMENTAL CALENDAR B

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1407, PN 1729**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for property held by financial institutions, for property held by insurers, for property held by utilities, for property held by business associations, for property held by fiduciaries, for property held by courts and public officers and agencies and for miscellaneous property held for or owing to another.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Butler County, Representative Ellis. Is the gentleman withdrawing amendment A01528? The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster County, Representative Bear, who offers amendment A01683. The gentleman is withdrawing. Amendment A01712, withdrawing? Is the gentleman, Representative Bear, withdrawing all the amendments? The Chair thanks the gentleman.

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

Mr. M. KELLER offered the following amendment  
No. A01829:

Amend Bill, page 2, line 8, by inserting after "another"  
; and in general budget implementation, limiting impact of  
State funding reduction on political subdivisions

Amend Bill, page 9, by inserting between lines 14 and 15  
Section 8. Article XVII-E of the act is amended by adding a  
subarticle to read:

SUBARTICLE D.1  
STATE MANDATES

Section 1795-E. Definitions.—

The following words and phrases when used in this subarticle shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"State government mandate." A Commonwealth statutory duty placed upon political subdivisions.

Section 1796-E. State government mandates.

Beginning with fiscal year 2009-2010, in the event that the General Assembly reduces or eliminates State funding for a project, service, program, task or any other undertaking that is jointly funded by the Commonwealth and its political subdivisions as a result of a previous State government mandate, the political subdivision shall not be responsible for replacing the reduced or eliminated State funding.

Amend Bill, page 9, line 15, by striking out "8" and inserting  
9

Amend Bill, page 9, line 24, by striking out "9" and inserting  
10

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Perry County, Representative Mark Keller.

Mr. M. KELLER. Thank you, Mr. Speaker.

What this amendment does is provide a definition for the State government mandate. Constantly we hear of local government contacting us about the fact that they are mandated to fund. What this really does is lets it in their hands as to whether or not they feel that it is appropriate or not to fund in their budgets.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, Representative Eachus, on the amendment.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. I would ask the members to vote "no."

The SPEAKER. On the question, the Chair recognizes the gentelady from Mercer County, Representative Brooks.

Mrs. BROOKS. I would like to interrogate the maker of the amendment, please.

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

Mrs. BROOKS. I just want to be clear on what your amendment does. It is my understanding that with our local governments, they have several State mandates, and if the money is not coming forthright from the State government, they are not required to make up that difference in that mandate. Is that what your amendment does?

Mr. M. KELLER. Mr. Speaker, that is correct.

Mrs. BROOKS. So it would actually help every local government body across the State with unfunded State mandates?

Mr. M. KELLER. Mr. Speaker, absolutely. What that will do is let it in their jurisdiction as to whether or not they feel it is an issue that needs to be funded, whether it warrants to be funded. It gives them the local control.

Mrs. BROOKS. Thank you very much.

Mr. Speaker, I would like to speak on the amendment, please.

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

Mrs. BROOKS. Thank you, Mr. Speaker.

As a prior council member, this is vital legislation or an amendment for our local governments. It will significantly help our local taxpayers and it will help our local governments.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Will the maker please answer a few questions?

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

Mr. PYLE. Thank you.

Mr. Speaker, did I hear that correctly that if this august body makes a rule or a law and we do not back it up with money, that the lesser or lower municipalities like county, borough, and township would not be mandated to offer a program that we did not fund? Is that correct?

Mr. M. KELLER. Mr. Speaker, that is correct.

Mr. PYLE. Okay, Mr. Speaker. I just wanted to make sure I heard that correctly.

Mr. Speaker, this is going to give a lot of flexibility in the other levels of government, and I give it my full support. I would urge passage of amendment 1829.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Bucks County, Representative Petri.

Mr. PETRI. Mr. Speaker, I rise to support this amendment. All of us have heard from constituents time and time again about State mandates and how they drive up their operational costs, and they have asked us to do something about it. Well, today we as members have an opportunity to do something about it in a small way, not probably far enough, but it is a great start. That start is that when the State reduces funding, the obligation to fill that gap does not fall on our municipalities, our local taxpayers, and our school systems. It is a great accountability measure, and, Mr. Speaker, I wholeheartedly support it.

In fact, I think, Mr. Speaker, we should go one step further and require that all State contracts require performance audits to ensure that the money is going to the proper place. But I think this is a great first step and I wholeheartedly support this measure. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

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

Mr. VITALI. I am just trying to get examples of situations you are talking about, just to kind of put some practical examples of how this would affect things that are a problem right now that this would solve.

Mr. M. KELLER. Mr. Speaker, there are many, many mandated things that go down to the local government. A lot of times they are things that people and government need to fund, but a lot of times we here in this body pass laws and do not put the funding with it, and that is mandated down to the locals. What this simply does is gives them the jurisdiction of whether or not they want to continue funding if that particular fund is not made whole by the State.

Mr. VITALI. I get that. I get that, but my question was— It sounds conceptually reasonable. I am just trying to get a sense for— Give me one program. Give me one example that would thresh this out.

Mr. M. KELLER. Mr. Speaker, just to give you a quick— Prevailing wage would be one; education would be another one; Uniform Construction Code would be another one. There are just three examples. There are many more.

Mr. VITALI. So these are projects that are jointly funded right now, according to the statute, and you are saying, jointly funded and if this Commonwealth reduces funding— Now, is there any obligation with regard to the local government continuing that funding now for the things you are describing?

Mr. M. KELLER. Mr. Speaker, it is solely the option of the local government. They make the decision. They may still continue to fund if they so desire.

Mr. VITALI. Is there anything in the absence of your amendment that would require a municipality to fund these items you are suggesting now?

Mr. M. KELLER. Mr. Speaker, there are no requirements, strictly flexibility. Whatever the local governing bodies decide, it is totally up to them whether or not they decide to fund or not to fund. They will not be mandated by the State to do it.

Mr. VITALI. Okay. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Westmoreland County, Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I think it is common knowledge that most if not all members in the General Assembly, both the House and Senate, strongly oppose mandated spending on local governments and school districts throughout Pennsylvania. While I certainly respect my honorable colleague's intentions with this particular amendment, there are some probably technical issues that need to be addressed that are not being addressed in this half-a-page amendment. There are literally hundreds and probably thousands of contracts with the Commonwealth and local municipalities, counties, townships, boroughs, cities, school districts that include, by contract, decreased funding from 75 percent, 50 percent, 25 percent in each of the fiscal years. Then there is a provision contained within most of those contracts that that program stay in place for X number of years thereafter. We see that with law enforcement; we see that with other grant initiatives that are in place, that are competitive grants throughout the Commonwealth with all of these political subdivisions. While I understand that we do not want to have the mandate on all of the local communities like that, in this particular case with the mere brief language that is being

proposed today, it does not cover the contractual obligations that the hundreds and thousands of contracts that exist between the Commonwealth and its subdivisions thereunder that address the mandate, if you want to call it that, or the obligation, by contractual obligation, to maintain those programs.

This, in fact, would supersede or replace that and it would allow a municipality, or a school district, or any political subdivision to otherwise accept grant funds, and then with the obligation that comes with it at the end when those grant funds are diminished and replaced, they would be able to terminate the program that they otherwise jumped on and tried to take advantage of. With that, and my understanding of the way this amendment is proposed, and the way that the grant funding throughout Pennsylvania is implemented for a lot of programs, I think at this time we would be ill-advised to go forward with this particular amendment until we are able to address those contractual grant obligations that come with the declining balances of each of the annual allocations with a multiyear grant environment. So I will be opposing the amendment for that reason.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### FORMER SPEAKER WELCOMED

The SPEAKER. If the Speaker could digress from the debate for one moment, I would like to introduce a good friend, a great orator, and former Speaker of the House, Bob O'Donnell, who is to the left of the Speaker. Welcome to the hall of the House, Bob.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Greene County, Representative DeWeese, on the House floor. His name will be added to the master roll.

### CONSIDERATION OF HB 1407 CONTINUED

The SPEAKER. On the question before the House, the Chair recognizes the gentleman from Centre County, Representative Conklin.

Mr. CONKLIN. Thank you, Mr. Speaker.

Would the maker of the amendment stand for just a couple questions?

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

Mr. CONKLIN. Just a couple quick questions to my good friend.

I heard you talking a little bit earlier about the mandated services, and you talked about a lot of the contractual agreements for wages and those types of things. Is that the only portion which your amendment will cover, or will it cover all services that the counties and municipalities provide?

Mr. M. KELLER. Let me make one thing perfectly clear, this amendment has nothing to do with contracts whatsoever. A contract is a contract. It is a binding piece of document. If it were to go to a court of law, it would be upheld in a court of law. It has nothing to do with a contract that has been signed and delivered by the municipality with any organization



whatsoever. It does not do anything there. It lets the total control of mandates that are forthcoming in the hands of those elected officials like yourself, Mr. Speaker.

Mr. CONKLIN. Just to follow up on that, and I will just ask a couple questions that may help me to clarify it.

For instance, today a county has in-home services done through the Office of Aging that are mandated services that the moneys have passed through from the State to the Office of Aging for things such as in-home care for elderly; transportation to get them to doctors appointments; Meals on Wheels; nurses visits. Would that be considered one of the mandated services, or is that one that would not be covered under this?

Mr. M. KELLER. Mr. Speaker, I do not know how many times I need to say this, it is the total option of the county or the municipality. It is up to their discretion of whether or not they want to continue to fund.

Mr. CONKLIN. So is—

Mr. M. KELLER. You—

Mr. CONKLIN. I am sorry, Mr. Speaker.

Mr. M. KELLER. Mr. Speaker, as a prior elected official in county government, you would know firsthand what those individuals have been faced with, as I was. Thank you.

Mr. CONKLIN. Just one last question. So those would be discretionary. The county could cease them then, is what I take that as.

Mr. M. KELLER. Mr. Speaker, I am sorry. Could you repeat that?

Mr. CONKLIN. So what you said was that that would be considered one of the discretionary items that the county could stop those services then?

Mr. M. KELLER. It is kind of a two-part question, Mr. Speaker. First of all, this has nothing to do with Federal, nothing at all to do with Federal. It only has solely to do with State money that is coming down, and it is solely up to the discretion of the elected official.

Mr. CONKLIN. How about the Medicaid money that goes to a nursing home that comes through the State, the Medicaid, not the Medicare but the Medicaid, that keeps a resident in a nursing home?

Mr. M. KELLER. Mr. Speaker, again, it has nothing to do with the Federal moneys. It only has to deal with State moneys.

Mr. CONKLIN. So just let me clarify it. Any money that is passed from the Federal government through the State government to the locals would not be seen under your amendment?

Mr. M. KELLER. That is a correct statement, Mr. Speaker.

Mr. CONKLIN. Thank you.

I would like to thank the maker of the amendment. If I may just make a quick comment, Mr. Speaker.

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

Mr. CONKLIN. What my good friend and at one time we were both fellow county commissioners, he is a good man and I understand exactly what he wants to do, and as someone that was the chief executive officer, as he was, within the county, it is very, very frustrating, especially this time of year, for county commissioners to have these types of services that they have to give, whether it is children and youth, taking care of our most vulnerable children; our senior citizens, giving that ride; overseeing the prison, the prison structure itself, those laws are State mandated down through. It is very, very difficult and it is very, very frustrating for these county commissioners at this time to have to take out tax anticipation loans. What he wants to

do, I as a county commissioner understand exactly what he is trying to do, but at the same time, I am very concerned that there may be a small percentage of these individuals through desperation, not of their own, that may decide not to give those vital services and cause an even further collapse of a structure within a community.

So for that reason, as much as I agree with him we need to work on trying to come up with a way to stop these mandated services, try to come up with a way to get these budgets passed on time so counties and municipalities do not fall under this type of strain that they are under, at this time I will have to vote "no" to what I feel he has, which is a very good idea, and I would love to work with him in the future to try to come up with a solution so the counties and municipalities are not strapped when we fail to pass a budget.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Clarion County, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker. On the amendment, please?

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

Ms. OBERLANDER. I think that this amendment is a terrific amendment. We talk often about tax reform, property tax reform, and any unfunded mandates that come from this body go directly to that property tax bottom line. I would like to give a couple of unfunded mandate examples, two specifically: one, health care in the prison system. Immediately when someone enters that institution, they lose any State benefits that are paying for their health care. That goes directly to the county's bottom line, property tax. Another example that I would like to put forward is the folks who are addicted to methadone and meth drugs. As soon as they need that support, they are then carted to whatever institution they would like to go to. The counties are responsible for that payment; the counties are responsible for the payment of the program that they have to go through as well, the transportation and the program.

Those are two very specific examples, and I think this is a terrific amendment and would appreciate your "yes" vote.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Northumberland County, Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, this is a bit like having your cake and eating it too. The Federal government continually curtails our Federal moneys, and at the same time, week in, week out passes bills that incredibly affect us: the health and welfare moneys; Medicare moneys. Medicare was cut \$500 million, \$400 million, and \$400 million in 3 successive years, and we, the General Assembly, had to scramble to find a way to plug that because there were mandated services. So we had to find a way to plug that hole that was passed on to us by the Federal government. During the Ridge years, and I know that many of the new people were probably still in high school during the Ridge years, but during those years the GOP controlled both the Governor's Office and the General Assembly, both sides of the General Assembly, and we never adopted any such law as we are seeing in the Keller amendment. Now, I wonder why that was. Again, it is because you cannot always have your cake and eat it too.

Mr. Speaker, this is very bad public policy. It is bad for our Medicaid system, which is not all Federal dollars. It is bad for

our Meals on Wheels and in-home care and senior action centers, which are not Federal dollars but primarily come from our Lottery Fund, yet we tell counties that they must have a certain number of senior action centers driven by their population. Some counties have actually built more senior action centers than they were mandated to do, but forever and a day, this General Assembly is going to pass on laws to the counties and municipalities to make public policy fit the needs of the people. We will always attempt to try and follow that mandate with the necessary dollars, as in most cases we do. But we do live in a democracy, Mr. Speaker, and quite often we find ourselves with huge Federal cutbacks, and we could always turn our cheeks and look the other way and simply say to our constituents, sorry, but half your nursing home must be closed because of the Federal mandate. But we are better than that. We try to fund our necessary obligations.

That brings me to another point, and that is the budget that was ballyhooed so many times over the course of the past few days, the budget that was sent to the General Assembly by the other side, which mandated a 17-percent, except for education, I think it was a 17-percent across-the-board cutback. Now, either we were going to lay off 17 percent of our correction officers or let 17 percent of our felons out of prison, or do something similar in each and every agency and department in this Commonwealth. No one realizes what a 1-percent or a 2-percent cut means to a school district, let alone a 17-percent cut means to a county commissioner or means to a borough supervisor or township supervisor or borough until it happens to them. We are hearing day after day and we are being texted day after day by organizations who have been completely zeroed out in some of the budget bills that are floating.

Mr. Speaker, this is bad public policy. It was bad public policy when Governor Ridge controlled both chambers, as it is bad public policy here today, and I would ask for a "no" vote, but, Mr. Speaker, I would also like to raise a point of parliamentary inquiry.

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Luzerne County.

Mr. BELFANTI. Mr. Speaker, I am sorry, you were talking. I am raising a point of parliamentary inquiry before I vacate the—

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

Mr. BELFANTI. Okay. I was going to make the motion that the majority leader must have— We must have been on the same micro wavelength. He is going to introduce it.

The SPEAKER. The Chair thanks the gentleman.

### CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion.

The SPEAKER. The gentleman is in order to make a motion.

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to make a motion that this amendment is unconstitutional. The basis of my constitutionality motion is based on Article I, section 17, where it states that no law may

impair the obligation of contracts. Mr. Speaker, this clearly impacts Article I, section 17 of the Pennsylvania Constitution, and I would like to make a motion on constitutionality.

The SPEAKER. The gentleman from Luzerne County, the majority leader, Representative Eachus, raises the point of order that amendment A01829 to HB 1407 is unconstitutional. The Speaker, under rule 4 of the House, 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 on constitutionality, the Chair recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. TURZAI. Mr. Speaker, with all due respect to the majority leader, I do not know, it seems to me that it is a bit of a long shot that this particular amendment is unconstitutional as impeding contracts. This seems standard fare, in addition to being good policy with respect to HB 1407. If anybody— Look, there are some amendments coming up here shortly that are taking this escheat bill and broadening it in all types of new arenas. If this which without a doubt speaks to how we want to manage an appropriation because it wants to limit it to a mandate, if that is not constitutional, I think it is going to put into jeopardy many of the additional prongs that are going to be attempted to be amended into 1407.

We can disagree on policy. I think it is good policy, but it is certainly constitutional.

The SPEAKER. On the question of constitutionality, the Chair recognizes the gentleman from Philadelphia County, Representative Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, if someone has a mortgage on a house and they lose their job, they still have the monthly mortgage payments to meet, they still have the monthly credit card payments to meet. We have never passed a law saying that anybody who loses a job is free of obligation to make mortgage payments or to make credit card payments. We have State aid programs for people in distress under certain limited circumstances, but we have never, ever invalidated the legal obligations of individuals, and one reason we have not done it is because of Article I, section 17.

This proposal is unconstitutional because it invalidates the legal agreements made by local counties and says that any contracts they have are not valid if we do not provide State funding. This goes much too far. It is unconstitutional. I would urge that people vote "no" that this bill is constitutional.

The SPEAKER. On the question of constitutionality, those who believe the amendment is constitutional will vote "aye"; those who believe the amendment is unconstitutional will vote "nay."

On the question recurring,

Will the House sustain the constitutionality of the amendment?

(Members proceeded to vote.)

The SPEAKER. There is nothing in order but the roll-call vote.

The following roll call was recorded:

#### YEAS—95

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

#### NAYS—104

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

#### NOT VOTING—0

#### EXCUSED—4

Benninghoff	Miccarelli	Perry	Smith, S.
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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.

The SPEAKER. The majority of the members having voted in the negative, the amendment is declared unconstitutional.

On the question recurring,

Will the House agree to the bill on second consideration?

#### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Allegheny, Representative Mustio, rise?

Mr. MUSTIO. I think it is a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. MUSTIO. A couple days ago there was a question regarding whether someone was able to be in the chamber and vote, and the Speaker's comment was that, well, that had to be challenged during the vote. Now, I just heard you say that the only thing in order was the vote. So how do we— What is the procedure, I guess?

The SPEAKER. Once the vote is called and the members proceed to vote, there is nothing in order but the taking of the roll.

Mr. MUSTIO. That I understand, and then whenever there is a roll call on the board and we see someone seated yet they are not voting, you close the board—

The SPEAKER. Will the gentleman yield.

That is a different issue, and if a member is sitting in his seat and not voting, it is up to one of the floor leaders to call it to the attention of the Speaker and the Speaker will require that person to cast his vote.

Mr. MUSTIO. During the vote?

The SPEAKER. During the vote.

Mr. MUSTIO. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. The Chair recognizes the gentleman from Berks County, Representative Cox, who offers amendment— Is the gentleman withdrawing that amendment? The Chair thanks the gentleman.

For what purpose does the gentleman from Butler County, Representative Metcalfe, rise?

Mr. METCALFE. A parliamentary inquiry, Mr. Speaker.

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

Mr. METCALFE. Similar to the previous member's question, with somebody sitting in their seat and not casting a vote while the vote is being cast, what is the proper procedure for bringing the Speaker's attention to the fact that somebody is voting but they are not sitting in their seat?

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **BARRAR** offered the following amendment  
No. **A03885**:

Amend Bill, page 2, line 8, by inserting after "another"  
; and prohibiting funding for entities engaging in political  
activities

Amend Bill, page 9, by inserting between lines 14 and 15  
Section 7.1. The act is amended by adding a section to read:

Section 1704-E. Funding prohibited.

(a) Prohibition.—Notwithstanding any other provision of law, no funds may be expended on any nonprofit organization that engages in political activity, either directly or through its officers or directors on behalf of the nonprofit organization.

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Political activity." The term shall include all of the following:

(1) Taking an active role in political management or in a political campaign.

(2) Organizing a political party, organization or political club.

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose.

(4) Organizing, selling tickets to, promoting or actively participating in a fundraising activity of a candidate in a partisan election or of a political party or political club.

(5) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office.

(6) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office.

(7) Organizing individuals to act as recorders, watchers, challengers or similar officers at the polls on behalf of a political party or a candidate or in a partisan election.

(8) Driving voters to the polls on behalf of a political party or a candidate in a partisan election or organizing individuals to drive voters to the polls on behalf of a political party or a candidate in a partisan election.

(9) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, broadcast, literature or similar material.

(10) Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for political office or political party office.

(11) Initiating or circulating a partisan nominating petition.

(12) Soliciting, paying, collecting or receiving a contribution from any employee or volunteer for any political party, political fund or other partisan recipient.

(13) Organizing a voter registration drive on behalf of a political party or a candidate in a partisan election.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would deny funding to any nonprofit organization that participates in partisan political activities, and we define those activities within my amendment.

I am offering this amendment today because I see this as the only way that we can get this group called ACORN (Association of Community Organizations for Reform Now) to comply with Pennsylvania State law.

Mr. Speaker, all around the country Governors and Attorneys General are calling for investigations into ACORN and asking legislative bodies to totally defund them. Even the United States Senate and the U.S. Congress have chastised ACORN for their unlawful and unethical behavior and voted to deny them Federal funds.

In our Commonwealth's budget in the past 5 years, ACORN has received funding from the Pennsylvania Housing Finance Agency and since 2007 has received over \$200,000 in legislative-sponsored grants from the DCED (Department of Community and Economic Development) even though there is a cease and desist order from the Department of State forbidding them from raising funds as a nonprofit organization in the Commonwealth. How insane is that?

I have heard some members from the other side of the aisle say that ACORN does some good work. Well, because of that, should we turn a blind eye to the things that they do?

Mr. Speaker, this is not about taking funds away from these worthy programs. I understand this is a great benefit to many of our citizens who need these programs and need this help. This is about getting rid of a very bad apple that most certainly will poison the entire barrel if left unchecked. There are numerous groups out there that have the same mission as ACORN does and have stayed out of trouble and they have obeyed the laws of our Commonwealth and they deserve our support.

ACORN has proven time and time again they are not worthy of our trust, they are not worthy of our support, and they are most certainly not worthy of one more penny of taxpayers' money. The taxpayers of this Commonwealth work too hard and should not have to give their money to an agency that disrespects our laws. This amendment is about responsible use of taxpayers' money.

I would ask for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, the hour is late. The people's business requires immediate attention. I am not standing here to try and defend ACORN—

The SPEAKER. Will the gentleman suspend.

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman is withdrawing the amendment. The gentleman, Representative Barrar, is withdrawing the amendment. The Chair thanks the gentleman.

The Chair thanks the gentleman, Mr. Thomas.

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

Mr. **BARRAR** offered the following amendment  
No. **A04317**:

Amend Bill, page 2, line 8, by inserting after "another"  
; and prohibiting funding for certain entities

Amend Bill, page 9, by inserting between lines 14 and 15

Section 7.1. The act is amended by adding a section to read:

Section 1704-E. Funding prohibited.

(a) Prohibition.—Notwithstanding any other provision of law, no funds may be expended on any nonprofit organization that meets any of the following:

(1) Is under indictment for a violation of any Federal or State campaign finance law or election law, including voter fraud.

(2) Failed to comply with Federal or State lobbying requirements.

(3) Filed a fraudulent form with any Federal or State agency.

(4) Is the subject of a cease and desist order, or similar prohibition, from the Department of State which prohibits the solicitation of contributions.

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

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

I apologize to the members for the confusion on that amendment. There was a drafting error that we picked up just a few minutes ago on that amendment, because this amendment and the other amendment were drafted to the exact same line.

What this amendment would do is almost the same thing. It would deny funding to any agencies in the Commonwealth that receive funding. Any nonprofit organizations that meet the following requirements would be denied funding: if they are under indictment for a violation of any Federal or State campaign finance law or election law, including voter fraud; if they failed to comply with Federal or State lobbying requirements; whether they filed fraudulent forms with any Federal or State agency; and if they are the subject of a cease and desist order, or similar prohibition, from the Department of State which prohibits the solicitation of contributions.

Mr. Speaker, for the same reasons that I stated in my previous statement, I think it is time for us to deal with this issue of ACORN and look at the funding they get from the Commonwealth of Pennsylvania and also see what we can do to try to stop this agency from receiving another \$200,000 in legislative initiative grants to this organization.

I would ask the members for a "yes" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, once again I stand. I rise to ask my colleagues to let us move forward. Vote down amendment 04317 for this particular reason, Mr. Speaker. The author of the amendment laid out some good things that we need to be concerned about, but, heck, we have an Attorney General. We have laws on the books. We have people in place to deal with that kind of behavior, and if anything, we need to get behind folks and make sure that they do what they are supposed to be doing.

So, Mr. Speaker, the gentleman's amendment, while his intentions are good, his purpose is moot. This has already been disposed of.

And as far as ACORN is concerned, goodness knows, I would not want to be down on my back. ACORN has got everybody from State, city, Federal, and international communities investigating them. Trust me, if they have done

some things wrong, they are going to be held accountable. So we do not need to turn this House into an ACORN House.

Let us move forward on HB 1407.

The SPEAKER. On the question, the Chair recognizes the gentelady from Philadelphia County, Representative Josephs. The gentelady waives off.

The Chair recognizes the gentelady from Philadelphia County, Representative Manderino.

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

I rise to oppose this amendment and want to call to members' attention some very overly broad language in the amendment that I think can have very serious unintended consequences. One of the instances under which funding would be prohibited in this amendment is failure to comply with Federal or State lobbying requirements – not fraud, not anything that is illegal, but just failure to comply. So, for example, we have registration requirements in Pennsylvania, we have quarterly reporting requirements. Somebody could inadvertently not list something properly on a quarterly report. Every, for example, insurance company in Pennsylvania, whether they are for-profit or not-for-profit, participates in some sort of contract with Pennsylvania, whether they are an MCO (managed-care organization), whether they are involved in our CHIP program (Children's Health Insurance Program), whether they are providing some medical assistance services. Between our not-for-profits and our for-profit insurance companies, they all have contracts for these services. They also all have registered lobbyists and political action committees, and I would hate to see something interfere with one of our nonprofit insurance companies' ability to provide medical assistance services or CHIP services to people all across the Commonwealth because they made an error on their campaign finance report, quarterly report, or their lobby disclosure quarterly report.

The intent, I think, is worthy. I think some of the aspects of this language that go to specific findings of fraud are good, but when you draft something so broad as is, for example, section (a)(2), you just now, I think, have put at risk way too many things, and I just think this is not well drafted and would be a mistake for us to pass at this time. So I urge members to vote "no" on the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Philadelphia County, Representative Cohen.

Mr. COHEN. Thank you.

Will the gentleman from Delaware consent to interrogation?  
Thank you.

Mr. Speaker, suppose any hospital in Pennsylvania is indicted or has any person in it who is indicted for Medicare fraud or Medicaid fraud. Would we be not able to support that hospital?

Mr. BARRAR. Mr. Speaker, if the individual was acting on behalf of the hospital or the organization in question, I would think it is something that, yes, you would definitely want to take a look at it. It could be possible.

Mr. COHEN. You say you want to take a look at it. Does that mean that they would not be able to receive funds or does that mean we just look at it?

Mr. BARRAR. Well, I would think you would have to go to the organization itself and look at the individual in question.

Mr. COHEN. Mr. Speaker, my alma mater, the University of Pennsylvania, which has a very, very large faculty, has had a variety of faculty indictments. They have got thousands and thousands of faculty, but at least two or three of them have been indicted and convicted and imprisoned for various offenses over the last 5 years or so. Would the University of Pennsylvania be banned from getting funds under your amendment?

Mr. BARRAR. Mr. Speaker, I think in the legislation we are looking at, that the organization that is in question has intentionally gone out and committed these violations and unlawful acts. So I think if you just look at where we are trying—

Mr. COHEN. Suppose, Mr. Speaker, the University of Pennsylvania, I believe, has an employee—

Mr. BARRAR. I am sorry to hear—

Mr. COHEN. —has a faculty member who submitted false information to get grants in order to have a girlfriend on the payroll. Now, would that ban— The University of Pennsylvania has thousands and thousands of faculty members and administrators. It is one of the largest employers in the Commonwealth of Pennsylvania. I believe it is the largest private employer in the city of Philadelphia. So there are thousands of people who could conceivably violate the law at any time. Would the fact that one employee violates the law and files false documentation to get Federal funds, does that mean the University of Pennsylvania is banned as a nonprofit organization from getting funds from the Commonwealth of Pennsylvania?

Mr. BARRAR. Mr. Speaker, you are talking about the illegal act of one person, but if we know for a fact that that entire organization is knowledgeable of this fraudulent grant, I would hope to God that we would take every tax dollar away from them that we could.

I am sorry to hear that your university has so many problems.

Mr. COHEN. Mr. Speaker, the problem I have with that analogy is that the organization has not been indicted for anything. What you are doing is you are taking examples of individuals like I am giving you for the University of Pennsylvania and arguing that this amendment deals with that problem, and I do not really see that your amendment deals with that problem at all.

Mr. BARRAR. Mr. Speaker, if we were talking about one grant over a series of 10 years or so and one employee out of thousands of employees, you could make a great argument that this is an isolated case. I think with ACORN it has absolutely been proven this is not isolated to just ACORN in Pennsylvania or ACORN in Texas or California. They are in 43 States. Forty-three States are looking at this bad apple, that this is a criminal enterprise. Even the U.S. Senate said they were a criminal enterprise hiding behind the organization as a nonprofit organization. They are a criminal—

Mr. COHEN. Mr. Speaker—

Mr. BARRAR. —enterprise that we should shut—

Mr. COHEN. —I have one final question for the gentleman.

The SPEAKER. Will the gentleman yield. Will the gentleman yield.

Do not talk over—

Mr. COHEN. One final question for the—

The SPEAKER. The gentleman, Mr. Cohen, will yield.

Allow the member to finish what he is saying. Do not talk over each other. The gentleman, Mr. Barrar, had the floor and was answering your question.

The gentleman, Mr. Cohen, may proceed.

Mr. COHEN. Thank you.

Mr. Speaker, does this amendment mention ACORN?

Mr. BARRAR. Mr. Speaker, it does not.

Mr. COHEN. Thank you, Mr. Speaker.

I have no further questions for the gentleman.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman wish to debate the issue?

Mr. COHEN. Yes, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, this amendment does not mention ACORN. This amendment is purported as something that is responsive to ACORN's problems but nowhere does it mention ACORN and indeed nowhere has ACORN, to the best of my knowledge, ever been indicted for anything. And it is not really clear whether this language actually deals with ACORN. It may deal and it may not.

What is clear is that this language does deal with other institutions. There are hospitals that get indicted. There are hospitals that have all sorts of problems for failure to meet various Medicare and Medicaid requirements. Health law is a burgeoning and growing field, because there are many, many requirements that are very hard for hospitals to meet, and there are many, many gray areas. Hospitals do face charges all the time around the State and around the country, and this language would create obstacles to such a hospital receiving funds and would throw the hospitals out of business. It could also have that effect on universities which are nonprofit organizations, and Mr. Barrar's answers were not really found. He was giving what he thought made sense, but his answers have no relation to the words on this piece of paper or the electronic image that you have in front of you.

This language is both overly broad and it is extremely vague. It is not at all clear what it prohibits. It does not mention ACORN. It does not deal with ACORN. It deals with a general rule for all nonprofit organizations in the Commonwealth of Pennsylvania. Nonprofit organizations are a very high percentage of businesses in Pennsylvania and they are growing. I think it is safe to say that over 10 percent of all businesses in Pennsylvania are nonprofits. This is an amendment with all sorts of unintended consequences, and it is an amendment that does not really deal with the problems it professes to deal with.

There are numerous investigations of ACORN. The only chapter of ACORN that was investigated by James O'Keefe and Hannah Giles of the Philadelphia chapter of ACORN passed the test with flying colors, calling the police on the fake pimp and prostitute and throwing them out of their office.

This amendment is of dubious relevance to ACORN and it is of tremendous relevance to all sorts of organizations that are of unquestionable legitimacy.

I urge a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from York County, Representative Saylor.

Mr. SAYLOR. Mr. Speaker, I rise today to support the Barrar amendment.

I find it amazing that we in Pennsylvania are sitting here even debating whether this amendment should go in when Democrats and Republicans across this nation have been saying that we should not be giving government money to an organization that has proved itself to be very corrupt right now. Maybe someday all of us can hope that they will clean up their

act, but right now is not a time to be allowing that organization to be taking money from the Pennsylvania taxpayers and continuing its operation as it has been in Pennsylvania and elsewhere.

So when Democratic leaders, Republican leaders across this nation and in Washington are demanding more accountability from ACORN and we as members of the House of Representatives of Pennsylvania are sitting here saying, oh, why would we defund ACORN, I think maybe we need to listen to the national leaders from both parties who have talked about why they should be receiving government funding at this time. We are sent here to spend the taxpayers' money wisely, not just to hand it out to an organization that both parties, both parties, Democrats and Republicans alike, agree has misspent, misappropriated, and has been a part of corruption in numerous ways throughout this nation.

Debating this bill, it is amazing to me that somebody would oppose something that everybody in this nation – almost everybody in this nation has agreed to, and that is it is time to stop giving money to ACORN.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlelady from Bucks County, Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

An earlier speaker talked and particularly used examples about the University of Pennsylvania. Well, I am a graduate of the University of Pennsylvania with a bachelor's in English, and as a former high school English teacher, I have a problem understanding. I have the language in front of me, and I think it has been a while, but I still can retain and understand where the antecedent is and what it refers to.

Mr. Speaker, may I ask you to look at your screens, please, and read along with me if you have not, because indeed it says that "Notwithstanding any other provision of law, no funds may be expended on any nonprofit organization..." not an individual who is a member of the organization. It specifically says, "...any nonprofit organization that meets any of the following," meaning the following conditions:

"Is under indictment for a violation..." Please note that refers back to the nonprofit organization, not an individual, not anything, just the organization. And quite frankly, I do not think our taxpayers would want us to give money to a nonprofit, even if it were some university or a college or a hospital if indeed it somehow had violated Federal or State campaign finance law, election law. That would have all been predetermined and adjudicated.

"Failed to comply with Federal or State lobbying requirements." We have done some lobbying reform up here. We would not want a nonprofit organization to do that. And again, it is not an individual who is a member of that organization or a professor at that university or, for that matter, even the president of the college.

"Filed a fraudulent form with any Federal or State agency." Heaven forbid if an entire organization as a nonprofit went ahead and knowingly filed false legal statements. Why would we want to give them money? We do not support that and our taxpayers would not expect it to.

It is not, in my mind, about ACORN. It is about good public policy and a use of taxpayer dollars. I really do not see some of the question about it. I think it is very clear. The amendment should be included.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady and recognizes the gentleman from Montgomery County, Representative Mensch.

Mr. MENSCH. I am wondering if the maker of the amendment would stand for a few questions.

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

Mr. MENSCH. Thank you.

No doubt you did a great deal of research prior to offering this amendment. In that research, did you find any organizations such as a university that has ever been indicted that this would cover them for?

Mr. BARRAR. No, Mr. Speaker, I have not.

Mr. MENSCH. Did you find any hospitals that were indicted under this?

Mr. BARRAR. Mr. Speaker, I think when the gentleman raised the question of possible Medicaid or Medicare fraud, that that is always a possibility with any medical provider, but I have not found any instances of that.

Mr. MENSCH. And I believe that financial institutions were also mentioned. Did you find any financial institutions that have ever—

Mr. BARRAR. No, I did not, Mr. Speaker. Mr. Speaker, what I found were a lot of organizations that have the exact same mission as ACORN and are not involved in the same type of behavior that ACORN is. They are not involved in partisan political activities, they are not involved in the campaign and election fraud that we have seen constantly, and we have not seen any of these other agencies involved in the type of stuff that we have witnessed on the videotapes that have been all over national TV of them advocating tax cheating and prostitution and numerous other criminal offenses.

Mr. MENSCH. So then, Mr. Speaker, just not to be redundant, but could I ask you to reiterate again then whom this applies to?

Mr. BARRAR. Mr. Speaker, I agree. In the language in the amendment, the Constitution forbids us from mentioning the name of that organization within drafting of legislation that specifically targets ACORN. But, you know, in all honesty and to establish the legislative intent here, I think we have to say that, yes; that is the organization we are going after, is ACORN.

Mr. MENSCH. Thank you, Mr. Speaker.

That is all, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman, Representative Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, would the gentleman submit to interrogation?

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

Mr. COHEN. Thank you.

Mr. Speaker, what provision of the Constitution prohibits us from mentioning ACORN?

Mr. BARRAR. It is a Federal constitutional issue. It creates a bill of attainder.

Mr. COHEN. And a bill of attainder deals with future actions?

Mr. BARRAR. It specifically prevents us from naming one group in this type of legislation.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. BARRAR. From what I understand, the language from the Congress and the Senate that was passed did not either mention the name ACORN in it. It was very similar to the language that we have here.

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. COHEN. Yes, I have concluded my interrogation and would like to speak on the subject.

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

Mr. COHEN. Mr. Speaker, when we are talking, it is hard for me to believe that we are really banned from mentioning the name of an organization that we want to choose not to fund, because all we are talking about is funding. We are not talking about criminal prosecution here, and I certainly would agree that we cannot pass a law saying that if ACORN does X, it is a crime. We cannot pass laws like that. We cannot pass laws like something already happened and it is a crime. That is what a bill of attainder is, when we take something that has already happened and criminalize an event that has already happened.

But this is very forward-looking legislation and it stops the expending of funds. It assumes that the actions of individuals are the actions of organizations because otherwise it does not make any sense. We had an English lesson from my fellow panel on this, who said, well, this language deals with organizations but there is no such thing as a whole organization that can file a fraudulent form. I mean, there is no such form that requires the signature of every employee at the University of Pennsylvania or any hospital. I mean, one individual or two individuals would actually engage in whatever action is prohibited, and the more individuals any organization has working for it, the greater the possibility that something would go wrong. Now, I think it is individuals who would file a fraudulent form. It is individuals who would fail to comply with Federal or State lobbying requirements, and the vast majority of the time it is individuals that would be arrested for violating a Federal or State campaign finance law.

This amendment does not really appear to deal with ACORN. If you read it literally, if you read it as any action of an individual would disqualify an organization, then it affects far more than ACORN and seriously endangers funding for hospitals, for churches, for universities. There are plenty of organizations that have had scandals with personnel within the organization. There is nothing new about that. At this point there is nothing particularly shocking about it because it has been so frequent.

I think at best this is irrelevant to the problem and at worst it creates many other problems. I would urge that this amendment be defeated.

The SPEAKER. On the question, the Chair recognizes the gentleman from Montgomery County, Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

A brief interrogation, please.

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

Mr. VEREB. Thank you, Mr. Speaker.

There seems to be a little disparity here on I guess the issue of the intent of the legislation. Getting passed ACORN, if your legislation passes, would it not address any other organization similar to ACORN even if they changed their name or went under new management or some other type of an organization like that? Would this legislation address them as well?

Mr. BARRAR. Yes, it would, Mr. Speaker. I think it would give the tools that we need to go after organizations that continue to violate our laws and then still receive public funding.

Mr. VEREB. Thank you, Mr. Speaker.

And I support your legislation and support your—

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. VEREB. I have, Mr. Speaker

The SPEAKER. You may speak on the amendment.

Mr. VEREB. I obviously support the amendment, Mr. Speaker, and suggest to the body to support it.

I do not know that we can actually indict a church or indict a physical hospital, but no less, there will be people, part of those organizations, indicted, and this will help, hopefully, deter the activity that we have seen, the illicit activity that we have seen, and that our President's administration has called for a special prosecutor on.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

I applaud the intent behind or at least what I perceive to be the intent behind this amendment, but I think some important points have been made here that might not be penetrating the membership. The point is that there are lots of institutions, nonprofit institutions, that we support as a Commonwealth all across this Commonwealth – universities, hospitals, museums – and in big institutions like that, there is always the risk that there are some bad actors; there is always the risk that someone does something improper, whether it is file a false claim, make an improper campaign contribution, or worse, do something that is very obviously illegal and wrong.

The problem with this amendment is that if you have a rogue individual at an institution like a hospital or a university or a museum that commits one of those crimes or files a false claim, you are now preventing this Commonwealth from supporting that institution forever. So I encourage the members to think about this. While there are some organizations out there that have participated in conduct that is totally inappropriate, conduct that none of us, none of us agree with, we do not want to have such a broad amendment that would have such broad application preventing us from supporting institutions that make a huge difference in this Commonwealth to help our residents, to help our constituents, and to help the State.

Thank you, Mr. Speaker. I encourage a "no" vote on the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentledady from Philadelphia County, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

May I interrogate the maker of this amendment, please?

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



Ms. JOSEPHS. Mr. Speaker, I am a member of the League of Women Voters. That is a nonprofit. It does a lot of voter registration and a lot of voter education. Do you think under your amendment, can you tell us, would the League of Women Voters be subject to this type of action?

Mr. BARRAR. Mr. Speaker, I do not know for a fact whether the League of Women Voters receives any public funding at all. I have not read in the paper where they have been indicted in any States, so I am not aware of any illegal activity or unethical activity that the League of Women Voters has been involved in.

Ms. JOSEPHS. That may or may not be, but I can tell you as a member, for your own information, that the League of Women Voters has a nonprofit branch to it, and probably over the course of its many, many years of being an important institution in this State and others, it has received government money.

But I have no questions, and I thank you, Mr. Speaker. I am finished.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Delaware County, Representative Barrar, for the second time.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, in my hands I hold the cease and desist order from the Department of State that was issued in 2007, and despite that, ACORN still continues to raise funds every day. I went on their Web site the other day and tried to make a \$5 contribution to ACORN to see if they were accepting contributions, and they are, much to my surprise. According to this order, they are not allowed to raise funds as a nonprofit organization. They received \$200,000 in State grant money from this Commonwealth. Even though the Department of State has said they cannot receive that money, they are still getting it and they are still being sponsored for grants.

Mr. Speaker, throughout the nation it was reported by the New York Times that ACORN had submitted last year 1.3 million voter registration forms, and of them, 400,000 of them were deemed fraudulent. Now, what do you think that does to our voter registration bureaus when they are clogged with all these fraudulent registration forms? They have to process them. They have to mail out to these addresses to see if these come back to them. So it is required by law. They have no options.

Mr. Speaker, I will end by reading. This was spoken on the Senate floor, if I can read from the Congressional Record. It says, "The Association of Community Organizations for Reform Now...has repeatedly and deliberately engaged in systemic fraud. Both structurally and operationally, ACORN hides behind a paper wall of nonprofit corporate protections to conceal a criminal conspiracy on the part of its directors, to launder federal money in order to pursue a partisan political agenda and to manipulate the American electorate.

"Emerging accounts of widespread deceit and corruption raise the need for a criminal investigation of ACORN."

It goes on to say, "Some may even say today, as amazing as this would sound, that the recent events are isolated, that they are not a fair and accurate representation of ACORN. How you could say that I am not sure, but to these defenders, I urge them to read the 88-page incriminating report published in July by the minority staff of the House Committee on Oversight and Government Reform. It is entitled – and, again, I am quoting, and I have the report here – 'Is ACORN Intentionally Structured as a Criminal Enterprise?'"

I would ask for a "yes" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia County, Representative Josephs, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Again I would like to interrogate the maker of the amendment, if he would be willing to do that?

Mr. BARRAR. Okay.

The SPEAKER. The gentleman, Representative Barrar, indicates he will stand for interrogation. The gentlelady, Representative Josephs, is in order and may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am very confused about— I mean, the gentleman, Mr. Speaker, keeps making reference to indictments. Has this organization indeed been indicted in any other State? They have not been indicted in Pennsylvania.

Mr. BARRAR. Mr. Speaker, in Philadelphia 800—

Ms. JOSEPHS. Philadelphia is in this State, sir.

Mr. BARRAR. —800 fraudulent registrations were sent to the United States Attorney General with a Philadelphia election official asking for an investigation into these 800 fraudulent investigations.

Ms. JOSEPHS. Mr. Speaker?

Mr. BARRAR. As far as I know—

Ms. JOSEPHS. Mr. Speaker?

Mr. BARRAR. —throughout the United States there have been indictments, there have been arrests, and there have been convictions of ACORN.

Ms. JOSEPHS. Answer unresponsive.

I would like to know if there has been an indictment in another State of this organization? A simple answer, yes or no.

Mr. BARRAR. Yes, there have been, Mr. Speaker.

Ms. JOSEPHS. Tell me the State, please.

Mr. BARRAR. I can get you that information, but I know there have been indictments.

Ms. JOSEPHS. Right.

Mr. BARRAR. In the city of Chester, we had a voter registration worker who was convicted just in the city in Chester of my county, and if I am correct, then in Pittsburgh there are investigations going on currently.

Ms. JOSEPHS. Nonresponsive.

May I ask you, sir, given the fact that in Philadelphia when these two people showed up and did their little charade with their camera, the local folks called the police—

The SPEAKER. Is the gentlelady interrogating or debating?

Ms. JOSEPHS. Yes; I am getting there.

I would like to know, for instance, sir, if they are indicted in California or Alaska or Nebraska, should the people, the good people in Philadelphia who called the law enforcement folks be punished for that?

Mr. BARRAR. Mr. Speaker, the maker of that video denies that that happened. I do not think you have any proof that ACORN actually called the police and threw them out of your office. I do not have any proof that they did or did not. The maker of one side says it technically comes down to a he-said-she-said-type situation. The maker of that video says they absolutely did not call the police and they absolutely did not throw them out of the office. So you are just speaking on hearsay.

Ms. JOSEPHS. Mr. Speaker, since you cannot supply any of us with an indictment in another State, would you be so kind as to withdraw this amendment until you have the information that we need to make an intelligent decision?

Mr. BARRAR. I am sorry, Mr. Speaker. Could you please repeat that?

Ms. JOSEPHS. I am asking you whether you would have the graciousness to withdraw this amendment until you have the information about other indictments, possible indictments in other States, until you get us that information so we can make intelligent decisions.

Mr. BARRAR. Mr. Speaker, I think that would be like me asking you to recuse yourself from voting because you are a member of ACORN. I have been investigating; I have been looking into ACORN since the 2000 election when my Congressman and I actually were able to detain volunteers from ACORN leaving the Philadelphia prison carrying absentee ballots. Since that point, from 2000 on, I have watched them. I have watched them through the years. I have watched them in the 2004 elections, the 2008 elections, and there has not been the momentum in this State or this nation to deal with ACORN until today because of those videotapes that were released. No one had the stomach for it.

I had friends of mine come up to me and say, why are you involved in this? You do not have ACORN in your district? I said, it is the right thing to do. That is why I am involved in it.

And no, Mr. Speaker, I will not withdraw this amendment.

Ms. JOSEPHS. Nonresponsive until the last sentence.

The SPEAKER. On the amendment or further interrogation?

Ms. JOSEPHS. On the amendment, please.

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

Ms. JOSEPHS. You know, if we could be indicted by newspaper reports, there would probably not be one person in this House on the outside.

Trials do not happen in newspapers in this country; they happen in courts. Nobody has said on the floor of the House that there has been any indictment in any State of this organization, and the way the papers have been railing at us, as I said, if these things happen in the press, we would all be behind bars.

I suggest that we vote "no" on this amendment for a number of reasons, but the most important being that we do not have the information that we need to make an intelligent vote that our constituents demand of us.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Butler County, Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the gentleman, Mr. Barrar, and his amendment to try and rein in the abuses of tax dollars and funding organizations especially like ACORN.

The former interrogator of the gentleman who sponsored the amendment made reference to investigations in Pennsylvania. Well, the gentleman has a resolution that he has submitted that has been put in her committee, and it has been unveiled that she is a member of ACORN and has been holding that resolution up. So I would encourage her to actually move forward with that resolution so we can encourage the AG to go about having a proper investigation of this organization, Mr. Speaker.

Mr. Speaker, this is a very commonsense amendment. The former interrogator also raised a question to indictments in Pennsylvania. Well, this organization, Mr. Speaker, has been indicted in the court of public opinion, and the people whom we

are representing want to have their tax dollars protected from being spent from abuses like this by ACORN, Mr. Speaker.

Mr. Speaker, we are elected to be the people's voice. We do not have to have any final conviction to make a judgment, a sound judgment that an organization is being abusive of tax dollars, and ACORN has certainly been abusive with the tax dollars that they have been receiving in the nonprofit status that they have had, Mr. Speaker.

We should all be voting for this amendment. There are only seven U.S. Senators that decided not to support the people's voice, one of them being our own senior Democrat U.S. Senator, Mr. Casey. Well, Mr. Speaker, it is time that we rein in this type of abuse and it is time to defund ACORN, and I ask for support for this amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, as I understand this amendment, it pertains to all organizations. And let me just say that myself, Representative Barbin, and Representative Dom Costa sent a letter to our Congressional delegation, Republicans and Democrats, to investigate ACORN. Now, by saying that, I think we need an investigation to take it out of the public opinion, to find out if these individuals had violated the campaign laws or have done anything fraudulent.

Now, because some individuals do something wrong should not taint a whole organization. Saying that, I am going to support the Barrar amendment because it addresses all organizations, not just ACORN. It addresses the Blues. It can address some of the things that Representative Metcalfe – some of the organizations Representative Metcalfe is concerned about. It could eventually consider everyone, and I believe it should; I personally believe it should.

So I think the Barrar amendment is a good amendment, and I intend to vote for it. Thank you.

The SPEAKER. The Chair recognizes the gentlelady from Northampton County, Representative Beyer.

Mrs. BEYER. Thank you so much, Mr. Speaker.

I rise in support of this amendment, and I just wanted to answer the gentlelady's question from Philadelphia. In just doing a quick Google search, ACORN has been convicted in Missouri, ACORN has been convicted in— No; I am sorry. ACORN has been convicted in Wisconsin and in Colorado, convictions of ACORN workers. Indictments have occurred in Missouri, Nevada, Colorado, with investigations in Ohio, Tennessee, and Pennsylvania, and also, additionally, I do not know if I mentioned, there were also convictions in Colorado as well as an ongoing investigation.

Mr. Speaker, I encourage the gentlelady to just very quickly look, Google search ACORN indictments and she will find a plethora of articles related to the misconduct of ACORN across this country, in Mexico, and in Canada.

I urge a "yes" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady and recognizes the gentleman from Armstrong County, Representative Pyle. The gentleman waives off.

The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

To follow up the previous speaker's comments, I also did a quick Google search as well while I was sitting here and found

the instances of 13 convictions in Las Vegas, New Mexico; we had 4 in Kansas City, Missouri; but more importantly, according to the Web site [rottenacorn.com](http://rottenacorn.com), there were actually 7 convictions in Pittsburgh for false voter registration.

Mr. Speaker, we are not necessarily looking to put these folks in jail ourselves. However, I think it is important to note that we should cut off the public funding if inappropriate behavior is occurring.

Mr. Speaker, more importantly, to the lady's point previously about whether or not there is an ongoing investigation here in Pennsylvania, I think it is important to note that this statute would set up for the fact if there is ever an ongoing investigation or there is an investigation in the future, that we could at that time revoke funding. And, Mr. Speaker, I think that is the real argument here. It is not so much about their tattered past and all of the bad things that they have done, but more importantly, going forward do we have the tools available to cut their funding if inappropriate behavior is found in Pennsylvania?

So I urge my support to the gentleman's amendment and urge my colleagues to do so also. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment for the sole purpose of saying that I believe that it is appropriate to investigate a nonprofit that receives money from the State if such an event has occurred. I have joined with my colleagues, Representative DeLuca and Representative Costa, to ask the Federal government, which is the appropriate organization to be conducting this investigation, to do so.

I have problems with this amendment, though, and my problems with the amendment are No. (3) and No. (4) seem overly broad. To me, I still believe that we are living in a nation that believes in innocence until proven guilty. All of the speeches that have been made on this floor today indicate that a worker for an organization has committed a crime. Well, that happens every day, and that does happen every day in hospitals, it happens every day at universities, it happens every day at churches. I am afraid that this particular language, which has not been reviewed through a committee process, will in fact be overturned by a court.

Now, despite those reservations, I think it is important for us to take a stand and say we should not provide funding to organizations – not employees – this says organizations that are under indictment, so if ACORN is under indictment in Pennsylvania, I have no problem saying that they should lose any Federal funding.

I have a problem with No. (2), though, that says they "Failed to comply with Federal or State lobbying requirements," because it does not identify who failed. I have the same problem with, "Filed a fraudulent form...." Who decides when the decision is made that you filed a fraudulent form? Is it our gentleman from Allegheny's contention that as soon as the Tribune-Review makes a statement that says the court of public opinion has convicted you, that your organization now should not receive the money? That is not America and that is not Pennsylvania.

With those reservations, I will vote for this amendment.

The SPEAKER. On the question, the Chair recognizes the gentlelady from Philadelphia County, Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I think the prior speaker very succinctly pointed out the clauses in this amendment that are overly broad, and this amendment is not drafted to address just ACORN. I think the votes would reflect differently when we vote if that was the case. But the reality of it is, as it is designed now, it addresses every nonprofit in Pennsylvania.

Computers are a wonderful thing, and just like people were busy Googling on their computers ACORN today, I got something off the computer, too, that I would like to put in the record. March 5, 2007, the "United States Attorney...today announced a settlement with Crozer-Keystone Health System regarding services provided at its Crozer-Chester Medical Center in Upland, PA. The settlement includes the payment of \$549,663 to the Medicare program." And then it goes on specifically to state the four doctors who were at the hospital that overcharged Medicare.

Somebody said, when I made the argument earlier, there have been in all of our research no findings that there have been any Medicare or health-care institutions that have overcharged or filed fraudulent claims. This is just one press release, Mr. Speaker. There are press releases like this for every health-care institution, probably, or at least a vast majority of health-care institutions at one point or another over time.

My point is this: This amendment is drafted very dangerously. I take my obligation as a lawmaker to make sure that I am passing good law very seriously. I feel very uncomfortable passing what I know is an overly broad, bad law. If we pass this law the way it is now and it actually became law, there would not be a hospital or a health-care place that folks in Pennsylvania could get service, because at one time, in one way, shape, or form, there was probably overbilling and there was probably fines and settlements. You read about them every day. And one of the reasons that the Attorneys General do not often go all the way to court and try to get the settlement on the fraudulent overbilling is so that they do not knock health-care institutions that have very many good actors in them totally out of the box in being able to provide health-care services to the citizens of this Commonwealth and the citizens of this country.

I am going to vote "no" today because I am going to vote for responsible legislative drafting and lawmaking. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—157

Adolph	Fairchild	Kotik	Rapp
Baker	Farry	Krieger	Readshaw
Barbin	Fleck	Lentz	Reed
Barrar	Freeman	Levdansky	Reese
Bear	Gabig	Longietti	Reichley
Beyer	Gabler	Maher	Roae
Boback	Galloway	Mahoney	Rock
Boyd	Geist	Major	Rohrer
Boyle	George	Markosek	Ross
Bradford	Gergely	Marshall	Sabatina
Brennan	Gibbons	Marsico	Sainato
Brooks	Gillespie	Matzie	Samuelson
Burns	Gingrich	McGeehan	Santarsiero

Caltagirone	Godshall	Mensch	Saylor
Casorio	Goodman	Metcalfe	Scavello
Causer	Grell	Metzgar	Schroder
Christiana	Grove	Micozzie	Seip
Civera	Grucela	Millard	Shapiro
Clymer	Haluska	Miller	Siptroth
Conklin	Hanna	Milne	Smith, M.
Costa, D.	Harhai	Mirabito	Solobay
Cox	Harhart	Moul	Sonney
Creighton	Harkins	Murt	Staback
Cruz	Harper	Mustio	Stern
Cutler	Harris	O'Brien, D.	Stevenson
Dally	Helm	O'Brien, M.	Swanger
Day	Hennessey	O'Neill	Tallman
Deasy	Hess	Oberlander	Taylor, J.
DeLozier	Hickernell	Pallone	Taylor, R.
DeLuca	Hornaman	Payne	True
Denlinger	Houghton	Peifer	Turzai
DePasquale	Hutchinson	Perzel	Vereb
DeWeese	Kauffman	Petrarca	Vulakovich
DiGirolamo	Keller, M.K.	Petri	Wansacz
Donatucci	Keller, W.	Phillips	Watson
Drucker	Kessler	Pickett	White
Eachus	Killion	Pyle	Williams
Ellis	Knowles	Quigley	Youngblood
Evans, J.	Kortz	Quinn	Yudichak
Everett			

NAYS—42

Belfanti	Evans, D.	Melio	Smith, K.
Bishop	Fabrizio	Mundy	Sturla
Briggs	Frankel	Murphy	Thomas
Brown	Gerber	Myers	Vitali
Buxton	Johnson	Oliver	Wagner
Carroll	Josephs	Parker	Walko
Cohen	Kirkland	Pashinski	Waters
Costa, P.	Kula	Payton	Wheatley
Curry	Manderino	Preston	
Daley	Mann	Roebuck	McCall,
Dermody	McI. Smith	Santoni	Speaker

NOT VOTING—0

EXCUSED—4

Benninghoff	Miccarelli	Perry	Smith, S.
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

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

Ms. **HARPER** offered the following amendment No. **A04265**:

Amend Bill, page 2, line 8, by inserting after "another"  
; and providing for 2009-2010 budget implementation  
Amend Bill, page 9, by inserting between lines 14 and 15  
Section 8. The act is amended by adding an article to read:

ARTICLE XVII-J

2009-2010 BUDGET IMPLEMENTATION

Section 1720-J. Department of Conservation and Natural Resources.

(a) Prohibition against drilling.—The Department of Conservation and Natural Resources may not conduct any competitive public auction to lease State forest land for the production of Marcellus Shale natural gas reserves, unless the Department of Conservation and

Natural Resources determines that the land can be made available for lease without adverse environmental impacts and it would be in the best interests of this Commonwealth to make such a disposition.

(b) (Reserved).

Amend Bill, page 9, line 15, by striking out "8" and inserting  
9

Amend Bill, page 9, line 24, by striking out "9" and inserting  
10

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentlelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to offer instead a later-drafted amendment, which is 4370.

The SPEAKER. The gentlelady is withdrawing amendment A04265 and wants the House to consider amendment A04370?

Ms. HARPER. That is correct, Mr. Speaker.

The SPEAKER. The gentlelady will need a suspension of the rules.

Ms. HARPER. Well, then, Mr. Speaker, let us go back to the one that does not require the suspension of the rules.

The SPEAKER. That would be amendment 04265.

Ms. HARPER. Thank you.

Both of the amendments do the exact same thing. Both of the amendments were drafted at a time when budget proposals called for leasing of thousands if not millions of acres of our State forest land. Both amendments would require that the Department of Conservation and Natural Resources only allow leasing of State forest land if it could be done without an adverse environmental impact. I understand, Mr. Speaker, that a later amendment has changed that budget proposal or would change that budget proposal if passed.

I would like to ask, Mr. Speaker, if there is anyone on the majority side who would be willing to stand for brief interrogation as to what the later amendment will do because it would perhaps make my amendment unnecessary.

The SPEAKER. The gentleman from Allegheny County, Representative Levdansky, indicates he will stand for interrogation. The gentlelady, Ms. Harper, is in order and may proceed.

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

I would like to address this question to the gentleman from Allegheny because my amendment was designed to make sure that if we drill in State forests, that we do it in an environmentally sustainable way. I know that I share with many members of the General Assembly the belief that the State forests represent an important asset above ground and below ground and because of their ability to help us with clean air and water. I understand that there is a budget proposal coming, Mr. Speaker, that would protect the State forests in a similar way to what I am proposing. I would like to ask the gentleman from Allegheny if he could illuminate us about that.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, you are right in that it is important that we protect the State—

The SPEAKER. Will the gentleman yield.

The members are indicating they are having a difficult time hearing. The House will come to order. The House will come to order.

The gentleman, Mr. Levdansky, is in order and may proceed.  
Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I just want to explain to you and share the concern that many of us in this chamber do relative to opening up the State forests to too much unsustainable drilling for the environment. There is language contained in an omnibus amendment to be offered that deals with this issue, and very quickly, let me just summarize it as follows: That omnibus amendment does contain language that limits drilling to no more than 30,000 acres of State forests in this present fiscal year and no more than 30,000 acres in the next fiscal year. It also establishes a minimum per-acre fee. Presently it is \$2,000 an acre. That will be raised to \$3,000, and the minimum royalty will be increased from 16 percent to 18 percent. So to the extent that the department does offer more land, they could do up to 30,000 at these higher rates, which reflect, I think, what has been going on in the marketplace in the last couple months.

Most importantly, Mr. Speaker, is language that in this omnibus amendment, unlike the Senate language, there is no change to the existing Oil and Gas Lease Fund. That fund has been in existence since 1955, and it serves the purposes for the DCNR. So that fund will stay as it is, and that is very important.

One other change is this. The language in the omnibus amendment will authorize, will authorize a transfer of \$60 million in this fiscal year. Assuming that the department leases something up to no more than 30,000 acres, they should be able to raise that \$60 million target, which is important, because the language there is important for scoring the bill in terms of the revenue estimate that has to be certified as part of the budget process.

So those are the four things that are contained in the omnibus amendment, which, from my perspective, does a good job of— While it permits some leasing on State forests, I believe that it will be done in an environmentally sustainable manner that will not cause the kind of environmental damage that a lot of us have been worried about.

Ms. HARPER. Thank you, Mr. Speaker.

#### AMENDMENT WITHDRAWN

Ms. HARPER. Based on the gentleman from Allegheny's explanation that a later-offered amendment will limit the amount of State forest land that will be drilled and that the drilling will be done in the way it has been done in the past, which is in an environmentally sustainable way, I would like to withdraw the present amendment and the other amendments that I have filed along a similar vein to the bill.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

So the gentelady is withdrawing her other amendments as well?

Ms. HARPER. Yes, I am, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

#### BILL PASSED OVER

The SPEAKER. Without objection, the bill will go over for the day.

## CALENDAR CONTINUED

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 117, PN 2724**, entitled:

An Act authorizing the Department of Transportation to sell land under certain conditions; and making a related repeal.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

#### YEAS—199

Adolph	Everett	Levdansky	Reed
Baker	Fabrizio	Longiotti	Reese
Barbin	Fairchild	Maher	Reichley
Barrar	Farry	Mahoney	Roae
Bear	Fleck	Major	Rock
Belfanti	Frankel	Manderino	Roebuck
Beyer	Freeman	Mann	Rohrer
Bishop	Gabig	Markosek	Ross
Boback	Gabler	Marshall	Sabatina
Boyd	Galloway	Marsico	Sainato
Boyle	Geist	Matzie	Samuelson
Bradford	George	McGeehan	Santarsiero
Brennan	Gerber	McI. Smith	Santoni
Briggs	Gergely	Melio	Saylor
Brooks	Gibbons	Mensch	Scavello
Brown	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Seip
Buxton	Godshall	Micozzie	Shapiro
Caltagirone	Goodman	Millard	Siptroth
Carroll	Grell	Miller	Smith, K.
Casorio	Grove	Milne	Smith, M.
Causar	Grucela	Mirabito	Solobay
Christiana	Haluska	Moul	Sonney
Civera	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harper	Myers	Swanger
Costa, P.	Harris	O'Brien, D.	Tallman
Cox	Helm	O'Brien, M.	Taylor, J.
Creighton	Hennessey	O'Neill	Taylor, R.
Cruz	Hess	Oberlander	Thomas
Curry	Hickernell	Oliver	True
Cutler	Hornaman	Pallone	Turzai
Daley	Houghton	Parker	Vereb
Dally	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Wagner
Delozier	Kauffman	Peifer	Walko
DeLuca	Keller, M.K.	Perzel	Wansacz

Denlinger	Keller, W.	Petrarca	Waters
DePasquale	Kessler	Petri	Watson
Dermody	Killion	Phillips	Wheatley
DeWeese	Kirkland	Pickett	White
DiGirolamo	Knowles	Preston	Williams
Donatucci	Kortz	Pyle	Youngblood
Drucker	Kotik	Quigley	Yudichak
Eachus	Krieger	Quinn	
Ellis	Kula	Rapp	McCall,
Evans, D.	Lentz	Readshaw	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—4

Benninghoff	Miccarelli	Perry	Smith, S.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

### BILL SIGNED BY SPEAKER

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

#### HB 1607, PN 2747

An Act amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, consolidating the law relating to constables; in Title 42, further providing for deposits into the Judicial System Augmentation Account and providing for surcharges; in Title 44, repealing obsolete provisions on recidivism and revising provisions on second and third class cities, on boroughs, on townships, on the Constables' Education and Training Board, on use of firearms, on the Constables' Education and Training Account and on statutory authority; making editorial changes; and making related repeals.

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

### SUPPLEMENTAL CALENDAR A CONTINUED

#### BILL ON CONCURRENCE IN SENATE AMENDMENTS AS FURTHER AMENDED BY THE SENATE TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments as further amended by the Senate to House amendments to **HB 1531, PN 2748**, entitled:

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 exclusions, for time for filing returns and for time of payment; in personal income tax, further providing for classes of income, reenacting provisions on contributions and further providing for operational provisions and for payment of withheld taxes; in corporate net income tax, further providing for definitions; in capital stock

franchise tax, further providing for definitions and reports, for imposition and for expiration; in gross receipts tax, further providing for imposition; in cigarette tax, further providing for definitions, for incidence and rate, for floor tax, for liability for collection of tax, for the Health Care Provider Retention Account, for stamp to evidence tax and for commissions on sales and providing for return and payment of tax for unstamped cigarettes and further providing for sales of unstamped cigarettes, for possession of unstamped cigarettes and for other violations; in research and development tax credit, further providing for carrying of credit; providing for educational improvement tax credit; repealing tax amnesty provisions; providing for reduction of tax credits; providing for tax amnesty for fiscal year 2009-2010; providing for penalties for corporate officers and for examination of books and records; and making related repeals.

On the question,

Will the House concur in Senate amendments as further amended by the Senate to House amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Turzai.

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

Sir, I rise in opposition to this billion-and-a-half tax increase on the citizens of Pennsylvania. Throughout the budget process, the House Republican Caucus has stood firmly behind a spending proposal that prioritized on education, law enforcement, hospitals, core government services.

At the same time we argued that during a recession, we should not be taxing Pennsylvania citizens, and we have made it really a target goal in the budget process that we stood for prioritized responsible spending but against any tax increases on Pennsylvania families or businesses.

This bill is one of the largest tax increases ever on the citizens of Pennsylvania, and the fact of the matter is that we do not need to pass a tax increase to have a responsible budget. We felt that any budget needed to eliminate discretionary spending, like walking-around money, and to make needed reductions, but not in our core government areas like education, law enforcement, hospitals.

We feel that this is a significant mistake with respect to the people of Pennsylvania. They want us to tighten our belts, just like they are when they are making their budget decisions at their kitchen tables, or like small businesses are making on the front line. We have to live within our means. We have to live within our means, and by increasing taxes by over \$1 1/2 billion, we are making a significant mistake. We think that Pennsylvanians, if offered the opportunity, would resoundingly vote against this tax increase and would tell us to get our house in order.

The other point I would like to make is I honestly believe that the vast majority of members of this chamber and the vast majority of members of the chamber across the Capitol, Republican or Democrat, would, without the intervention or the bullying of the Governor for a tax increase, would welcome voting for a responsible budget that did not increase taxes. Why? Because that is where Pennsylvania citizens are. That is where they are.

I have to tell you that my own parents, my dad was a lifelong Democrat, my mom was a lifelong Republican, but I remember them once talking about a particular politician who was advocating a tax increase and significant spending. And my dad, who was the lifelong Democrat, said, "You know, I just do not agree with that individual." And I said, "Dad, why? Why is that?" And he said, "You know, that is just somebody who is

acting like a big shot spending other people's money." And the fact of the matter is, as stewards, as fiduciaries with respect to taxpayers' dollars, we have to look, we have to look at the bottom line, and can you afford it and are you doing the right thing? This tax increase bill is not the right thing, and I can tell you, both my mom and my dad, working-class people, would have wanted me and this General Assembly to vote against this billion dollar-plus tax increase.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Representative Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask if someone, if I could interrogate someone on some of the numbers that are in the bill, please?

The SPEAKER. The gentleman, Representative Levdansky, will stand for interrogation. The gentleman, Representative Rohrer, is in order and may proceed.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, I think we are all aware that it has been tough to keep track of the numbers, as they have so often been changing, and as we work this package through here, we got the Tax Code here and the Fiscal Code coming up, and they really go together, but I will try to keep my questions to this part here, if I can.

So with that being the backdrop there, could you tell me the total number, the dollar amount, of the new taxes – new taxes – that are being raised in this bill and/or any other accompanying thing which we may not know of that are going into providing revenues for this budget on which we are trying to work? What is that total amount of new taxes?

Mr. LEVDANSKY. Mr. Speaker, this bill, HB 1531 that we passed last Friday evening, went to the Senate. The Senate made a few changes to it. So let me first answer your question this way as to the changes that the Senate made.

In the area of the tax credits, the bill that went over would have cut all of them 33 percent in the first year and 45 percent in year 2. When we sent the bill over on Friday, all the tax credit programs were treated the same way. They were all getting a 33-percent cut in whatever aggregate amount existed for each of them in year 1 and 45 percent in the second year.

What we did was, rather than doing that blanket, that blanket percentage for all of them, understand that these different tax credits work different ways. Some of them are multiyear tax credits. So there ended up being specific negotiations around the educational improvement tax credit, the film tax credit, and the other ones as well. So each of them have been modified a little bit differently rather than the same percentage to all. That is one change.

The second change in the Senate was the language that we had passed relative to the imposition of a tax on smokeless tobacco. That language was deleted in the Senate.

And thirdly, the language that put in place a severance tax on Marcellus drilling across Pennsylvania, that language was deleted in the Senate as well.

So for the purposes of today, what is different from on Friday was essentially those two things have been deleted and modifications to the tax credit program. Those are the three changes to HB 1531 that were made in the Senate.

Mr. ROHRER. Okay. I appreciate the review, Mr. Speaker, because I think that has been helpful, but you did not answer my question.

The question that I am asking is— I will wait until you are listening.

Mr. LEVDANSKY. I apologize, Mr. Speaker.

Mr. ROHRER. Okay. Got it together? All right.

Back to the original question. I would like to know, the original question, the total dollar amount of the new taxes that are being raised in this bill, and then if there happens to be anything else sticking around somewhere else that is not in this bill, I would like to know what those total new taxes are being raised in order to address this budget.

Mr. LEVDANSKY. Mr. Speaker, in terms of the balance sheet, there is about \$1 billion in recurring revenue that is contained in this bill. But understand that the changes, the changes that were made in the Senate were made by the Senate. These were not things that the House was advocating in terms of the change to the tax credit program and as well as obviously we were supportive here of the severance tax and the smokeless tobacco tax. So those things were deleted by the Senate.

Mr. ROHRER. Okay. That is fine, and I appreciate that, but it started here, it went over to the Senate, and now it is back and now we are trying to figure out what the total amount is. I am wanting to know what the total taxes are, new taxes being raised, in this bill.

Mr. LEVDANSKY. Mr. Speaker, let me answer it this way. Let me tell you what— You know, I have spoken about the changes in the Senate, but your question is broader than the changes in the Senate. Let me explain it this way: This bill contains a number of changes in various aspects of the Tax Code. For example, it exempts helicopters and helicopter parts from the sales tax. That is a revenue loss of about \$100,000.

The capital stock and franchise tax in this legislation that we passed last Friday would freeze the capital stock and franchise tax at 2.89 mills. That gains the Commonwealth about \$373 million. However, that is offset by amendments that we made to increase the net operating loss carryforward and the single sales factor, which a lot of businesses here in Pennsylvania advocated, and that is a net loss in revenue to the Commonwealth of \$74 million.

We redirect under this legislation the cigarette tax from the Health Care Provider Retention Account to the General Fund, and that is about \$171 million.

The CAT Fund, the loan transfer, the loss transfer from the CAT Fund, is \$44 million. The revenue to be gained from small cigars is about \$16 million. Table games that we debated are programmed to provide about \$200 million.

I am sorry; I apologize. The table games, the revenue for the table games is not included in this bill.

Mr. ROHRER. Okay.

Mr. LEVDANSKY. Some tax credit suspensions that we talked about are about \$39 million. The Race Horse Development Fund, the shift, is not also included, is not included in this. The cigarette tax that is included in the legislation would generate about \$100 million.

All told, all told, this will— And we also expand the exemption for small business from \$150,000 to \$160,000 of assets to be excluded from the levying of the capital stock and franchise tax. That is to help out the small business community.

All told, all of these revenues would provide, all these changes would provide an additional \$977 million in revenue to the Commonwealth to be used to bring the budget into balance.

Mr. ROHRER. All right. So that is the number I am asking for. You are telling me \$977 million in new taxes that are reoccurring. These are nonreoccurring revenues; these are recurring taxes.

Mr. LEVDANSKY. No, these are recurring. These are changing—

Mr. ROHRER. That is what I am asking. That is what I am asking. These are recurring taxes, \$977— What did you say it was, \$977 million?

The SPEAKER. The gentleman will yield.

For what purpose does the gentleman, Representative Preston, rise?

Mr. PRESTON. Mr. Speaker, are we talking about concurrence? And I thought that was what we were supposed to do versus discussing the whole bill. Are we not only supposed to be discussing concurrence and the changes that the Senate made within the legislative bill that is before us, or are we discussing the whole bill? I would prefer that the questions relate to concurrence on the Senate amendments.

The SPEAKER. The gentleman is on the points of the Senate amendments.

The gentleman may continue.

Mr. LEVDANSKY. Yes. Thank you, Mr. Speaker.

Mr. Speaker, upon further clarification and consultation with the staff here, a number of those things that I identified really are existing revenue sources, like the transfers and whatnot. Of new revenue, of absolute new revenue, we are looking at about \$400 million of new revenue provided by HB 1531. So if you want to say what are the new taxes that are levied, it generates \$400 million, approximately.

Mr. ROHRER. Mr. Speaker, I am confused here then, because the numbers that you went down earlier, I mean, I am not talking transfers; I am talking tax increases. The transfers are in the Fiscal Code. I am talking tax increases that are on here that are in this bill. You are telling me now we are only talking \$400 million of tax increases?

Mr. LEVDANSKY. Correct, because when I first read that list—

Mr. ROHRER. We are talking new, new revenue that are applied to—

Mr. LEVDANSKY. That \$977 million figure that I had referred to earlier included both new recurring revenue and transferring of existing revenue. So just to answer your question specifically, if your question is that you just want to know how much new tax revenue that will be recurring is contained in this bill, it is \$400 million.

Mr. ROHRER. All right. That is a surprise, but I am going to put that down here for a moment.

All right. Now, I am going to ask you another revenue question because I do not know where in the process the question needs to be asked, but I think it fits as much under this as anything else.

What dollar amount is the projection of revenue for this new budget that takes these new dollars aside? That these new taxes that we are talking about here, put that to the side for a minute. What is the projection in the number that is being used for expected revenue generated from the General Fund for this next,

for 2009 and '10? I want to look at that revenue number. What is that revenue number that is being used, that you are using right now, in putting together the budget?

And it is not including stimulus funds. I am just talking the General Fund revenues as makes up the General Fund.

Mr. LEVDANSKY. Mr. Speaker, this budget that we have been negotiating for quite some time here is based on an expected revenue for fiscal '09-'10. It is expected to generate \$25.561 billion. That is separate from, that is separate from the Federal stimulus dollars.

Mr. ROHRER. All right. \$25.56 billion then is what we are banking on. And then you are figuring on \$400 million worth of new taxes, which I just asked you about in this bill, correct? I am just making sure we are correct here. And then, I will take you to the stimulus funds then, how much of stimulus funds then are you factoring in to your calculations here?

Mr. LEVDANSKY. Mr. Speaker, honestly, this bill does not contain any amendments relative to the stimulus, and our Appropriations people are much more well versed about the stimulus funds and how much they are and how they are going to be allocated in the budget.

You know, I focused on the changes in the Tax Code in my role as the Finance Committee chairman. But, I mean, we could have a discussion at some other point about a whole bunch of other taxes. But for the purposes of this debate today, I mean, it is the amendments that the Senate put in, not the House, it is the amendments that the Senate put in that I think are most relevant and pertinent to the debate here on the floor today.

Mr. ROHRER. Okay, and I appreciate that, Mr. Speaker.

As I said to the speaker when we started, I do not know where else better to talk about revenue than the only revenue bill we are going to be dealing with, and that is this one. The appropriations bill is where we spend the money. I am concerned at this point of where the money is coming from and the revenue side of the equation. And I as your counterpart as the Finance Committee chair, I have been looking at the revenues. That is why I want to know from you, and if you do not have it, then you need to say you do not have it, but we have to have it somewhere in the process and it cannot be at the end when we are talking about the appropriations bill.

Mr. LEVDANSKY. Yes.

Mr. ROHRER. So these numbers are critical to have now, really.

Mr. LEVDANSKY. Mr. Speaker, there are other fund transfers, but those transfers are included in other bills that are under consideration.

Mr. ROHRER. Correct.

Mr. LEVDANSKY. The Fiscal Code, the Gaming Code, other codes that are under consideration, you know, they will score revenues at different amounts. I do not have a compilation of all that right now. Again, I have been rather focused narrowly on 1531 and the amendments that the Senate made to it. I mean, I do not mind it going broader than the subject that we are supposed to be debating, but that is something, I guess, we could all engage in for the rest of the evening if we wanted to.

But specifically, those three changes that I indicated, those four changes, that is the amendments that the Senate inserted into HB 1531. So for our purposes, we just need to decide do we concur or nonconcur with those four changes by the Senate.



Mr. ROHRER. Okay.

Mr. Speaker, I will comment now. I appreciate the answers.

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

Mr. ROHRER. All I was intending to do here was to ask some fundamental core revenue questions that are a part of the budget discussion. This is the only Tax Code that we are going to have. I do not know of another place where this information is most logically answered than now. And I am quite aware of back and forth between the Senate, but again, as I said, the appropriations bill is where we spend it. And at that point, we are talking about where it is being spent. Right now we are concentrating on revenue.

So just to rehearse what was said, you are saying right now that a number for the General Fund, the estimate for next year, is \$25.56 billion. You are saying that in this budget bill that we have before us, there is only \$400 million of new revenue. And you did not have an answer for the amount of stimulus funds that were in the revenue stream that is a part of this budget.

So that being the case, I have some information, but the information is not complete at this point. But I will say this, that as we take and we put together and bring perhaps this budget discussion to an end, to a close, whether it is this \$400 million, which I frankly do not know how it is because it does not line up with the numbers that we have, our leader is using a number of a billion, I have a sheet in front of me that shows \$1 1/2 billion of new revenue, there are a lot of unanswered questions at this point.

But in any event, I tell you, Mr. Speaker, in any event, any dollars of new taxes are inappropriate in this climate in which we are operating in this Commonwealth, whether it is a hundred million or whether it is a billion and a half, and those questions have to be answered before we get out of here; there are too many, too many taxes and too much of a hardship on this Commonwealth. So I am looking forward, perhaps, to some further discussions as we go along here so that we understand what the numbers really are before we bring this vote on this bill to a conclusion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Montgomery County, Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

I am not sure where all the confusion comes from, but I think everyone in this chamber understands what is happening here, and I think everyone in this chamber and, of course, the people of Pennsylvania understand that we are having an incredibly difficult time because there is a \$3.2 billion deficit in this year's budget.

I think the people of Pennsylvania also know that we are not suggesting that we raise any broad-based taxes. We are not suggesting that we increase the personal income tax that hits every working Pennsylvanian. We are not asking for an increase in the sales tax that would impact every Pennsylvanian.

Yes, there are some new taxes or tax increases – an increase in the cigarette tax; an increase on taxes on small cigars; rolling back the phaseout of the capital stock and franchise tax, which, of course, is inside speak here, but it means we are temporarily stopping a cut in business taxes. But at the same time it is important for everyone to understand we are making changes to business taxes here in Pennsylvania to make Pennsylvania more competitive.

People need to understand that in the face of these tough economic times, times that are making doing business very difficult all over this country and here in Pennsylvania, we are making improvements to our business tax structure – very significant improvements. The net operating loss carryforward is being improved. It is going from 15 percent to 20 percent. These are improvements we have been working on in a bipartisan fashion for years.

Again, that is inside speak, but that means that small businesses that are losing money can carry those losses into profitable years and reduce their tax burden. And it does not just help small businesses; it helps the biggest businesses.

Our biggest manufacturers in Pennsylvania have been begging for these changes for years, and we are delivering on them in this budget, those that have huge cyclical changes in their revenues. The U.S. Steels and the Hersheys of Pennsylvania, businesses that we are proud of, businesses that we want to support, will benefit from this change in the net operating loss carryforward. They, too, will benefit from the changes in the calculation for the corporate net income tax, Mr. Speaker. Mr. Speaker, those changes we have been working on for years.

We have changed the weight we put into the sales factor from 70 percent to 83 percent in this legislation. It used to be at 60 percent. What does that mean? What that means is we are not going to penalize businesses for paying workers in Pennsylvania and for having assets in Pennsylvania. And ultimately, there are many of us that hope we can get to what we call a single sales factor, where the only factor we consider with calculating a business's corporate net income tax liability is their sales in Pennsylvania. I call it a home-towner provision, Mr. Speaker, because we want businesses in Pennsylvania. We want their workers in Pennsylvania. We want their assets in Pennsylvania. That is a major improvement, and it is a major improvement that the statewide chamber and other organizations such as CompetePA have been fighting for for years, Mr. Speaker.

But it is not just the big guys, Mr. Speaker, that we are trying to help make more competitive in Pennsylvania. We also are increasing the exemption for the capital stock and franchise tax for the small guys, those S corps out there, those family-owned businesses that only have a few hundred thousand dollars a year in profit. We are increasing the deduction from \$150,000 to \$160,000.

So, Mr. Speaker, while we have avoided taxing people on their personal income, we have avoided taxing people when they go purchase items by not increasing the sales tax, we have also improved the business climate here in Pennsylvania with these very technical but important changes, Mr. Speaker. And I think the people of Pennsylvania can be proud that while this has not been an attractive budget standoff, they can be proud with this final product that we are advancing here today. We are not hitting them in their pocketbook, we are not hitting them when they go shopping, and we are trying to improve the business climate for big businesses and for small businesses so that in these tough economic times, these businesses can survive, and when the economy turns out, they can thrive.

Mr. Speaker, I urge the members of this chamber to vote "yes" on this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Clearfield County, Representative George.

The gentleman is recognized.

Mr. GEORGE. I thank you, Mr. Speaker.

Mr. Speaker, I ask for just a little flexibility. And it is not my point nor do I desire to place blame on any member of this House, but I guess, Mr. Speaker, you have got to be here more than 30-some years to recognize that the only way to pass a budget or to fund a budget is through some method of taxation. Now, nobody likes taxes, but we are here as members of this august body to be able to furnish the necessary programs that do not hurt but help those individuals that sent us here.

Now, this is not the budget bill, but again, whom are we to take care of? Are we not obligated to take care of that senior citizen who is living on a very, very low fixed income? But it seems for some reason— And I do not blame this on Republicans alone. I blame this on the attitude of where we, and I just listened, if I can back up a minute on drilling on State lands, but had we been able to conduct in a proper way and to convince the Senate to place an extraction tax on the gas that is going to be drilled and is being drilled now, right away, Mr. Speaker, at this time, we have drilled twice as many wells as we did last year. But again, Mr. Speaker, for these programs, these necessary programs, we have to tighten our belts to our times, but we cannot tighten them to where they choke out the basic benefits for these people that through no way can they supplement when in fact we who have an obligation to give them this care and concern and helping hand when we fail them.

I am not happy about this Fiscal Code. This Fiscal Code was put in a tax bill that was germane to what we are doing. Is it not funny, it started out a year or so ago to help the veterans and by letting a tax rebate for people that wanted to help these veterans. Nobody likes taxes, but is it not about time that we start to understand that when we tax, even if we tax ourselves, the main importance of that matter is that we are taxing those that can best afford that tax.

This country did not get where it is or as big as it is where we can do many, many things, but it amazes me – and if you will, Mr. Speaker, allow me the time – it amazes me how we can do things through our taxing methods and the Federal government where we can take care of people in other countries and children in other countries and the health care in other countries, but we cannot take care of those people in our country.

So I am saying to you, we have to get this budget passed, and then we have to adopt a purpose of where we can come back with some supplementals where they again take the hurt away, the pain away, from what has been done in these last couple of weeks. There is not much in this that I personally would like, but I did not come down here, as my colleague said, to make everybody happy. I came down here to do what in my mind and my heart is the right thing for the people who believe in me and believe in this society, this democracy, and this form of government.

So I guess I can say I would believe we should send this bill, pass it, get this budget done, and then take up the course of remediating by providing the Band-Aids for the hurt that we are causing because we did not have what it took, which is the guts, the courage, to put up the vote to fund and to fund it by taxing those in the Marcellus Shale, those who even after their taxes make \$100 million a year. Instead we chose and will continue to

do that until we find out that these people do not want us to give them a handout, they just want us to give them a helping hand.

And I would say without further ado and any delay, we should pass this and then tomorrow get about the budgeting of a matter that is so important to 12 million people, and then get on as responsible legislators and try to remediate that that could not be looked into at this minute, that that could not be funded at this time, and try to protect that that we believe is the most important aspect or part, and that is our people.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief. I will not be long.

The day has arrived that the budget and the Tax Code and all the other documents that have to follow, after 99 days we finally got to the final product here, I believe. I believe that HB 1531 on concurrence, a Tax Code that generates well over \$1 billion in taxes, should not be here today.

As we look at the menu of the various taxes and what was discussed and what is in HB 1531, it was said that it was about \$400 million of new taxes, probably a little bit more than that, about \$500 million. And with the Medicaid and the GRT, the gross receipts tax, which is a new tax, it generates another \$528 million. Mr. Speaker, we did not have to do this. To every problem, there is a solution, and our solution was two amendments, one that was defeated and one that was never given a chance after being shared by the other side of the aisle, which demonstrated that we did not need the taxes that are presently in HB 1531.

My concern is this, and it is a legitimate concern. It is a concern that we need to look at as you forecast into next year and the year after and the year after that in how the economy of Pennsylvania and the economy of this nation will present itself to all of us, including the people that we represent. Raising these types of taxes in a year that the economic development has been declining and our revenues at this point in time are at a shortfall of approximately \$140 million, this is not the answer. My concern is that we will face another financial crisis if this economic climate does not incline. To pull us out of this, where do you get the other revenues? So if you are \$1 billion off now, where will you be next year and the year after where it really will hit the State of Pennsylvania? If we had clear signals of where our economy was going to be, we would have a different type of a judgment. But to give the solution for this year, and this is the solution of increasing taxes by \$1 billion, I think we all are shortsighted.

This is not the way to govern what we are faced with. Our solution was this: Our solution was to keep the revenues down, to keep our spending down. We took last year's budget, worked across what last year's budget was, and reduced it and reduced the different departments, and still at the same time allowed money, additional money, for education. It would have brought us into next year with no tax increases, that in the event that the economy does not drive itself to where it should be, we had some safeguards.

Well, what do we have? We took all of our Rainy Day money, our tobacco endowment accounts, and we stripped them. There is no money left. There is no money left, and I do not believe that that was the real true solution in how to resolve what we faced.

I realize it is late. I realize that we have to get a budget done. I realize that we are all responsible and we have to govern. I understand that. I have been here for a long, long time and been through a lot of different types of budgets. But this year, I have never been in a budget climate with this type of a recession and this type of an economic decline. I am not out to scare anybody but just to be realistic.

Mr. Speaker, I believe that we should not concur on HB 1531. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Beaver County, Representative Christiana.

Mr. CHRISTIANA. Thank you, Mr. Speaker.

It is very clear, this tax bill will not help the business climate in Pennsylvania; it will break the backs of small and mid-sized businesses across this Commonwealth. It is clear that some members in this chamber and even in the upper chamber have little concern for job creators and entrepreneurs. While we all know the economic situation outside this Capitol, only some of us understand that voting for a multibillion-dollar tax increase is a terrible decision. This tax, this tax bill retroactively raises, retroactively raises the capital stock and franchise tax on small and mid-sized businesses all the way back to January of this year.

So what this bill essentially does is it tells Beaver Supermarket and Smiley's tire shops across Pennsylvania, it tells them that even though you budgeted and made three quarterly payments based on 1.89 mills, this bill says you need to hurry up, write a bigger check to the Commonwealth and send it in, and it is a 35-percent increase. And to make matters worse, we are not even going to give you an extension to come up with the cash. With tens of thousands of businesses in this State that are strapped for cash, why would we force them to pay higher taxes retroactively and going forward?

But if that is not bad enough, this tax bill not only raises the tax retroactively, which takes \$374 million out of the private sector for this year alone, but it also raises the tax significantly for the next 4 years. In year 2 it raises the tax by \$550 million, year 3 by \$644 million, year 4 by \$423 million, and in year 5 it raises it \$181 million. This capital stock and franchise tax will result in \$2.3 billion of tax increases over the next 5 years.

So while my colleague from Montgomery County says that he is improving the business climate, I respectfully disagree. Raising one tax \$2.3 billion over the next 5 years is not going to help the business climate. The businesses and entrepreneurs in Beaver County and in Pennsylvania cannot afford this tax bill. It is shortsighted and irresponsible to raise the already high tax burden. It is irresponsible to worsen a horrendous business climate, especially when businesses are already struggling due to the economy. We should be getting on the side of employers and encouraging investments and encouraging risk. Government should not be jumping on the back of job creators and stalling economic recovery.

I strongly urge a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

We are in day 98 of this budget impasse. This delay has presented much hardship on the people of this great Commonwealth, and we have the power to end this now.

Mr. Speaker, we have day cares closing. We have museums shutting their doors. We are cutting libraries. We are cutting their operations by 34 percent. We are impacting schools such

as Scotland School, Scranton School for the Deaf, which do a great job. We are impacting them with this impasse. Mr. Speaker, there are some children that are in some of the schools in my district that do not have schoolbooks, and I am continually getting e-mails, please end this budget so we can get books, and there are many other examples. And I know every member, every one of my colleagues is getting the same e-mails about how the pain is hitting the people of Pennsylvania.

Mr. Speaker, HB 1531 is not a perfect bill. We all agree to that. That is common ground here. However, it is a vehicle to end this. It is a shared-pain vehicle.

Mr. Speaker, it is also important to note that this bill does not contain any broad-based taxes. Now, I want to repeat that: HB 1531 does not contain any broad-based taxes.

Again, Mr. Speaker, we are in day 98. This must end now, and I would urge my colleagues for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Butler County, Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, at the beginning of this year in the Pittsburgh Business Times, the headline read "Pennsylvania suffers worst job loss in nearly 20 years in 2008." Well, Mr. Speaker, that was 2008, and since then we have continued to see the downward spiral of our economy here in Pennsylvania and across the nation, record high unemployment rates that we have not seen in many, many years, Mr. Speaker.

Mr. Speaker, tens of thousands of Pennsylvanians have lost their jobs this year – tens of thousands. Mr. Speaker, to ask for the people of Pennsylvania to give any more to this General Assembly and this Governor to spend is a very callous request, disregarding the pain and suffering of those who have lost their jobs.

I remember my colleagues rose and talked about the many community service organizations that are crying because their subsidies are late or they are running short. I just received one today that they are cutting some of their workers' salaries to minimum wage to be able to hold the doors open. Well, Mr. Speaker, that is a shame. But more importantly, the people who have to pay the bills are suffering in ways that they will not ever be compensated by this action of the General Assembly, Mr. Speaker. They will be penalized. They will legally have more of their income taken. They will legally have more of their opportunities taken. They will legally have more of the opportunities of their children taken.

Mr. Speaker, the last census showed that we had many young people fleeing the State of Pennsylvania in search of jobs. Well, Mr. Speaker, a billion-dollar tax increase, a billion-dollar Tax Code bill that, according to some of the former interrogation, raises about \$500 million in new taxes along with going in and taking money from the medical community that they never expected to be taken, because in good faith they have been contributing from premium payments that should have been kept in reserve for what it was intended for, but a Tax Code bill that takes another billion dollars out of the economy, Mr. Speaker, is going to harm the ability of our job creators to create jobs that will ultimately enable our young people to stay here in Pennsylvania.

Mr. Speaker, I was just talking to a small businessman yesterday as he traveled the road of southwestern Pennsylvania to Erie to meet with some clients and was discussing with him some of the conversations that he has been having with many of

his clientele and how many of them are cashing out some of their 401(k)s and losing jobs and taking the money that they are receiving in those early retirement compensation plans and having to use it to pay down the debt and deal with meeting the daily needs of their families.

Well, Mr. Speaker, we have been watching the revenue of this State during the first 3 months of our new year without a budget. We have been watching the revenue come in under the projected revenue estimate – over \$100 million short already in the first 3 months, Mr. Speaker. Well, Mr. Speaker, the way to create more jobs, the way to see more revenue come into the State from the tax rates is not to increase the tax rates, is not to increase the tax burden, is not to roll back the capital stock and franchise tax so that all those many thousands of businesses that were depending on that rate for all of the first three-quarters of this year now are told, you have to go back to last year's rate and pay at last year's rate. The way to increase economic activity is not to increase taxes, as this legislation does, Mr. Speaker, but it is to decrease taxes.

Mr. Speaker, I have heard from thousands of Pennsylvanians over the course of the last 7 or 8 months that we have been battling and pushing forward to try and call for a budget that did not include tax increases, which the House Republicans have been very strong and unified in our opposition to tax and fee increases, Mr. Speaker. At one point we did have the Senate Republicans on board, but they certainly have bailed on us once again. But, Mr. Speaker, it is important that we protect the taxpayers, that the taxpayers who pay the bill are put first during these types of negotiations and these types of debates, Mr. Speaker. But, Mr. Speaker, this legislation does not put taxpayers first; it puts them last.

Mr. Speaker, as I mentioned earlier, this type of action to increase the cost on the taxpayers of Pennsylvania to satisfy the insatiable appetite of this General Assembly and this current Governor, Mr. Speaker, this is a callous action that is very disrespectful and shows that there is no concern, amongst those who vote for this legislation, for the people of Pennsylvania who have lost their jobs, who are hoping to find new jobs. But, Mr. Speaker, this sends a message to those taxpayers that have lost their jobs, that are seeking new ones, that the folks who vote for this really do not care if they stay here or go, because they have no plan to create new jobs, Mr. Speaker. This plan will kill jobs, Mr. Speaker. This plan will continue the insatiable appetite that this General Assembly has shown it has for people's tax dollars, and people in this great State will continue to vote with their feet, Mr. Speaker, by leaving Pennsylvania instead of staying here and growing the economy.

Mr. Speaker, I urge a "no" vote on behalf of the taxpayers of Pennsylvania.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware County, Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I have over 20 pages of notes, reasons why not to vote for 1531, but I am going to say something that I think we all can agree on: I am going to submit my comments for the record. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

#### Fiscal Code: HB 1407 (Amendment 4335)

- Transfers the entire balance of the Rainy Day Fund (\$755 million) to the General Fund.
- Takes \$150 million from the Tobacco Endowment Account in 2009-10 and \$250 million in 2010-11.
- Transfers the entire \$708 million balance of the Health Care Provider Retention Account (HCPRA) to the General Fund.
- Transfers \$100 million from the State's Mcare (Medical Care Availability and Reduction of Error) Fund, which was developed to help Pennsylvania doctors pay for malpractice insurance, into the General Fund.

#### Tax Code: HB 1531

- Capital stock and franchise tax rate changed to 2008-09 level of 2.89 mills (current rate is 1.89 mills). This would be a \$374 million tax on businesses that pay the CSFT.
- A gross receipts tax would be applied to Medicaid MCOs in an effort to generate \$528.5 million in total funds in FY 2009-10. This tax would be deposited into a restricted account to augment DPW's Medical Assistance Capitation appropriation. This replaces the expired medical assistance MCO assessment and is preferred by those assessed versus the Governor's proposed 2-percent broad-based tax.
- Tax increase on cigarettes of 25 cents per pack (bringing total tax to \$1.60 per pack). This would generate about \$97 million.
- Transfers the 25 cent portion of the cigarette tax currently dedicated to the HCPRA to the General Fund for annual revenue of \$171 million.
- By eliminating the HCPRA we are making Pennsylvania an even less appealing State for doctors to practice in.
- Create a new tax on "Little Cigars" at \$1.60 per pack to generate \$16 million in revenue.
- Changes tax credit programs to generate \$38 million in revenue this year/\$75 million next year.
  - Film tax (Currently at \$75 million): \$42 million in 2009-10/\$60 million 2010-11.
  - EITC (Currently at \$75 million): \$60 million in 2009-10/\$50 million in 2010-11.
    - By reducing the amount of funds available for the EITC thousands of children from disadvantaged and low-income families will be unable to attend the school of their choice.
    - This program has demonstrated great success in the past by helping more than 44,000 children, and I think this is a program that needs to be continued at the current funding levels.
    - This is a program that helps businesses and schools work together to make sure all Pennsylvania students have the opportunity for the best education possible.
  - Research and development: (Currently at \$40 million): \$20 million in 2009-10/\$18 million in 2010-11.
  - Other tax credits reduced 50 percent in 2009-10 and 55 percent in 2011-12.

#### House Republican Concerns

- The Tax Code legislation would include nearly \$500 million in new taxes. We have continually asserted our opposition to tax increases in this economic environment during the budget process.

- This does not include the MCO gross receipts tax.
- The Fiscal Code would also take \$100 million from the Mcare Fund. This fund was supported by doctors' assessments to help them pay their malpractice insurance. The State should not be taking money from doctors who pay into the fund to balance the budget.
- Together, these bills would completely drain the State's reserve funds, leave nothing available next year in the event the economy does not improve – an important note with revenues already \$140 million short for the year. This move violates House Republicans' principle that the State budget must prepare for the State's uncertain economic future.

House Republicans have advocated a balanced budget which controls spending and does not increase taxes.

The SPEAKER. The Chair recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Mr. Speaker, may I interrogate the gentleman from Allegheny County?

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

Five days ago we were spending more money and raising taxes higher. Five days later we are spending more than \$100 million less and not raising taxes as high as 5 days ago. Is there any way that we can give the Governor some money, temporary money, to fund some of the agencies out there that are hurting and let us go another 5 days? Maybe we could reduce this cost a little bit more, you know, the spending and the taxes. What do you think?

Mr. LEVDANSKY. Mr. Speaker, I am not privy to the negotiations relative to the budget and the changes that have been made in the last days and weeks and probably in the last few hours. I think somebody else is more qualified to answer that than I.

Mr. SCAVELLO. I just want to make a comment that it is better than it was a few days ago and just hopefully it can continue in that direction.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Tioga County, Representative Baker.

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

Mr. Speaker, I rise to oppose this 2-year, \$3 billion tax increase, and I am very, very concerned about our hospitals and our doctors, our health-care providers, and what this basically does to their fund balances in the Mcare and the Health Care Retention Account. It seems to me that nearly \$1 billion is raided and eviscerated from their accounts to balance this budget, and it seems to me that that is patently unfair.

I just wanted to say that the Mcare Fund balance resulted from excess premiums paid by physicians and hospitals and nurse midwives and podiatrists in nursing homes. The Mcare Fund says that if claims paid out exceed annual assessments, the balance can be used to shield providers from premium spikes. The Mcare Fund balance is the subject of ongoing litigation and may be required to be used to lower Mcare assessments. So if in fact the litigation is successful, we may have a serious problem and hole in funding this budget.

The Mcare Fund currently has an unfunded liability of about \$1.66 billion. So every penny taken to balance the budget will have to be recouped from health-care providers to retire that

shortfall. And my goodness, what we are trying to do is create incentives to create a climate in Pennsylvania that is conducive to practicing medicine, providing health care and access to that health care, and not making it more difficult, more expensive, from a health-care cost containment standpoint. Physicians and injured patients trust the State to run the Mcare Fund for their benefit. Raiding the fund is viewed as a fundamental breach of faith and may destroy any remaining belief in the Mcare Fund's integrity.

Related to that \$800 million line item issue alone on the Mcare Fund is also the health-care provider tax, and as everyone knows, another significant element of balancing this budget in this tax proposal is \$100 million that is being accessed from our physician and hospital premium dollars, again from the Mcare Fund, to balance the State budget. So diverting liability insurance assessments paid by hospitals—

The SPEAKER. Will the gentleman yield.

I would remind the gentleman, the debate you are on is on the Fiscal Code and not on the Tax Code. These are amendments inserted by the Senate.

Mr. BAKER. I appreciate that, Mr. Speaker, and I know that there is a nexus between the two and that they all fit together as part of this final budget.

The SPEAKER. The question before the House is HB 1531 and the amendments contained therein.

Mr. BAKER. And I will just conclude by saying, Mr. Speaker, that I oppose this \$1 1/2 billion tax increase this year and the \$1 1/2 billion tax increase next year for many, many reasons, particularly concerned about the health-care delivery system that we have in Pennsylvania and the potential breach and difficulties that that is going to create with unfunded liabilities and the need to pay this off in the future.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Northampton County, Representative Beyer. The gentlelady waives off.

The Chair recognizes the gentleman from Allegheny County, Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, just to reiterate, the changes in the Senate were to put in a sales tax exemption for helicopters, the changes in the various tax credits. The Senate also took out the language that the House put in relative to the gas severance tax and smokeless tobacco as well.

I am really pleased, though, that what the Senate did keep in was language that we had worked out to in fact, to in fact make some changes in our business tax code, specifically pertaining to the increased use of the single sales factor and raising the cap on the net operating loss carryforward, and also, also an acceleration of the research and development tax credits. These changes to the business taxes were supported by the CompetePA Coalition, and I am pleased that we were able to get these included in this budget document.

To reiterate, the absolute— If you want to say what new taxes, not nonrecurring, not transfers, but absolutely to answer the question, what absolute new taxes are contained in this bill, it is the following: It is an increase in the existing cigarette tax of 25 cents that would generate \$100.1 million and a tax on little cigars that would generate \$16.4 million. So that is a grand total of \$126.5 million of new dollars from those areas.

One final thing, Mr. Speaker. You know, it is important as to what is in this bill and what the Senate changed, but I would submit to the members that what is not in this bill is just as important.

What is not in this bill, there is no income, a personal income tax increase. There is no tax on our small community organizations and nonprofits. There is no tax on all arts and cultural venues. There is no expansion or increase in the sales and use tax. So these are the major taxes that a lot of people were focusing on. They are not in this bill. They are not in this bill, and I think we really worked really hard to pass a revenue package that will fund a budget that reduces spending and that at the same time meets the needs of Pennsylvania.

This has been a long and arduous process, but again, Mr. Speaker, it is the things that are not in here that, in my judgment, are as important as the things that are, and I urge an affirmative vote.

The SPEAKER. On the question, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

This has been a very long and grinding budget season, one that has challenged the best and most mature veterans here in the legislature. But let me say this: What we have before us is a revenue plan that is fair and balanced. It takes the interests of business, small business and the business community, into account. And it took out, as the gentleman from Allegheny said, some of the most unpopular taxes that we have seen – the small games of chance proposal, which would have taxed VFWs (Veterans of Foreign Wars) and fire halls across Pennsylvania; the arts sales tax exemption, which we heard from many nonprofits across Pennsylvania. From Erie to Hazleton and from Uniontown all the way across the State, we heard loud and clear from the arts community. That is out.

There are two pieces of revenue, though, that I think need to be mentioned, and that is that the other-tobacco-products tax on cigars and smokeless makes us the only tax, the only State that does not tax those products in the country. It is one that we must revisit. It is just not fair that those tobacco products are not in this.

Also, the severance tax, which is the natural gas extraction tax on the Marcellus Shale gas field. This is the most rich natural gas deposit in the country, and every State from Louisiana to Texas to Alaska and anybody who has natural gas has an extraction tax. This leaves us as the only State in the country who is willing to give up their natural resource – give up their natural resource – and not see any social benefit come back to the people of Pennsylvania.

Mr. Speaker, I am from the anthracite region where coal ravaged the environment. As these companies go through our forests and find natural gas and extract that product, we have to guarantee that the environment is protected, our forests are protected. We need to make sure that we readdress that issue going into next season, because rural Pennsylvania requires us to focus on that. But we did this the smart way. We guaranteed a delay in the capital stock and franchise tax, which the gentleman from Montgomery talked about. Some folks talked about what we did to advantage our opportunities to make sure that people pay on their tax amnesty plan. Those who did not pay their taxes get one more shot to pay. That seems fair. We get to collect those dollars and put it in. This is a very fair plan.

And let me say we heard from the public as well. There are no broad-based taxes within this plan – no personal income tax.

We heard from our conservative Democrats in the west; we took it off the table. No statewide sales tax; we took it off the table. This is a fair plan to cover a historic economic challenge that this Commonwealth faces.

And let me say I stand proud of the Democratic Caucus in this effort. This is a moment that faces Pennsylvania's challenge, faces the challenges that we need to make sure that our government operations run, that services for children and health care are covered, that our public schools are adequately funded. This is a responsible and modest approach. And on the spending side, which we will deal with later, I am hopeful. We kept our spending below last year's funding level, below 2009-2010, including State and Federal dollars.

There was no opulence here. There will not be any WAMs (walking-around moneys) in this budget, no discretionary spending. This is one of those moments where taking responsibility, taking responsibility and not just saying no, is the right thing to do.

So, Mr. Speaker, I am asking for a "yes" on concurrence, and let us move on with this budget season.

The SPEAKER. The Chair recognizes the gentleman from Greene County, Representative DeWeese.

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

Just a polite couple of minutes, an observation on a tax that we are not going to realize tonight and one that we should: Marcellus Shale.

I want to make sure that we hone in with a carbine, not a shotgun, figuratively speaking, on Marcellus Shale as the months unravel into winter and spring and come back to this chamber and do what West Virginia did last year – raise a half a billion dollars from the gas industry.

In a lighthearted vein on another night, I evoked the wonderfully evocative feminine voice of Sarah Palin. I also referred to those rough-hewn cowboys from Texas. If George Bush – you have heard it before but you are going to hear it again – and Dick Cheney from Wyoming and Sarah Palin from Alaska, God bless our Commonwealth, if they can tax their superabundant Marcellus Shale resources, why should we allow a trillion-dollar industry to not have some focus in this bill, in HB 1531?

I am going to concur because our revenue yields, whereas I said the other night, are paltry. And as I have said before, but I like the alliteration, from Beijing to Blair County, we need revenue. There are no broad-based taxes here. This is an adequate proposal, but we have to come back here. Republicans and Democrats alike, rural and urban and suburban, we need to come back here in the ensuing months and put a severance tax on Marcellus Shale. Then the next time we need to raise revenue, when our Federal stimulus dollars are not pouring into the Keystone State, when our pension obligations are giving us dire, dire straits, then we will have additional revenue. But more importantly, we will have a way to attack the depredations of brine water. We will have a chance to make certain that other parts of the Commonwealth do not have Dunkard Creek and massive fish kills.

So I appreciate the latitude that the Chair has allowed me to talk about taxes tonight and revenue raising. And I am sure that my good friend, Police Officer Vereb, wants me to move this along, so I shall out of deference to you, my good friend – an affirmative vote, and keep on charging for Marcellus Shale.

Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to belabor this much longer than it needs to be, but the reality is, there is not a single person in this chamber that likes to just go about increasing revenue for the sake of increasing revenue. But this State, like every other State in the nation, is facing a \$3.5 billion shortfall this year and the potential for more than that next year, and when the Federal stimulus money runs out 2 years from now, it will be triple that.

If we do not place some recurring revenues on the table today, we can go without day-care centers in this State; we can go without pre-K programs in this State; we can go without kindergarten programs in this State. We can go without health care for children; we can go without health care for seniors. You can continue this list on and on and on.

Some of my colleagues always want to say, is it not terrible what government does to us? But is it not wonderful, when you think about government as being a democratic form of representation, as representing what the people want, saying we actually want decent roads in our State; we actually want to make sure that 5-year-olds learn how to read; we actually want to make sure that senior citizens do not languish at home without health care.

The SPEAKER. The gentleman will stay on concurrence in Senate amendments.

Mr. STURLA. Mr. Speaker, this concurrence vote is about providing the revenue for those services. It is about providing the needed revenue to be able to fund the programs in this State that every citizen in this State says are important to them. And while some people, including some of my colleagues, would like to believe that we can fund those services and cut taxes at the same time, it is just not possible.

So wake up, welcome to reality, and let us vote "yes." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Representative Hutchinson, waives off.

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments?

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

(Members proceeded to vote.)

Mr. TURZAI. Sir, there is still a vote, somebody who is present who has not voted yet. Does he not need to be marked on leave?

The SPEAKER. The gentleman is not in his seat.

Mr. TURZAI. Is he on leave? Are you marking him on leave?

The SPEAKER. Have all the members voted?

Mr. TURZAI. Wait; he needs—

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, Representative DeWeese, who requests a leave for the gentleman from Chester County, Representative DRUCKER.

Without objection, the leave will be granted.

**CONSIDERATION OF HB 1531 CONTINUED**

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments?

The following roll call was recorded:

**YEAS—102**

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

**NAYS—96**

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

**NOT VOTING—0**

**EXCUSED—5**

Benninghoff	Miccarelli	Perry	Smith, S.
Drucker			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as further amended by the Senate to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

### BILL SIGNED BY SPEAKER

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

#### HB 1531, PN 2748

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 exclusions, for time for filing returns and for time of payment; in personal income tax, further providing for classes of income, reenacting provisions on contributions and further providing for operational provisions and for payment of withheld taxes; in corporate net income tax, further providing for definitions; in capital stock franchise tax, further providing for definitions and reports, for imposition and for expiration; in gross receipts tax, further providing for imposition; in cigarette tax, further providing for definitions, for incidence and rate, for floor tax, for liability for collection of tax, for the Health Care Provider Retention Account, for stamp to evidence tax and for commissions on sales and providing for return and payment of tax for unstamped cigarettes and further providing for sales of unstamped cigarettes, for possession of unstamped cigarettes and for other violations; in research and development tax credit, further providing for carrying of credit; providing for educational improvement tax credit; repealing tax amnesty provisions; providing for reduction of tax credits; providing for tax amnesty for fiscal year 2009-2010; providing for penalties for corporate officers and for examination of books and records; and making related repeals.

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

### PARLIAMENTARY INQUIRY

Mr. TURZAI. Mr. Speaker? Mr. Speaker?

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

Mr. TURZAI. A parliamentary inquiry, please.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. TURZAI. Mr. Speaker, just so that we have a clarification—

The SPEAKER. The gentleman will yield.

The House will come to order.

The gentleman will state his parliamentary inquiry.

Mr. TURZAI. Mr. Speaker, just for a clarification, it is our understanding, and we just want a ruling, that if there is a vote on the board, that that is what is before the House, the vote, can you shift to other business like leaves of absence while that is being done?

The SPEAKER. We do it regularly, all session, for both sides.

### DEMOCRATIC CAUCUS

#### APPROPRIATIONS AND RULES COMMITTEE MEETINGS

The SPEAKER. The Chair recognizes the majority leader for the purpose of an announcement.

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

For the Democrats, we are going to go straight to caucus. There will be thorough discussions on the general appropriations bill, HB 1416.

Also, there will be an Appropriations meeting after the Democratic caucus, to be announced. We will let you know what time that will be. And then right after that we are going to have a House Rules Committee meeting, and we will let the members of the Rules Committee know as well. If the members can be patient, we are trying to get our work done tonight.

For the information of the— One moment, Mr. Speaker. I apologize. The gentleman, Mr. Evans, the chairman of the Appropriations Committee, wants to do his Appropriations Committee meeting prior to the Democratic caucus in the majority caucus room. So if the members of the Appropriations Committee can make their way down, I would appreciate that very much.

The SPEAKER. The Chair thanks the gentleman.

So is that an immediate meeting of the House Appropriations Committee? Representative Evans?

Mr. EACHUS. Mr. Speaker, do you need clarification? Pardon me.

The SPEAKER. The gentleman, Mr. Eachus.

Mr. EACHUS. Once again, there is an Appropriations Committee meeting right now in the majority caucus room; after that, a Democratic caucus for the Democrats; and I told the members of the Rules Committee there will be a meeting on the call of the Chair.

The SPEAKER. The Chair thanks the gentleman.

So an immediate meeting of the House Appropriations Committee in the majority caucus room.

Mr. EACHUS. And we will be on the floor tonight on business, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### VOTE CORRECTION

The SPEAKER. For what purpose does the gentlelady from Lebanon, Representative Swanger, rise?

Mrs. SWANGER. Thank you, Mr. Speaker.

I would like to change my vote on HB 1607. It was incorrectly recorded as a "no," and I would like that vote to be a "yes," please.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

Mrs. SWANGER. Thank you.



**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna County, Representative Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 6 p.m. I would ask all Republicans to please report to our caucus room at 6 p.m. Thank you.

The SPEAKER. The Chair thanks the lady.

**VOTE CORRECTION**

The SPEAKER. Are there any further announcements?

The Chair recognizes the gentleman from Westmoreland County, Representative Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

I, too, would like to correct the record.

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

Mr. PETRARCA. I would like to correct the record on HB 1607. I wish to be recorded in the negative. Thank you.

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

**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 1877 and SB 904.

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 1877 and SB 904.

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

**BILLS REMOVED FROM TABLE**

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

SB 922;  
SB 1036;  
SB 1037;  
SB 1038;  
SB 1039;  
SB 1040;  
SB 1093;  
SB 1094;  
SB 1096;  
SB 1097;  
SB 1098;

SB 1099;  
SB 1101;  
SB 1102;  
SB 1103;  
SB 1104;  
SB 1105;  
SB 1106;  
SB 1107; and  
SB 1108.

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

**RECESS**

The SPEAKER. This House stands in recess until the call of the Chair.

**AFTER RECESS**

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

**RULES COMMITTEE MEETING**

The SPEAKER. There will be a meeting of the House Rules Committee at 7:45 in the House majority caucus room. There will be a meeting of the House Rules Committee at 7:45 in the House majority caucus room.

**RECESS**

The SPEAKER. This House stands in recess until the call of the Chair.

**AFTER RECESS**

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

**LEAVES OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence of the gentleman from Centre County, Representative Benninghoff, on the floor. His name will be added to the master roll.

The Chair also notes the presence of the gentleman from Chester County, Representative Drucker, on the House floor. His name will be added to the master roll.

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

**SB 1100, PN 1422**

By Rep. D. EVANS

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

APPROPRIATIONS.

**BILLS REREPORTED FROM COMMITTEE****HB 1684, PN 2773** (Amended) By Rep. D. EVANS

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

## APPROPRIATIONS.

**HB 1685, PN 2774** (Amended) By Rep. D. EVANS

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

## APPROPRIATIONS.

**HB 1686, PN 2775** (Amended) By Rep. D. EVANS

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

## APPROPRIATIONS.

**HB 1687, PN 2776** (Amended) By Rep. D. EVANS

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

## APPROPRIATIONS.

**HB 1689, PN 2777** (Amended) By Rep. D. EVANS

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

## APPROPRIATIONS.

**HB 1690, PN 2778** (Amended) By Rep. D. EVANS

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

## APPROPRIATIONS.

**HB 1691, PN 2779** (Amended) By Rep. D. EVANS

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

## APPROPRIATIONS.

**HB 1704, PN 2780** (Amended) By Rep. D. EVANS

An Act making appropriations to the Trustees of the University of Pennsylvania.

## APPROPRIATIONS.

The SPEAKER. Those bills will go to the House calendar.

**BILL ON CONCURRENCE  
REREPORTED FROM COMMITTEE****HB 1416, PN 2772** (Amended) By Rep. EACHUS

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide for the additional appropriation of Federal and State funds from the General Fund, from the State Lottery Fund and from the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2008 to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; and making interfund transfers for the fiscal year July 1, 2008, to June 30, 2009.

## RULES.

The SPEAKER. That bill will go to the House supplemental calendar.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1100 be removed from the tabled calendar.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1100 be recommitted to the Committee on Appropriations.

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

**MOTION TO PROCEED TO CONSIDERATION  
UNDER RULE 21**

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

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, pursuant to rule 21, I rise to seek House approval to proceed on concurrence and final passage of HB 1416, the State spending plan, less than 24 hours after it was last amended in the Committee on Rules, as there has been sufficient time to review the language of the bill. Again, I am seeking approval to proceed on concurrence and final passage of HB 1416.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Eachus, has made a motion to proceed under rule 21, which would require a two-thirds vote of this House of Representatives to move forward.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, all I want to do is to clarify that it will not go past 11 o'clock. We support the suspension, but we do not want to go past 11 o'clock. So a motion to suspend will not bring us past 11 o'clock; that is all I want to hear.

Mr. EACHUS. I am happy, sir, not to go past 11 o'clock. I appreciate your suspension motion, but if the members are efficient with their time, we can get this done on the 99th day, tonight, before 11 o'clock. So thank you, Mr. Speaker.

Mr. CIVERA. I could not agree with you more, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, to go beyond 11 o'clock would require the suspension of rule 15. Mr. Eachus is not suspending any rule; he is just asking for a motion to go forward, which takes a two-thirds vote of the House of Representatives. To go beyond 11 o'clock would take a motion to extend under rule 15. This only deals with rule 21.

Those in favor of the motion to extend— On the motion, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the motion stand for a brief inquiry?

Mr. EACHUS. Yes, Mr. Speaker.

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

Mr. VITALI. I just want to be clear. To your knowledge, is a copy of the bill we are voting on in physical print right now? Is there a physical paper bill of this right now?

**POINT OF ORDER**

Mr. EACHUS. Mr. Speaker? Mr. Speaker? Point of order.

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

Mr. EACHUS. Rule 21, Mr. Speaker, deals with final action, not on debate.

The SPEAKER. The gentlemen, Mr. Vitali and Mr. Eachus, will they come to the desk, please?

On the motion to proceed, does the gentleman, Representative Vitali, request any further recognition?

Mr. VITALI. I would like to proceed with my inquiry, if I may.

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

Mr. VITALI. I am happy to withdraw my objections if I could have an assurance from the majority leader that a vote will not be conducted tonight. If I can have that assurance, I will withdraw my objection.

Mr. EACHUS. Mr. Speaker, if the debate is completed before 11 o'clock, we are going to move forward with this measure this evening.

Mr. VITALI. Thank you, Mr. Speaker.

May I continue my interrogation then of the majority leader?

The SPEAKER. The gentleman is in order on interrogation.

Mr. VITALI. I just want to be clear. The bill we are voting on tonight was the bill that was amended in Rules at approximately 8:30 tonight? Is that it?

Mr. EACHUS. Yes, sir. I think you have it in your possession.

Mr. VITALI. Okay. It is also safe to say that right now you do not have a copy of HB 1416 which incorporates the amendment. You simply have the amendment. Is that correct?

Mr. EACHUS. You have the amendment as it was adopted in Rules.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the motion.

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

Mr. VITALI. Mr. Speaker, I understand what the majority leader is trying to do. I think we set a very bad precedent and we go back, in my view, to the sort of pre-pay-raise reform days when we start to deal with bills as important as this without the opportunity, at probably close to 11 at night, without the opportunity to truly read it, without the opportunity for public input. I just think this is the wrong way to go on a bill like this. I have no problems debating this bill for the next couple of hours, but once we get to 11, to suggest it is the proper thing to do to vote this at that point, I cannot agree with that. So because I have not gotten the assurance from my majority leader that we will not vote it tonight, I cannot support this motion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—160

Adolph	Donatucci	Kortz	Readshaw
Baker	Drucker	Kotik	Reed
Barbin	Eachus	Krieger	Reese
Barrar	Ellis	Kula	Rock
Bear	Evans, D.	Lentz	Roebuck
Belfanti	Evans, J.	Levdansky	Ross
Benninghoff	Everett	Mahoney	Sabatina
Beyer	Fabrizio	Major	Santarsiero

Bishop	Fairchild	Manderino	Santoni
Boback	Fleck	Mann	Saylor
Boyd	Frankel	Markosek	Scavello
Boyle	Gabig	Marshall	Seip
Bradford	Gabler	Marsico	Shapiro
Brennan	Galloway	Matzie	Siptroth
Briggs	Geist	McGeehan	Smith, K.
Brown	George	Melio	Smith, M.
Burns	Gerber	Metcalfe	Solobay
Buxton	Gergely	Micozzie	Sonney
Caltagirone	Gingrich	Miller	Staback
Carroll	Godshall	Mundy	Stern
Casorio	Goodman	Murphy	Stevenson
Causser	Grove	Myers	Sturla
Civera	Grucela	O'Brien, D.	Swanger
Clymer	Haluska	O'Brien, M.	Taylor, J.
Cohen	Harhai	O'Neill	Taylor, R.
Conklin	Harhart	Oberlander	True
Costa, D.	Harkins	Oliver	Turzai
Costa, P.	Harris	Pallone	Vulakovich
Cox	Helm	Parker	Wagner
Creighton	Hess	Pashinski	Walko
Cruz	Hickernell	Payne	Wansacz
Curry	Hornaman	Payton	Waters
Daley	Houghton	Peifer	Wheatley
Dally	Hutchinson	Perzel	White
Deasy	Johnson	Petrarca	Williams
DeLuca	Josephs	Phillips	Youngblood
Denlinger	Keller, W.	Pickett	Yudichak
DePasquale	Kessler	Preston	
Dermody	Killion	Pyle	McCall,
DeWeese	Kirkland	Rapp	Speaker
DiGirolamo	Knowles		

NAYS—40

Brooks	Hanna	Millard	Roe
Christiana	Harper	Milne	Rohrer
Cutler	Hennessey	Mirabito	Sainato
Day	Kauffman	Moul	Samuelson
Delozier	Keller, M.K.	Murt	Schroder
Farry	Longietti	Mustio	Tallman
Freeman	Maher	Petri	Thomas
Gibbons	McI. Smith	Quigley	Vereb
Gillespie	Mensch	Quinn	Vitali
Grell	Metzgar	Reichley	Watson

NOT VOTING—0

EXCUSED—3

Miccarelli	Perry	Smith, S.
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A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

**SUPPLEMENTAL CALENDAR C**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1416, PN 2772**, as further amended by the House Rules Committee:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal

year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide for the additional appropriation of Federal and State funds from the General Fund, from the State Lottery Fund and from the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2008 to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; and making interfund transfers for the fiscal year July 1, 2008, to June 30, 2009.

On the question,  
Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. On that question, the Chair recognizes—  
On the question, those in favor will vote—

**POINT OF ORDER**

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Point of order, Mr. Speaker.

The bill is not on the screen. It is my understanding that we do not proceed with voting until we have the bill before us on the computer screen.

The SPEAKER. The gentleman is correct. We are waiting for the full bill to show on all of the members' screens. We do have printed copies of the amendment, however.

On the question before the House, the Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

The hour is late. The question appears to be decided, but I want to put this on the record.

The SPEAKER. Will the gentleman yield.

For the information of the members, this is a general appropriations bill. There will be a 5-minute rule on the general appropriations bill, on debate. Sorry for interrupting the gentleman. The gentleman may proceed.

Mr. BARBIN. Thank you, Mr. Speaker.

Tonight I rise in support of final passage of HB 1416. This bill fails to maintain veterans' benefits in a time of war. This bill fails to maintain nursing-care benefits of \$2,923,000. It deletes a line item for Scotland School in the amount of \$10,487,000. At the same time, this bill provides \$15 million for corrections for medical inmate care and provides \$173 million of stimulus money for corrections.

My purpose in rising is only this: This is not Pennsylvania's best day. This is not Pennsylvania's best budget. Until Pennsylvania recognizes that citizen soldiers are the reason we

are here passing these laws, then we have a problem, because every day we do a budget like this, we make the Commonwealth weaker.

With that said tonight, the interest of my district and the 12 million Pennsylvanians that have waited 99 days for a budget demand that this budget be passed. I will only say this: I will dissent tonight from how we have decided to spend our money, and I will tell you that I will continue the 9-month battle that I have had to restore these benefits. I will continue the battle because it is the right thing to do.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative Turzai.

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

Here we are, October 7, and finally a real budget bill has been placed before the House without any gimmicks. It is, however, a budget bill that we should oppose. The House Republicans, in HB 1943, which was filed in August and which was in amendment form in early summer, is a bill that we never got a chance to vote on. Let me contrast the two.

The bill we are going to vote on today, HB 1416, relies on increased taxes during a recession to the tune of over \$1 billion. Our caucus proposal, which we honestly believe would have gotten many votes from the other side of the aisle if it would have ever been run, had a zero tax increase, zero tax increase.

Second, the bill that we are about to vote on, HB 1416, depletes every reserve dollar you can think of that the State of Pennsylvania might have: It takes all, almost \$800 million of the Rainy Day Fund and uses it in 1 year; it takes money in 1 year from the doctors' liability insurance, Health Care Provider Retention Account, to the tune of \$700 million; it goes after the Mcare Fund, to the tune of over \$120 million; for the first time ever, it actually takes away principal from the Tobacco Settlement Fund and it uses it all up in 1 year, in addition to the tax increase. Our proposal responsibly uses the Rainy Day Fund over 2 years' time. It only used a little bit of the Health Care Provider Retention Account. It did not deplete the entire amount. It saved some for the physician quality care in Pennsylvania. It did not touch in any way the Mcare Fund, which is funded in large part by the physician community themselves. And it did not, it did not do the unprecedented act of stealing money from the Tobacco Settlement Fund. That is part of the contrast.

Third, I guess we will see, but the Civera bill, 1943, our proposal, made it absolutely clear it was a reform-minded budget. In a time when families are tightening their belts and we are trying to tighten Pennsylvania's government belt, it was reform-minded in that it had zero walking-around money, no discretionary money. There have been identified already by our colleagues across the aisle walking-around-money lines in this particular bill. It is not a completely reform-minded bill, and I cite the press release issued by the Democrats the other day. Our bill, Chairman Civera's bill, says, how do we live within our means? What are families in Pennsylvania doing? What are businesses, small businesses in Pennsylvania doing? What are they doing when they sit around the kitchen table with respect to their family finances? You know what, during this recession they are looking at their finances and they are saying, we have to tighten our belts; we have to live within our means; we have to look at exactly what the money is that is coming in and spend accordingly. That sort of responsibility is what Chairman Civera

did. This bill contrasts with the spending without tightening its belts on the other side.

Finally, finally, our bill, the House Republican bill, makes it clear, makes it absolutely clear that we want to move Pennsylvania forward and live responsibly. The House proposal that is being put up in 1416 says, no, we are going to steal every dollar; we are going to increase taxes; we are not going to live within our means, and that is not reform-minded. There are significant contrasts.

I would urge everybody here to vote "no" on 1416 and ask for 1943 to ultimately get its day. It is the responsible approach. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Butler County, Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I stood on the floor last year during the budget debate and cited comments that were made by some of our colleagues in the Senate as far as how last year's budget was guaranteed to create about a billion-dollar deficit. That billion-dollar deficit that was fully anticipated during last year's budget debate ballooned to over a \$3 billion deficit, Mr. Speaker. Mr. Speaker, as we consider this budget proposal here tonight, a spend of about \$27.8 billion, spending \$27.8 billion when revenue estimates were in the \$25 1/2 billion range, with the first 3 months of this year being over \$100 million under the estimate, Mr. Speaker, Mr. Speaker, this budget is setting us up for another deficit next year as much as if not more than last year's budget did for this current year.

Mr. Speaker, citizens across this State have been rising up and expressing their dissatisfaction with the irresponsible actions of government at the Federal level and at the State level and at all levels, government that is not living within its means, government that is demanding more and more from the taxpayers, Mr. Speaker, putting a burden that is greater and greater on the backs of taxpayers to carry as they try to make ends meet in a bad economy. Mr. Speaker, as tens of thousands of Pennsylvanians have lost their jobs and are wondering where their next job will be, possibly not even in Pennsylvania now for them, this budget, Mr. Speaker, is a very irresponsible budget and it is a very callous action toward the many people that are trying to pay for this government and deserve to be served by this government, Mr. Speaker.

Mr. Speaker, just basic math tells you that you cannot spend almost \$3 billion more than you are supposed to bring in. I know you can play all the numbers games, you can drain Rainy Day funds, you can raid the doctors' Mcare Fund, which will be found out at a later date whether or not that is even going to be allowed, Mr. Speaker. But, Mr. Speaker, this budget here tonight is an irresponsible budget, and, Mr. Speaker, only in government could so many leaders get away with carrying forth with such an irresponsible action without hearing the words "you're fired." This would not happen in the private sector, Mr. Speaker. It should not happen in government. We should be balancing the budget in a way that does not create yet another deficit, in a way that does not spend above and beyond our means, especially at such a great magnitude, Mr. Speaker.

Mr. Speaker, I urge our membership to vote "no" on HB 1416 because it is not a responsible budget.

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, HB 1416 on concurrence, if we go back to when the Governor made his budget address in February and his request, exactly how he wanted a spending plan contoured into a budget that we would be able to live with. From June until today, we have carved out two different types of budgets than HB 1416 provides. We have carved out one plan that you would live within your means, spend what you can afford, just like your everyday household does, programs that you could support without increasing taxes. Then we adopted another plan, this caucus did, because we wanted to further what our education beliefs were in our school districts, and we carried through with that. This spending plan that we have before us tonight costs a lot of money, and we talked about that prior to when the Tax Code vote was taken. We did not need to do what we are doing tonight with this type of a plan. We had enough resources that we could have had a spending plan, and that was HB 1943, unfortunately, we were never able to bring the bill to the floor. Mr. Speaker, this particular bill, in the way it is designed and how it works, takes all of our reserve accounts and they use them in this year's spending plan.

Now, let me ask you a question. If you had a business and you were working at that business every day and you had so many employees that you employed that depended on you for a livelihood, would you spend it in this nature? Would you take this money, take all your reserves out of your accounts and say, I am going to give it all, and if it does not work, I am out of business? I do not think so. I do not think so when you can come in with an alternative plan, when you can come in with a plan that everybody could live with. We did not cut the school districts that drastically in that other plan. When the Federal money is gone and the way this plan goes, what does this State do? How do they make up the difference? How do they make up the difference? Either you raise the local property taxes or you are going to raise taxes that you never saw in this Commonwealth before. Beware of what you are doing here tonight. You are in dangerous waters. We tried to say that.

Back in June when we thought because of the way the economy was and the revenues that we needed, we predicted, we predicted that there would be a PIT (personal income tax) put on the table, that we would be talking about an increased sales tax. At this podium, as we spoke here day in and day out that we would be against those proposals because they were too advanced, too high as the dollar is concerned in how you provide money for the Commonwealth. Tonight I realize we are on the 99th day and we have to adopt a budget, we cannot go on any longer, and that is correct, the people of Pennsylvania have put up with enough. They have put up with enough.

So this plan will probably be adopted, but it could have been another plan. I urge you tonight to really take a look at this. This is not really what Pennsylvania needs. Thank you, Mr. Speaker. I ask you not to concur with HB 1416. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

As this is the most important vote we will take this year, it is important to have a full debate and discussion on the issue. So I think we should just resist the temptation to roll it. I just think it reflects poorly on us as legislators and the seriousness of the job before us.

Mr. Speaker, I would like to hit a couple of points, but I think the point I am most disappointed with in this budget is how we simply have sold out the environment, sold out environmental protection. Mr. Speaker, I understand how you have to cut all the line items or most of the line items in a tough budget year, but I think the viciousness of the cuts to the Department of Environmental Protection reflects more an attitude, a contempt for environmental protection, than it does the need to marshal scarce resources.

Mr. Speaker, there is almost a 31-percent cut in environmental protection. We go from \$229 million to \$159 million. That is totally disproportionate to many of the other cuts in this budget. Mr. Speaker, that is going to make many of the programs we fought so hard for to simply shut down, programs like the Keystone HELP Program and the Small Business Energy Program, which we fought so hard for last term in implementing the Governor's energy independence strategy, West Nile virus and black fly abatement, sewage enforcement grants. Mr. Speaker, this is going to result in personnel being cut and programs being cut. Mr. Speaker, when there are less inspectors, when there are less people issuing permits, it is easier to have shoddy environmental protection occur like the Dunkard Creek kill that we saw several weeks ago as a result of frack contamination.

Mr. Speaker, we can do better than this. I have been around a long time, and between these deep, deep DEP cuts and what I fear will be happening to our State forests by excessive drilling, I think we are on track to have perhaps the most important year, the most damaging year for the environment since I have been up here.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Representative Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I stand here to oppose the bill on concurrence for two reasons. Number one and most simply, if we vote this amendment, which was just changed a couple hours ago, before 11 o'clock tonight, shame on us. Shame on us because it is a 130-page document that you had to hop around the entire Capitol begging and trying to grab because it is not available and it is not on our computers. Now, tomorrow when we all wake up and this debate is still continuing, I still encourage the members not to vote for this budget bill. This budget bill recognizes, in part, the hard times we are in, but in my opinion, it relies too much on two sources of one-time revenues that are very dangerous. One deals with the physicians retention account. The doctors and hospitals have already prepared their lawsuit and will be filing it the moment this document becomes law.

In my opinion, they will win their lawsuit, and if they do, we will instantly have an \$800 million hole in our budget. The second thing that this budget does that is very, very dangerous is use our entire Rainy Day Fund. Everyone knows at home that when you are in tough times, you do not spend your entire savings account. There is no one I know that is projecting that next year's fiscal year will be rosy, and yet here we are spending every last cent of savings we have, with nothing to be used for the next fiscal year. Those two provisions alone make this a very dangerous budget and a very irresponsible budget.

I believe we will be joining the other States very shortly in having to reopen our budget. We may even have the same fate as Ohio, which has had to open their budget twice, once to cut expenses and the second time to find new tax revenue.

There was an opportunity to avoid both of these dangerous courses. Unfortunately, a majority of people in this chamber disregarded that opportunity. We could be sitting here with a budget, while slightly leaner and certainly with cuts that none of us want to make, we would have half the money available in the Rainy Day Fund and we would not have taken money from the physician retention account that we promised would be used to reduce our unfunded mandate. Every businessman I know, every homeowner I know in my district has had to do things they did not want to do. Many are still contemplating that. I take the little businessman around the corner who is probably going to have to lay off long-term employees. Do you think he wants to do that? But he needs to do it so that he does not have to close the entire business. The Commonwealth is no different. If we do not take responsible action this year, there will be a price to pay next year and it will be one that all of us will suffer through.

I would urge the members to strongly consider, whatever you do, do not put up a vote for this budget tonight and do not do it tomorrow. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Representative Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, we are here, as we all know, for perhaps the most important vote we are going to make this year. It is a vote that we have waited a long time to come and to do. I remember a couple of weeks ago when the Senate had their press conference, one of the Democratic Senators made a comment that a good budget is a budget that is good for this year, good for next year, and good for the year after, and better to have it right and late than not. Mr. Speaker, I absolutely, 100 percent believe, in all my heart, that this budget is not only bad for this year, it is worse for next year, and it is a disaster for the year after. This budget is also late, but it is not right. Well, Mr. Speaker, we have heard some of the reasons why, and I want to give just a couple of those here to make sure that it is on the record.

A year ago I stood here when we were passing the budget – actually, more than a year ago – and I made a comment that the budget was out of balance at that point because the number that was used and certified out of the Governor's Office exceeded what was reasonable, legitimate, and what the numbers were already showing, basically overstating the revenue. I said at that point that we would be at least \$1 billion out of whack. A Democrat Appropriations staffer on the Senate side said it would be about \$2 billion. We were both wrong; it was 3.2. Mr. Speaker, I stand and say again here today, if this budget is passed as it is identified and laid out, we will immediately begin to go into a deficit position the day after it passes. Now, why I say that is this; it is because of this: The revenues remain overstated. The numbers that are in this budget and what the Governor has stated is that we will bring in revenue equal to what we brought in last year of \$25.56 billion. Mr. Speaker, it just will not happen. We are 3 months into the year now. We are just under \$500 million behind where we were here last year. It is about 8 percent under actual receipts this time this year compared to this time last year.

The next 3 months will be— They are already history. From the standpoint of where we will be, it is not possible that we will stand here and bring in what we brought in this last year. What do I think it is going to be? I think if we do not estimate a minus 5 percent, realistically, we will have overstated this budget. That is a little over \$1 billion, Mr. Speaker.

Secondly, I think that we have done other things that are dangerous. We have cleaned out, as we know, every crumb from every cupboard of State government. The Rainy Day Fund has been depleted, and I believe unstatutorily, and frankly, we have not even done that yet. So we are talking about passing a budget, and frankly, all the numbers are not even in because we have not even debated that bill yet.

Not only that, there has been no provision made whatsoever for when the stimulus funds disappear of \$2 1/2 billion, approximately, and they are going to disappear. Mr. Speaker, also we have not, and I know we have not wanted to talk about it, but the fact of it is, we are dealing with budgets here. We have not even taken into account other known expenses, such as what? Yes, that lousy word "pensions." We have not debated that. We have not made any provision for it, yet we know the expense is there and this budget should have, in some way, addressed a known expense that is coming towards us. In addition to that, we have GASB 45 requirements. If somebody talks about it too much, we have a requirement. It is not in this budget.

So, Mr. Speaker, in summation I will say this: The revenues in this budget are overstated, the expenses are understated, and no matter how you cut it, I believe that without a doubt this budget is not in balance. We will show a deficit position the day after we pass this budget. This budget is not good for this year, it is worse for next year, and, Mr. Speaker, it is disaster for the year after. That is not how you put together a responsible budget, where the people of the State and the businesses of the State are going to have to pick up that tab. Mr. Speaker, we could have and we should have done better.

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me start off by saying, this is your first term as Speaker; majority leader, this is his first involvement in the budget process; and the leadership team is fairly new with the experience of the Appropriations chairman. I think that you have done a stellar job. I think that you have worked hard and gave all that you had to try to bring us to this point. Mr. Speaker, I am moved by the fact that I have been here every day, all 99 or 100 days. I started earlier in the year making it very clear that there were some things that we had to accomplish in this tight situation.

Mr. Speaker, where I come from it has the third highest poverty in the United States, not just in Pennsylvania but in the United States. Where I come from there are schools that are deteriorating and falling apart. Where I come from there are people who work, but through no fault of their own, through their business relocating, through the economy, they are now faced with very desperate circumstances. And so, Mr. Speaker, I asked early on that we amend the job training, the employment, and the economic development projects in the budget to target, to target 18- to 24-year-olds, target people who are displaced, target people who have been trying to find a job but have been unable to find a job, because, Mr. Speaker, I believe, and I am one of seven children raised by a single

mother who learned early on how to take a little bit and spread it out so that you get the maximum out of what you have. I have learned that. I am a single parent. I raised twin boys. They will be 31 this year, and there were days that I did not have a lot to work with, but I worked with what I had to make sure that my boys got the best that they had. In addition to that, I raised my niece from the time she was 2 years old, did two tours of duty in Iraq.

Mr. Speaker, my point is this: We cannot, cannot move forward with this budget in the absence of a comprehensive job development program. Pennsylvania is witnessing over 10 percent unemployment in many of our communities. There are people who are displaced. There are people who are hungry, and I can go through a whole list of job training programs that have been cut, programs for basic education, lifelong learning. I can go on and on and on.

Mr. Speaker, I have stood up and voted for the Fiscal Code so that we could deal with the deficit that we are facing, but I cannot in good faith— A writer once said that if a man or woman does not have anything to stand for, then they will fall for anything. I cannot in good faith concur in 1416, knowing, knowing the situation as it is in my county and across Pennsylvania and put up a green vote, put up a "yes" vote for HB 1416. I cannot look myself in the mirror and face tomorrow knowing that I had an opportunity to make a difference and I sold out and just did something, just went along to go along.

Mr. Speaker, we need serious changes in our situation here in Pennsylvania. I hope that as we approach this in 2010 that we do a better job, that we reach a better conclusion than the one that we have reached this evening. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Clearfield County, Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

There is not anything I can say that has not been said previously. The only thing I would like to do, sir, in my 5 minutes is to say it a little differently. First of all, I do not know who of you have been fortunate through your lives that you have been able to run your homes and not need to look for the dollar, not worry about whether you got a raise, or not worry about making ends meet. I do not know how many of you have ever had more money in your hand than what your wives gave you out of your paycheck. I do not know this, but if they listen a minute, maybe, Mr. Speaker, they will know that this local farm boy has seen tough times. In this country if you have an opportunity, then you can eliminate tough times.

I have heard the Governor bashed continually, and I do not know who has done more for education than Gov. Ed Rendell. In fact, he put a lot more money in the budget insisting on it than those that are condemning him did, and the money is still there, millions more for education. I hear people talking about what is going to happen to the real estate taxes. I wonder, too. I also wonder what would happen to school taxes if Governor Rendell did not put more money in there. I heard somebody say a while ago, Mr. Speaker, about the DEP budget. Nobody, I dare say, is any more inclined to fight for clean air and clean water than Bud George. I have heard many people say they come from an area where the environment was abused. I must be losing you, Mr. Speaker, because they are speaking louder

than me, but let me say this in conclusion. Governor Rendell has done more for clean water, more for the environment, more for putting water, more for alternative energy than any Governor I have worked for, and I have worked for six.

So let me say this: Tonight I got a call about community action and they are concerned about money for LIHEAP (Low-Income Home Energy Assistance Program). You know, I am concerned that we have not passed a budget yet and that same outfit up there is not hauling in their buses people that need dialysis treatments three times a week. So if you would listen a little, which one of you, if your area was doing that, would not be concerned? There are things that we do not have at the moment that, God willing, we will get at the next moment. The truth is, this is no time to put more burdens, more trouble upon those who through no fault of their own do not have the same advantages we do, being their Representatives, to have a steady paycheck, to have these things that are so necessary that we want for our families, to be able to educate our kids and see to it that they become better than we are.

So, Mr. Speaker, let us quit the joking around, and let us quit glorying that somebody else lost, and let us just say this in final: Let us pass a budget. Then we have months to make any correction, and hopefully there will be more money around. Let us get these people to dialysis training. Let us let these people get the advantage that we owe them if we can help them.

Mr. Speaker, there are a thousand things that I do not like in this budget, but there is one thing we all like, and that is those people we represent that we need to help, so let us help them by passing a budget and getting this stalemate off our heads. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Any further members seeking recognition?

The Chair recognizes the gentleman from Northampton County, Representative Samuelson.

For the information of the members, we will not vote the bill until the amendment is on your screens. So whatever time it takes to get that on the screens is when we will vote the bill.

Does the gentleman, Mr. Samuelson, seek recognition?

The Chair recognizes the gentleman from Northampton County, Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Tonight you have heard several speakers talk about what is wrong with this budget, and I wanted to point out a few things that are good about this budget. Now, we know, everyone in this room knows that we faced a very difficult fiscal challenge this year. On June 30 we had a year-end deficit of \$3.2 billion. So we knew that there were going to be cuts in this budget. Much of the negotiations between the House and the Senate this summer were not over whether there would be cuts, but the magnitude of the cuts in certain programs. I wanted to highlight a few areas where these negotiations between the House and the Senate have produced some progress from where our friends in the Senate started out earlier this summer.

You and I remember that back at the beginning of this budget process, the Senate passed a budget, SB 850, which had some devastating cuts in many areas, devastating cuts to our public libraries, devastating cuts to arts programs across Pennsylvania, and devastating cuts to early childhood programs. Well, let us compare the Senate budget that we started with with



this final negotiated compromise budget that is before us. On public library funding, this House of Representatives, in July, voted to try to limit the cut in public library funding to 10 percent in a very difficult budget year. We know that our State Senators at that point were advocating a 51-percent cut in library funding. I spoke previously at this podium about how devastating that 51-percent cut would have been for public libraries across Pennsylvania. Well, in the negotiations that followed, the House was holding firm to trying to limit the library cut to 10 percent. Our Senate moved from 51 percent to 34 percent, and now in the document that is—

The SPEAKER. The gentleman will suspend. Stop the clock. The House will come to order. The gentleman has a right to be heard. The House will come to order. The House will come to order.

The gentleman, Mr. Samuelson, may proceed.

Mr. SAMUELSON. Thank you.

So the Senate had started with a 51-percent cut in library funding, they negotiated up to a 34-percent cut, and in the budget that is before us, the final negotiated compromise, the reduction in library funding is 21 percent in a very difficult budget year. You know my passion on behalf of our public libraries. I would have preferred the 10-percent reduction that the House had voted earlier this summer, but in these very difficult negotiations, this is the final compromise and I can say that at least we have defeated what the Senate wanted to do in the drastic 51-percent cuts in public library funding.

There is also progress to report in the arts. You remember the arts debate that we had this summer, where the House had voted for an 8-percent cut in arts funding in Pennsylvania and the Senate voted twice for total elimination of arts funding in Pennsylvania. You heard me correctly, the Senate had voted for total elimination of arts funding in Pennsylvania. Well, in the negotiations that ensued, we were seeking \$14 million, they were seeking zero. This compromise before us this evening, there is \$11 million for grants to the arts all across Pennsylvania. You know programs in your communities. I know programs in my communities that are very successful and depend on this funding. We have preserved that funding, and I have to commend the House of Representatives for standing up for the arts.

My final point is that early childhood education, where this House stood firm and supported preschool funding, supported Head Start funding, while the Senate was seeking 50-percent cuts, this House stood firm and the end result that we are voting on this evening is that there has been level funding. The funding for pre-K has been preserved at the same level as last year. The funding for Head Start has been preserved at the same level as last year. So I commend my colleagues in the House of Representatives for standing up for the libraries, for standing up for the arts, and for standing up for early childhood education. The results of the positions you have taken this summer are reflected in the final negotiated compromise and are reflected in this final budget that is before us this evening.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

Day 98 is coming to a close. It is time to move this process forward. I would ask everybody, please, let us have an affirmative vote and let us get this deal done.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Luzerne County, Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, we are on the doorstep of having this budget done and there is a lot in this budget that we do not all agree with, but I think back to the stimulus package that was passed by our U.S. Congress and signed by our President that was ridiculed by some. I cannot even imagine where we would be if not for the stimulus package that was enacted in Washington earlier this year. In my view, the stimulus package that was presented to our nation and to the 50 States saved us from even deeper cuts that we would have endured, and I am thankful to have those extra dollars that minimized the impact to libraries and to schools and to medical assistance and to all sorts of programs that we fund in this State.

I look forward to trying to come back and work on a budget that will add money to libraries, add money to Act 101, add money to other programs that are important to our citizens, but I am thankful for the stimulus money that we enjoy as a result of the actions in Washington.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Any other members seeking recognition?

#### BILL PASSED OVER TEMPORARILY

The SPEAKER. We will go over HB 1416 temporarily.

#### CALENDAR CONTINUED

#### RESOLUTIONS PURSUANT TO RULE 35

Mr. BUXTON called up **HR 477, PN 2720**, entitled:

A Resolution designating October 15, 2009, as "Conflict Resolution Day" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Miccarelli Perry Smith, S.

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

\* \* \*

Mrs. WATSON called up **HR 480, PN 2730**, entitled:

A Resolution recognizing the week of October 18 through 24, 2009, as "National Teen Driving Safety Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans, J.	Levdansky	Reed
Baker	Everett	Longiatti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Miccarelli Perry Smith, S.

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

\* \* \*

Mr. DALEY called up **HR 493, PN 2756**, entitled:

A Resolution recognizing the week of October 11 through 17, 2009, as "Credit Union Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Miccarelli	Perry	Smith, S.
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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Mr. MILLER called up **HR 492, PN 2755**, entitled:

A Resolution designating the week of October 25 through 31, 2009, as "Juvenile Detention Centers Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Miccarelli	Perry	Smith, S.
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

DiGirolamo  
Ellis  
Evans, J.  
Everett  
Fairchild

Killion  
Knowles  
Krieger  
Maher

Phillips  
Pickett  
Pyle  
Quigley

Turzai  
Vereb  
Vulakovich  
Watson

**SUPPLEMENTAL CALENDAR C CONTINUED**

NOT VOTING—0

**CONSIDERATION OF HB 1416 CONTINUED**

EXCUSED—3

On the question recurring,  
Will the House concur in Senate amendments as amended by the Rules Committee?

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

Miccarelli Perry Smith, S.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

The following roll call was recorded:

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

YEAS—107

Barbin	Eachus	Lentz	Sainato
Belfanti	Evans, D.	Levdansky	Samuelson
Beyer	Fabrizio	Longiotti	Santarsiero
Bishop	Frankel	Mahoney	Santoni
Boyle	Freeman	Manderino	Seip
Bradford	Galloway	Mann	Shapiro
Brennan	George	Markosek	Siptroth
Briggs	Gerber	Matzie	Smith, K.
Brown	Gergely	McGeehan	Smith, M.
Burns	Gibbons	Melio	Solobay
Buxton	Godshall	Mirabito	Staback
Caltagirone	Goodman	Mundy	Sturla
Carroll	Grucela	Murphy	Taylor, J.
Casorio	Haluska	Myers	Taylor, R.
Cohen	Hanna	O'Brien, D.	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.	Perzel	Williams
DeLuca	Kessler	Petrarca	Youngblood
DePasquale	Kirkland	Preston	Yudichak
Dermody	Kortz	Readshaw	
DeWeese	Kotik	Roebuck	McCall,
Donatucci	Kula	Sabatina	Speaker
Drucker			

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus, for the purpose of an announcement.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members, for the Democrats, there will be a 9:30 caucus, very short, and we will be on the floor at 10 a.m. for floor action; 10 a.m.

The SPEAKER. There is a 9:30 caucus, 10 o'clock on the floor. The Chair thanks the gentleman.

NAYS—93

Adolph	Farry	Major	Quinn
Baker	Fleck	Marshall	Rapp
Barrar	Gabig	Marsico	Reed
Bear	Gabler	McI. Smith	Reese
Benninghoff	Geist	Mensch	Reichley
Boback	Gillespie	Metcalfe	Roae
Boyd	Gingrich	Metzgar	Rock
Brooks	Grell	Micozzie	Rohrer
Causar	Grove	Millard	Ross
Christiana	Harhart	Miller	Saylor
Civera	Harper	Milne	Scavello
Clymer	Harris	Moul	Schroder
Cox	Helm	Murt	Sonney
Creighton	Hennessey	Mustio	Stern
Cutler	Hess	O'Neill	Stevenson
Dally	Hickernell	Oberlander	Swanger
Day	Hutchinson	Payne	Tallman
Delozier	Kauffman	Peifer	Thomas
Denlinger	Keller, M.K.	Petri	True

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna County, Representative Major.

Ms. MAJOR. Thank you, Mr. Speaker.

Republicans will also caucus tomorrow morning at 9:30. So I ask Republicans to please report to our caucus room tomorrow morning at 9:30.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

Any further announcements?

**BILLS AND RESOLUTIONS PASSED OVER**

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

**RECESS**

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