

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 15, 2010

SESSION OF 2010

194TH OF THE GENERAL ASSEMBLY

No. 60

### HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

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

#### PRAYER

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

Heavenly Father, as a House of Representatives that is ending one session and preparing to begin another, we humbly ask for Your guidance and fortitude. Guide our actions on the decisions we make as they will impact the people of this great State. Grant us wisdom to recognize the difference between short- and long-term solutions. Inspire us to legislate not as individuals but as statesmen who work for the good of the whole. Give us the courage to make tough decisions and the strength to stand by our convictions. At the end of the day, bless us with resilience, knowing that in our decisionmaking, we represent You first and then the people who sent us to this great House.

And in Your kindness, dear Lord, bless our friend and colleague, Keith McCall, who by choice will end his term as Representative and Speaker of this great House. Bless his children, Courtney and Keith Robert, and wife Betty, who shared this fine man with us in the name of democracy. May this gentle man of honor and dignity, whose demeanor shall continue to resonate in these hallowed halls, be considered a role model for the next generation of lawmakers. May his future continue to be productive in family and community life. May he be surrounded by love and respect wherever his path shall lead, and may history record his actions and deeds as that of a true son and patriot of this great Commonwealth called Pennsylvania.

In Your name we humbly pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome some guests to the hall of the House.

In the balcony, they are the guests of Representative Sandra Major, and they are her guests from Keystone College: Maria Fanning, director of community outreach; Albert Bennett, Jr., two-time AmeriCorps scholar and president of Keystone Service Club; George Miller, Jr., AmeriCorps scholar; Cecelia Blue; Diane Starkey; Stephanie Gacek; and Deborah Chandler. The guests are in the gallery. Will the guests please rise. Welcome to the hall of the House.

#### DEMOCRATIC AND REPUBLICAN CAUCUSES

#### RULES COMMITTEE MEETING

The SPEAKER. For the information of the members, there will be an immediate meeting of the House Democratic Caucus and an immediate meeting of the House Republican Caucus. I would ask all members to report to their caucus rooms. Immediate majority and minority caucuses in their respective caucus rooms, with a Rules Committee meeting scheduled for 2:15 in the majority caucus room, returning to the floor at 2:30.

So immediately, all members report to their respective caucus rooms; Rules Committee meeting at 2:15; back on the floor at 2:30.

Any further announcements?

#### RECESS

The SPEAKER. This House stands in recess until 2:30 p.m., 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.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2785** By Representatives DERMODY, MURPHY, DeLUCA, MUNDY, GEORGE, SAINATO, LEVDANSKY, HANNA, BELFANTI, DALEY, McGEEHAN, FREEMAN, READSHAW, K. SMITH, STABACK, WATERS, WAGNER, MELIO, MATZIE, MUSTIO, DePASQUALE, KORTZ,

KOTIK, CRUZ, CALTAGIRONE, MAHONEY, KULA, HESS and YOUNGBLOOD

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for well permits, for well location restrictions and for local ordinances.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 3, 2010.

**No. 2786** By Representatives READSHAW, CLYMER, MOUL, BISHOP, CALTAGIRONE, CAUSER, EVERETT, FLECK, GEIST, KORTZ, KULA, MARKOSEK, MATZIE, McGEEHAN, MIRABITO, PASHINSKI, PAYTON, PHILLIPS, PRESTON, SIPTROTH, SWANGER, VULAKOVICH, YOUNGBLOOD and REICHLEY

An Act providing for a voluntary contribution system to aid in the preservation of the Pennsylvania State Memorial and other sites at the Gettysburg National Military Park.

Referred to Committee on FINANCE, November 10, 2010.

**COMMUNICATIONS**

The SPEAKER. The Speaker is in receipt of the following communications, which the clerk will read.

The following communications were read:

A communication dated October 15, 2010, from the Public Employee Retirement Commission regarding amendment No. 09751 to HB 2497, PN 4476, stating that the amendment will have no actuarial cost impact beyond that described in previously issued actuarial notes for the bill and that an actuarial note for the amendment is not required.

A communication dated October 27, 2010, from the University of Pittsburgh, providing a copy of its annual financial report for the fiscal year ended June 30, 2010.

A communication dated October 26, 2010, from Temple University of the Commonwealth System of Higher Education, submitted pursuant to Act 12A of July 1, 2010, providing a copy of its consolidated audited financial statements for fiscal year 2009-2010.

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

**JOURNALS APPROVED**

The SPEAKER. The Journals of Saturday, July 3, and Monday, September 13 of 2010 are now in print. Will the House approve those Journals?

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

**JOURNAL APPROVAL POSTPONED**

The SPEAKER. Without objection, approval of the Journal of Monday, October 18, 2010, 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 Allegheny County, the majority whip, Representative Dermody, who requests leave of absence for Representative GERGELY from Allegheny County for the day; Representative STABACK from Lackawanna County for the day; Representative CRUZ from Philadelphia County for the day. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests leave of absence for Representative MUSTIO from Allegheny County for the day; Representative GILLESPIE from York County for the day. Without objection, the leaves will be granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—196**

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

Evans, D.	Lentz	Ravenstahl	
Evans, J.	Levdansky	Readshaw	McCall,
Everett	Longiotti	Reed	Speaker
Fabrizio	Maher		

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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

### BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

**HB 60, PN 3975** By Rep. EACHUS

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

RULES.

**HB 174, PN 4473** By Rep. EACHUS

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, codifying the Public Eating and Drinking Place Law and the Food Act; providing for the protection of public health and for regulations; requiring licensing; further providing for organic foods, for maple products, for food employee certification and for farmers' market; providing for penalties; and making related repeals.

RULES.

**HB 708, PN 4465** By Rep. EACHUS

An Act establishing a recycling program for certain covered devices; imposing duties on manufacturers and retailers of certain covered devices; providing for the powers and duties of the Department of Environmental Protection and for enforcement; establishing the Electronic Materials Recycling Account in the General Fund; and prescribing penalties.

RULES.

**HB 1231, PN 4393** By Rep. EACHUS

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

RULES.

**HB 1394, PN 4467** By Rep. EACHUS

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for split-off, separation or transfer of land and for penalty for ineligible use; and providing for removal of land from preferential assessment.

RULES.

**HB 1482, PN 4370** By Rep. EACHUS

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for photo identification tag regulations.

RULES.

**HB 1639, PN 4468** By Rep. EACHUS

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for noncompliance with visitation or partial custody order and for child custody; and making conforming amendments.

RULES.

**HB 1926, PN 4477** By Rep. EACHUS

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general principles of justification, further providing for definitions, for use of force in self-protection, for use of force for the protection of other persons, for grading of theft offenses and for licenses to carry firearms; providing for civil immunity for use of force; and further providing for registration of sexual offenders and for sentence for failure to comply with registration of sexual offenders.

RULES.

**HB 2139, PN 4267** By Rep. EACHUS

An Act providing for the Pennsylvania Agricultural Surplus System, for powers and duties of the Department of Agriculture and for the distribution and utilization of wildlife; and preempting certain municipal ordinances.

RULES.

**HB 2321, PN 4469** By Rep. EACHUS

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, consolidating the Public Safety Emergency Telephone Act; further providing for definitions, for the Wireless E-911 Emergency Services Fund and for funding for support; providing for a legislative study and for termination; consolidating statutory provisions relating to firefighters, the State Fire Commissioner and grants to fire companies and other services; making editorial changes; and making related repeals.

RULES.

**HB 2477, PN 4471** By Rep. EACHUS

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for applicability, for enumeration of elected officers and for official records of coroner; adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security, for the subsequent issuance of official commissions; further providing for the governing board of the convention center authority; and making related repeals.

RULES.

**HB 2497, PN 4476**

By Rep. EACHUS

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 24, further providing for definitions, for mandatory and optional membership, for contributions by the Commonwealth, for payments by employers, for actuarial cost method, for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for administrative duties of board, for payments to school entities by Commonwealth, for eligibility points for retention and reinstatement of service credits and for creditable nonschool service; providing for election to become a Class T-F member; further providing for classes of service, for eligibility for annuities, for eligibility for vesting, for regular member contributions, for member contributions for creditable school service, for contributions for purchase of credit for creditable nonschool service, for maximum single life annuity, for disability annuities, for member's options, for duties of board regarding applications and elections of members and for rights and duties of school employees and members; providing for Independent Fiscal Office study; in Title 71, establishing an independent fiscal office and making a related repeal; further providing for definitions, for credited State service, for retention and reinstatement of service credits, for creditable nonstate service and for classes of service; providing for election to become a Class A-4 member; further providing for eligibility for annuities and for eligibility for vesting; providing for shared risk member contributions for Class A-3 and Class A-4 service, further providing for waiver of regular member contributions and Social Security integration member contributions, for member contributions for purchase of credit for previous State service or to become a full coverage member, for contributions for the purchase of credit for creditable nonstate service, for contributions by the Commonwealth and other employers, for actuarial cost method, for maximum single life annuity, for disability annuities and for member's options; providing for payment of accumulated deductions resulting from Class A-3 service; further providing for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for special supplemental postretirement adjustment of 2002, for administrative duties of the board, for duties of board to advise and report to heads of departments and members, for duties of board regarding applications and elections of members, for installment payments of accumulated deductions, for rights and duties of State employees and members, for members' savings account, for State accumulation account, for State Police Benefit Account, for Enforcement Officers' Benefit Account, for supplemental annuity account and for construction of part; and providing for Independent Fiscal Office study, for retirement eligibility of Pennsylvania State Police officers or members, for a prohibition on the issuance of pension obligation bonds, for holding certain public officials harmless, for construction of calculation or actuarial method, for applicability and for certain operational provisions.

**RULES.**

**HB 2521, PN 4290**

By Rep. EACHUS

An Act providing for anatomic pathology service disclosure.

**RULES.**

**BILL ON CONCURRENCE  
REREPORTED FROM COMMITTEE**

**SB 441, PN 2281**

By Rep. EACHUS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for disqualifications relating to teacher's certificate, for medical examinations of teachers and other persons and for attendance in other districts.

**RULES.**

The SPEAKER. Those bills on concurrence will go to the House supplemental calendar.

**FILMING PERMISSION**

The SPEAKER. The Chair wishes to advise the members that he has given permission to John Eirkson, ABC News 27, WHTM-TV, to videotape with audio for 10 minutes on the House floor.

**SUPPLEMENTAL CALENDAR A**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2139, PN 4267**, entitled:

An Act providing for the Pennsylvania Agricultural Surplus System, for powers and duties of the Department of Agriculture and for the distribution and utilization of wildlife; and preempting certain municipal ordinances.

On the question,

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—196**

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

Deasy	Kauffman	Perry	Vitali
Delozier	Keller, M.K.	Perzel	Vulakovich
DeLuca	Keller, W.	Petrarca	Wagner
Denlinger	Kessler	Petri	Wansacz
DePasquale	Killion	Phillips	Waters
Dermody	Kirkland	Pickett	Watson
DeWeese	Knowles	Preston	Wheatley
DiGirolamo	Kortz	Pyle	White
Drucker	Kotik	Quigley	Williams
Eachus	Krieger	Quinn	Youngblood
Ellis	Kula	Rapp	Yudichak
Evans, D.	Lentz	Ravenstahl	
Evans, J.	Levdansky	Readshaw	McCall,
Everett	Longietti	Reed	Speaker
Fabrizio	Maher		

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

**STATEMENT BY MR. PYLE**

The SPEAKER. For what purpose does the gentleman from Armstrong County, Representative Pyle, rise?

Mr. PYLE. A point of privilege, Mr. Speaker.

The SPEAKER. Unanimous consent?

Mr. PYLE. Thank you.

The SPEAKER. Without objection, the gentleman is recognized.

Mr. PYLE. Thank you.

Mr. Speaker, the bill we just voted, HB 2139, was the product of the work of the Sportsmen's Caucus. In the absence of our chairmen, the gentleman from York County, Representative Gillespie, and the gentleman from Allegheny County, Representative Gergely, we thank the House for its support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1639, PN 4468**, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for noncompliance with visitation or partial custody order and for child custody; and making conforming amendments.

On the question,

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-196

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1482, PN 4370**, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for photo identification tag regulations.

On the question,

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—195**

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

**NAYS—0**

**NOT VOTING—1**

Adolph

**EXCUSED—5**

Cruz  
Gergely  
Gillespie  
Mustio  
Staback

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.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 60, PN 3975**, entitled:

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

On the question,

Will the House concur in Senate amendments?

**REMARKS SUBMITTED FOR THE RECORD**

The **SPEAKER**. The Chair recognizes the gentleman from Washington County, Representative Daley, who submits remarks for the record. The Chair thanks the gentleman.

Mr. **DALEY** submitted the following remarks for the Legislative Journal:

Mr. Speaker, as chairman of the House Commerce Committee, I recognize a need for affordable housing in Pennsylvania and rise to concur with Senate amendments. I believe that it is time to help Pennsylvanians have the opportunity to have safe, decent, and affordable homes. HB 60 will do just that by creating an affordable housing trust fund.

This bill:

- Contains no appropriation.
- Creates a fund to be administered by PHFA (Pennsylvania Housing Finance Agency) if funding is received, such as Federal funding for the National Housing Trust Fund.
- Provides for reporting and accountability.
- Provides for geographical distribution of funds.
- Makes the statement that having sufficient homes within reach of our constituents is important.

Statistics show that:

- More than 15,000 Pennsylvanians are homeless.
- More than 90,000 families statewide are on various housing authority waiting lists.

Pennsylvania's housing market is out of balance:

- A study by the Federal Reserve Bank of Philadelphia shows a shortage of 220,000 rental homes that are affordable and available to extremely low income households.
- Forty-eight percent of renters pay more than 30 percent of their income for housing – up from 36 percent in 2000.

These numbers are unacceptable. Providing adequate housing is critical to economic vitality and will serve as an economic stimulus to communities.

The support on this bill is overwhelming:

- HB 60 has 82 cosponsors and passed the House this past April with a vote of 179-8, then it passed the Senate with overwhelming support of 47-2.

This legislation has been endorsed by over 300 organizations in the Commonwealth:

- Pennsylvania Builders
- Pennsylvania Realtors
- PennFuture
- ACORN (Association of Community Organizations for Reform Now)
- Housing Alliance of Pennsylvania
- Pennsylvania Banking Department
- PA Coalition to End Homelessness

And the list goes on.

In light of the current climate in the housing and financial markets and rising unemployment, we must act quickly and not continue to be behind the mark.

A vote for HB 60 is a vote for jobs and a vote to help stimulate our economy:

- Investing in the housing market makes economic sense for the Commonwealth.
- According to a report by the Housing Alliance, every dollar invested in this program generates an additional \$1.62 to \$2.28 by stimulating construction and home repairs; we will create jobs and help increase local and state tax revenues. This is a double benefit: housing and jobs.

Thirty-eight other States have already created funds to stimulate production of affordable housing. Let us help make Pennsylvania number 39.

I ask for an affirmative vote.

The amendment:

- Clarifies that funding can come from many sources.
- The earlier language not only prohibited Commonwealth funding but also every other source of funding besides the National Housing Trust Fund.
- The amended language allows funding from private sources, the Federal government, and other sources.
- Commonwealth funding is only allowed if "specifically appropriated by the General Assembly."

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—186

Adolph	Fairchild	Maher	Readshaw
Baker	Farry	Mahoney	Reed
Barbin	Fleck	Major	Reese
Barrar	Frankel	Manderino	Reichley
Bear	Freeman	Mann	Rock
Belfanti	Gabig	Markosek	Roebuck
Benninghoff	Gabler	Marshall	Ross
Beyer	Galloway	Marsico	Sabatina
Bishop	Geist	Matzie	Sainato
Boback	George	McGeehan	Samuelson
Boyd	Gerber	McI. Smith	Santarsiero
Boyle	Gibbons	Melio	Santoni
Bradford	Gingrich	Metzgar	Saylor
Brennan	Godshall	Miccarelli	Scavello
Briggs	Goodman	Micozzie	Schroder
Brooks	Grell	Millard	Seip
Brown	Grucela	Miller	Shapiro
Burns	Hahn	Milne	Siptroth

Buxton	Haluska	Mirabito	Smith, K.
Caltagirone	Hanna	Moul	Smith, M.
Carroll	Harhai	Mundy	Smith, S.
Casorio	Harhart	Murphy	Solobay
Causer	Harkins	Murt	Sonney
Christiana	Harper	Myers	Stevenson
Clymer	Harris	O'Brien, D.	Sturla
Cohen	Helm	O'Brien, M.	Tallman
Conklin	Hennessey	O'Neill	Taylor, J.
Costa, D.	Hess	Oberlander	Taylor, R.
Costa, P.	Hickernell	Oliver	Thomas
Curry	Hornaman	Pallone	Toepel
Cutler	Houghton	Parker	True
Daley	Hutchinson	Pashinski	Turzai
Day	Johnson	Payne	Vereb
Deasy	Josephs	Payton	Vitali
DeLozier	Kauffman	Peifer	Vulakovich
DeLuca	Keller, M.K.	Perry	Wagner
DePasquale	Keller, W.	Perzel	Wansacz
Dermody	Kessler	Petrarca	Waters
DeWeese	Killion	Petri	Watson
DiGirolamo	Kirkland	Phillips	Wheatley
Drucker	Knowles	Pickett	White
Eachus	Kortz	Preston	Williams
Ellis	Kotik	Pyle	Youngblood
Evans, D.	Kula	Quigley	Yudichak
Evans, J.	Lentz	Quinn	
Everett	Levdansky	Rapp	McCall,
Fabrizio	Longiotti	Ravenstahl	Speaker

NAYS—10

Cox	Grove	Roae	Stern
Creighton	Krieger	Rohrer	Swanger
Denlinger	Metcalf		

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1394, PN 4467**, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for split-off, separation or transfer of land and for penalty for ineligible use; and providing for removal of land from preferential assessment.

On the question,

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—196

Adolph	Fairchild	Mahoney	Reese
Baker	Farry	Major	Reichley

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 2521, PN 4290**, entitled:

An Act providing for anatomic pathology service disclosure.

On the question,  
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-196

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

**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 **SB 441, PN 2281**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for disqualifications relating to teacher's certificate, for medical examinations of teachers and other persons and for attendance in other districts.

On the question,

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.

The following roll call was recorded:

**YEAS—195**

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

Evans, J.	Longietti	Readshaw	McCall,
Everett	Maher	Reed	Speaker
Fabrizio			

NAYS—1

Grucela

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

**FILMING PERMISSION**

The **SPEAKER**. The Chair wishes to advise members that he has given permission to Brian Smithmeyer, WHP-TV 21, to videotape with audio for 10 minutes.

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2477, PN 4471**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for applicability, for enumeration of elected officers and for official records of coroner; adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security, for the subsequent issuance of official commissions; further providing for the governing board of the convention center authority; and making related repeals.

On the question,

Will the House concur in Senate amendments?

The **SPEAKER**. It is the Chair's understanding that the gentelady from Mercer County, Representative Brooks, has late-filed— She is withdrawing the amendments? The Chair thanks the lady.

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—147**

Adolph	Everett	Levdansky	Reese
Barrar	Fabrizio	Maher	Reichley
Bear	Fairchild	Major	Roebuck
Belfanti	Farry	Manderino	Ross

Beyer	Fleck	Mann	Sabatina
Boyd	Frankel	Markosek	Samuelson
Boyle	Freeman	Marsico	Santarsiero
Bradford	Gabig	Matzie	Santoni
Brennan	Galloway	McGeehan	Saylor
Briggs	Geist	McI. Smith	Seip
Brown	Gerber	Melio	Shapiro
Buxton	Godshall	Metcalf	Smith, K.
Caltagirone	Goodman	Miccarelli	Smith, M.
Carroll	Grell	Micozzie	Smith, S.
Casorio	Grove	Millard	Solobay
Causar	Grucela	Miller	Sturla
Clymer	Hahn	Mirabito	Swanger
Cohen	Hanna	Mundy	Tallman
Costa, D.	Harhart	Murphy	Taylor, J.
Costa, P.	Harkins	Myers	Taylor, R.
Creighton	Harris	O'Brien, D.	Thomas
Curry	Helm	O'Brien, M.	True
Cutler	Hennessey	O'Neill	Turzai
Daley	Hess	Oliver	Vitali
Day	Hickernell	Parker	Vulakovich
Deasy	Hornaman	Pashinski	Wagner
Delozier	Houghton	Payne	Wansacz
DeLuca	Johnson	Payton	Waters
Denlinger	Josephs	Perry	Watson
DePasquale	Keller, W.	Perzel	Wheatley
Dermody	Kessler	Petri	White
DeWeese	Killion	Phillips	Williams
DiGirolamo	Kirkland	Preston	Youngblood
Drucker	Kortz	Quinn	Yudichak
Eachus	Kotik	Rapp	
Ellis	Krieger	Ravenstahl	McCall,
Evans, D.	Lentz	Readshaw	Speaker
Evans, J.			

NAYS-49

Baker	Gingrich	Metzgar	Roae
Barbin	Haluska	Milne	Rock
Benninghoff	Harhai	Moul	Rohrer
Bishop	Harper	Murt	Sainato
Boback	Hutchinson	Oberlander	Scavello
Brooks	Kauffman	Pallone	Schroder
Burns	Keller, M.K.	Peifer	Siptroth
Christiana	Knowles	Petrarca	Sonney
Conklin	Kula	Pickett	Stern
Cox	Longietti	Pyle	Stevenson
Gabler	Mahoney	Quigley	Toepel
George	Marshall	Reed	Vereb
Gibbons			

NOT VOTING-0

EXCUSED-5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1231, PN 4393**, entitled:

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

On the question,  
Will the House 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-196

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

### BILLS SIGNED BY SPEAKER

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

#### HB 60, PN 3975

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

#### HB 1231, PN 4393

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

#### HB 1394, PN 4467

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for split-off, separation or transfer of land and for penalty for ineligible use; and providing for removal of land from preferential assessment.

#### HB 1482, PN 4370

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for photo identification tag regulations.

#### HB 1639, PN 4468

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for noncompliance with visitation or partial custody order and for child custody; and making conforming amendments.

#### HB 2139, PN 4267

An Act providing for the Pennsylvania Agricultural Surplus System, for powers and duties of the Department of Agriculture and for the distribution and utilization of wildlife; and preempting certain municipal ordinances.

#### HB 2477, PN 4471

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for applicability, for enumeration of elected officers and for official records of coroner; adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security, for the subsequent issuance of official commissions; further providing for the governing board of the convention center authority; and making related repeals.

#### HB 2521, PN 4290

An Act providing for anatomic pathology service disclosure.

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

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 708, PN 4465**, entitled:

An Act establishing a recycling program for certain covered devices; imposing duties on manufacturers and retailers of certain covered devices; providing for the powers and duties of the Department of Environmental Protection and for enforcement; establishing the Electronic Materials Recycling Account in the General Fund; and prescribing penalties.

On the question,

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—170

Adolph	Fabrizio	Maher	Reichley
Baker	Fairchild	Mahoney	Roebuck
Barbin	Farry	Major	Ross
Barrar	Fleck	Manderino	Sabatina
Bear	Frankel	Mann	Sainato
Belfanti	Freeman	Markosek	Samuelson
Beyer	Gabig	Marsico	Santarsiero
Bishop	Galloway	Matzie	Santoni
Boback	Geist	McGeehan	Saylor
Boyd	George	McI. Smith	Scavello
Boyle	Gerber	Melio	Schroder
Bradford	Gibbons	Metzgar	Seip
Brennan	Gingrich	Miccarelli	Shapiro
Briggs	Godshall	Micozzie	Siptroth
Brown	Goodman	Millard	Smith, K.
Burns	Grell	Miller	Smith, M.
Buxton	Grucela	Milne	Smith, S.
Caltagirone	Haluska	Mirabito	Solobay
Carroll	Hanna	Mundy	Sonney
Casorio	Harhai	Murphy	Stern
Christiana	Harhart	Murt	Sturla
Clymer	Harkins	Myers	Swanger
Cohen	Harper	O'Brien, D.	Taylor, J.
Conklin	Harris	O'Brien, M.	Taylor, R.
Costa, D.	Helm	O'Neill	Thomas
Costa, P.	Hennessey	Oliver	Toepel
Curry	Hess	Pallone	True
Cutler	Hickernell	Parker	Turzai
Daley	Hornaman	Pashinski	Vereb
Day	Houghton	Payne	Vitali
Deasy	Johnson	Payton	Vulakovich
Delozier	Josephs	Peifer	Wagner
DeLuca	Keller, M.K.	Perzel	Wansacz
Denlinger	Keller, W.	Petrarca	Waters
DePasquale	Kessler	Petri	Watson
Dermody	Killion	Phillips	Wheatley
DeWeese	Kirkland	Pickett	White
DiGirolamo	Kortz	Preston	Williams
Drucker	Kotik	Quigley	Youngblood
Eachus	Kula	Quinn	Yudichak
Ellis	Lentz	Ravenstahl	
Evans, D.	Levdansky	Readshaw	McCall,
Evans, J.	Longietti	Reed	Speaker

NAYS—26

Benninghoff	Grove	Metcalf	Reese
Brooks	Hahn	Moul	Roae
Causer	Hutchinson	Oberlander	Rock
Cox	Kauffman	Perry	Rohrer
Creighton	Knowles	Pyle	Stevenson
Everett	Krieger	Rapp	Tallman
Gabler	Marshall		

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 642, PN 697**, entitled:

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

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

The SPEAKER. 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—196

Adolph	Fairchild	Mahoney	Reese
Baker	Farry	Major	Reichley
Barbin	Fleck	Manderino	Roae
Barrar	Frankel	Mann	Rock
Bear	Freeman	Markosek	Roebuck
Belfanti	Gabig	Marshall	Rohrer
Benninghoff	Gabler	Marsico	Ross
Beyer	Galloway	Matzie	Sabatina
Bishop	Geist	McGeehan	Sainato
Boback	George	McI. Smith	Samuelson
Boyd	Gerber	Melio	Santarsiero
Boyle	Gibbons	Metcalfe	Santoni
Bradford	Gingrich	Metzgar	Saylor

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **SB 976, PN 2064**, entitled:

An Act amending the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law, further providing for Pennsylvania Amber Alert System established, for prohibited use, for coordination with other jurisdictions and for immunity; and creating the Missing Endangered Person Advisory System.

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—196

Table listing names of members who voted 'YEAS' (196 total). Includes names like Adolph, Baker, Barbin, Barrar, Bear, Belfanti, Benninghoff, Beyer, Bishop, Boback, Boyd, Boyle, Bradford, Brennan, Briggs, Brooks, Brown, Burns, Buxton, Caltagirone, Carroll, Casorio, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Curry, Cutler, Daley, Day, Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Drucker, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Farry, Fleck, Frankel, Freeman, Gabig, Gabler, Galloway, Geist, George, Gerber, Gibbons, Gingrich, Godshall, Goodman, Grell, Grove, Grucela, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Johnson, Josephs, Kauffman, Keller, M.K., Keller, W., Kessler, Killion, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lentz, Levdansky, Longietti, Maher, Mahoney, Major, Manderino, Mann, Markosek, Marshall, Marsico, Matzie, McGeehan, McI. Smith, Melio, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Mundy, Murphy, Murt, Myers, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Roehrer, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, J., Taylor, R., Thomas, Toepel, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Wansacz, Waters, Watson, Wheatley, White, Williams, Youngblood, Yudichak, McCall, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—5

Table listing names of members who were 'EXCUSED' (5 total): Cruz, Gergely, Gillespie, Mustio, Staback.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 174, PN 4473, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, codifying the Public Eating and Drinking Place Law and the Food Act; providing for the protection of public health and for regulations; requiring licensing; further providing for organic foods, for maple products, for food employee certification and for farmers' market; providing for penalties; and making related repeals.

On the question,

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—103

Table listing names of members who voted 'YEAS' (103 total). Includes names like Barbin, Belfanti, Bishop, Boyle, Bradford, Brennan, Briggs, Brown, Burns, Buxton, Caltagirone, Carroll, Casorio, Cohen, Conklin, Costa, D., Costa, P., Curry, Daley, Deasy, DeLuca, Dermody, DeWeese, Drucker, Eachus, Evans, D., Evans, J., Everett, Fabrizio, Fabrizio, Frankel, Freeman, Galloway, George, Gerber, Gibbons, Goodman, Grucela, Haluska, Hanna, Harhai, Harkins, Hornaman, Houghton, Johnson, Josephs, Keller, W., Kessler, Kirkland, Kortz, Kula, Lentz, Levdansky, Mahoney, Manderino, Mann, Markosek, Matzie, McGeehan, McI. Smith, Melio, Miccarelli, Micozzie, Mirabito, Mundy, Murphy, Myers, O'Brien, M., Oliver, Parker, Pashinski, Payne, Payton, Perzel, Phillips, Preston, Ravenstahl, Readshaw, Roebuck, Ross, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Solobay, Sturla, Taylor, J., Taylor, R., Thomas, Vitali, Wagner, Wansacz, Waters, Wheatley, White, Williams, Youngblood, Yudichak, McCall, Speaker.

NAYS—93

Table listing names of members who voted 'NAYS' (93 total). Includes names like Adolph, Baker, Barrar, Bear, Benninghoff, Beyer, Boback, Boyd, Brooks, Fleck, Gabig, Gabler, Geist, Gingrich, Godshall, Grell, Grove, Hahn, Longietti, Maher, Major, Marshall, Marsico, Metcalfe, Metzgar, Millard, Miller, Quinn, Rapp, Reed, Reese, Reichley, Roae, Rock, Rohrer, Saylor.

Causer	Harhart	Milne	Scavello
Christiana	Harper	Moul	Schroder
Clymer	Harris	Murt	Smith, S.
Cox	Helm	O'Brien, D.	Sonney
Creighton	Hennessey	O'Neill	Stern
Cutler	Hess	Oberlander	Stevenson
Day	Hickernell	Pallone	Swanger
Delozier	Hutchinson	Peifer	Tallman
Denlinger	Kauffman	Perry	Toepel
DiGirolamo	Keller, M.K.	Petrarca	True
Ellis	Killion	Petri	Turzai
Evans, J.	Knowles	Pickett	Vereb
Everett	Kotik	Pyle	Vulakovich
Fairchild	Krieger	Quigley	Watson
Farry			

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

**BILLS SIGNED BY SPEAKER**

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

**HB 174, PN 4473**

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, codifying the Public Eating and Drinking Place Law and the Food Act; providing for the protection of public health and for regulations; requiring licensing; further providing for organic foods, for maple products, for food employee certification and for farmers' market; providing for penalties; and making related repeals.

**HB 708, PN 4465**

An Act establishing a recycling program for certain covered devices; imposing duties on manufacturers and retailers of certain covered devices; providing for the powers and duties of the Department of Environmental Protection and for enforcement; establishing the Electronic Materials Recycling Account in the General Fund; and prescribing penalties.

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

**CALENDAR CONTINUED**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 906, PN 2121**, entitled:

An Act amending Titles 3 (Agriculture) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the definitions of "agricultural biosecurity area" and for "posted notice"; and further providing for keeping and handling of domestic animals, for ecoterrorism and for criminal trespass.

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?

On that question, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, for the information of the members, I wanted to discuss SB 906. It is substantively exactly the same as HB 511, which this chamber passed some time ago dealing with ag biosecurity areas and ecoterrorism. After we successfully passed that bill in this chamber, the Senate did amend our very same language into SB 906 and it was positioned to come over here. I appreciate Senator Folmer's work on this bill as well as the help from both ag chairmen in this chamber and would certainly also appreciate a unanimous approval of SB 906, just like we gave HB 511.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Mahoney	Reese
Baker	Farry	Major	Reichley
Barbin	Fleck	Manderino	Roae
Barrar	Frankel	Mann	Rock
Bear	Freeman	Markosek	Roebuck
Belfanti	Gabig	Marshall	Rohrer
Benninghoff	Gabler	Marsico	Ross
Beyer	Galloway	Matzie	Sabatina
Bishop	Geist	McGeehan	Sainato
Boback	George	McI. Smith	Samuelson
Boyd	Gerber	Melio	Santarsiero
Boyle	Gibbons	Metcalfe	Santoni
Bradford	Gingrich	Metzgar	Saylor
Brennan	Godshall	Miccarelli	Scavello
Briggs	Goodman	Micozzie	Schroder
Brooks	Grell	Millard	Seip
Brown	Grove	Miller	Shapiro
Burns	Grucela	Milne	Siptroth
Buxton	Hahn	Mirabito	Smith, K.
Caltagirone	Haluska	Moul	Smith, M.
Carroll	Hanna	Mundy	Smith, S.
Casorio	Harhai	Murphy	Solobay
Causer	Harhart	Murt	Sonney
Christiana	Harkins	Myers	Stern
Clymer	Harper	O'Brien, D.	Stevenson
Cohen	Harris	O'Brien, M.	Sturla
Conklin	Helm	O'Neill	Swanger
Costa, D.	Hennessey	Oberlander	Tallman
Costa, P.	Hess	Oliver	Taylor, J.
Cox	Hickernell	Pallone	Taylor, R.
Creighton	Hornaman	Parker	Thomas
Curry	Houghton	Pashinski	Toepel

Cutler	Hutchinson	Payne	True
Daley	Johnson	Payton	Turzai
Day	Josephs	Peifer	Vereb
Deasy	Kauffman	Perry	Vitali
Delozier	Keller, M.K.	Perzel	Vulakovich
DeLuca	Keller, W.	Petrarca	Wagner
Denlinger	Kessler	Petri	Wansacz
DePasquale	Killion	Phillips	Waters
Dermody	Kirkland	Pickett	Watson
DeWeese	Knowles	Preston	Wheatley
DiGirolamo	Kortz	Pyle	White
Drucker	Kotik	Quigley	Williams
Eachus	Krieger	Quinn	Youngblood
Ellis	Kula	Rapp	Yudichak
Evans, D.	Lentz	Ravenstahl	
Evans, J.	Levdansky	Readshaw	McCall,
Everett	Longietti	Reed	Speaker
Fabrizio	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

## SUPPLEMENTAL CALENDAR A CONTINUED

### BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2497, PN 4476**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 24, further providing for definitions, for mandatory and optional membership, for contributions by the Commonwealth, for payments by employers, for actuarial cost method, for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for administrative duties of board, for payments to school entities by Commonwealth, for eligibility points for retention and reinstatement of service credits and for creditable nonschool service; providing for election to become a Class T-F member; further providing for classes of service, for eligibility for annuities, for eligibility for vesting, for regular member contributions, for member contributions for creditable school service, for contributions for purchase of credit for creditable nonschool service, for maximum single life annuity, for disability annuities, for member's options, for duties of board regarding applications and elections of members and for rights and duties of school employees and members; providing for Independent Fiscal Office study; in Title 71, establishing an independent fiscal office and making a related repeal; further providing for definitions, for credited State service, for retention and reinstatement of service credits, for creditable nonstate service and for classes of service; providing for election to become a Class A-4 member; further providing for eligibility for annuities and for eligibility for vesting; providing for shared risk member contributions for Class A-3 and Class A-4 service, further providing for

waiver of regular member contributions and Social Security integration member contributions, for member contributions for purchase of credit for previous State service or to become a full coverage member, for contributions for the purchase of credit for creditable nonstate service, for contributions by the Commonwealth and other employers, for actuarial cost method, for maximum single life annuity, for disability annuities and for member's options; providing for payment of accumulated deductions resulting from Class A-3 service; further providing for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for special supplemental postretirement adjustment of 2002, for administrative duties of the board, for duties of board to advise and report to heads of departments and members, for duties of board regarding applications and elections of members, for installment payments of accumulated deductions, for rights and duties of State employees and members, for members' savings account, for State accumulation account, for State Police Benefit Account, for Enforcement Officers' Benefit Account, for supplemental annuity account and for construction of part; and providing for Independent Fiscal Office study, for retirement eligibility of Pennsylvania State Police officers or members, for a prohibition on the issuance of pension obligation bonds, for holding certain public officials harmless, for construction of calculation or actuarial method, for applicability and for certain operational provisions.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The gentleman from Lancaster County, Representative Boyd, has an amendment that would require a suspension of the rules.

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

Mr. BOYD. Thank you, Mr. Speaker.

I believe that I had requested an actuarial note for this amendment, and as of this morning I believe it was not available yet. Is that what your records show?

The SPEAKER. We do not have an actuarial note, which would put the amendment out of order.

Mr. BOYD. Thank you, Mr. Speaker.

Just real briefly, I just wanted to mention for the Speaker's edification that I had requested the actuarial note and then was requested by the systems to withdraw it when it appeared that we were not coming back. And in the interest of saving money for the systems, I acquiesced to their request, which is one of the reasons that it is not ready. I certainly apologize for that. And, you know, it is out of order, but I just did want the Speaker to know that we did get it ready in time and it would have been had we not changed directions on session. But thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Is the gentleman from Lancaster County, Representative Denlinger, seeking recognition?

The gentleman, Representative Boyd, has withdrawn, or the amendment is out of order, so we are on concurrence in Senate amendments. The Chair recognizes the gentleman from Lancaster County, Representative Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 2497, and I do so for a number of reasons that I would like to share with the members here. I was initially a "yes" vote before this went over to the Senate, but frankly, Mr. Speaker, some things have changed and have caused me to reconsider that vote.

First and foremost, I think it is important for those who may be watching to realize that no current annuitants' benefits are

going to be cut by what action we take here today. And for those on the outside who have been spreading misinformation, scaring seniors into thinking that our action today is going to result in their pension being cut, shame on you. Start speaking the truth. That is not what this is about. This is about considerations over the long-term health of the pension system. So I encourage those in the outside groups, stop scaring seniors.

Mr. Speaker, I rise in opposition, first, because one change made on the other side of this building was the inclusion of an independent fiscal office, and we recognize, certainly, that it has been a role of the Governor to certify the revenue estimate, and that is a very important key role as we get into the budget process. But at this time I do not see the wisdom of creating another step in the budget process. Clearly, one of the concerns of the people is that we have taken too long to get the budget done. Getting budgets done on a timely basis is critical for the future credibility of this institution. So therefore, does adding another office, another step in the process, make sense? To my thinking, Mr. Speaker, it does not.

Beyond that, there are concerns about constitutionality. Two issues have been put together in this one piece of legislation, and under the single-subject rule, of course, Mr. Speaker, that is a concern.

Beyond that, Mr. Speaker, the events of November 2 I think highlight an opportunity that we have. The public is clearly looking for serious reform. They are looking for a more tough-minded approach in fiscal matters. Will we really get serious with the purse in Pennsylvania – with our budgets, with our fiscal management? The people clearly are demanding that. That was a resolve. And I think when we get beyond the end of this session in just a few days, we will have the opportunity, we will have the public will to tackle these issues in a new and more bold way.

This piece of legislation as originally crafted was viewed as an incremental step, but at this point, Mr. Speaker, I think we need more comprehensive legislation. We need a bold step to tackle the pension unfunded liability issue.

Beyond that, I think, Mr. Speaker, we are coming to a day of hard choices in this State, and this Assembly and the upcoming Governor, the new incoming Governor, are going to have to stand toe-to-toe, Mr. Speaker, with the public-sector unions. The public is not willing to continue paying the tab, to continue writing the check to pay for benefits that are at a level that they are not seeing in their own lives. Citizens across this State who are a part of defined contribution, or 401(k), plans have seen those statements diminished through the fiscal crisis that we endured. But now they are being asked, Mr. Speaker, to pick up the tab for the public-sector employees, and what I am hearing from folks all across the State is, no way; we are not willing to pay the tab for that outcome.

So, Mr. Speaker, I rise and where I was once a supporter of this legislation, I no longer am. I no longer can support it, and I hope that those who are looking for a more bold approach will stand with me and stand in opposition to HB 2497. Thank you.

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

Mr. CHRISTIANA. Thank you, Mr. Speaker.

Mr. Speaker, the first time that this bill came to this chamber, HB 2497, I supported that bill, and I support the idea of the independent fiscal office in that we should have a discussion on the merits of that bill at an appropriate time. However, whether you support this bill or you are opposed to this bill, whether the

problem of the pension crisis is small or large in your mind, in my mind, the pension crisis is a tremendous, tremendous problem in the near future that we must address. But if the pension crisis is going to be addressed, it should be addressed within the guidelines of the Constitution. Every piece of public policy that we send out of this chamber must, at a minimum, fall within the guidelines of the Constitution.

So whether you are in support of HB 2497, whether you are opposed to HB 2497, the fact of the matter is that Article III, section 3, of the Constitution clearly states that no bill shall be passed containing more than one subject, and in this amended version of HB 2497 that came from the Senate, we are creating a State agency and dealing with the pension crisis. They do not have similarities. They are not under similar titles. They are completely and utterly different bills.

### CONSTITUTIONAL POINT OF ORDER

Mr. CHRISTIANA. Therefore, Mr. Speaker, I move that this bill be ruled unconstitutional, and I make that motion, and I urge my colleagues, Democrats, Republicans, whether you support or oppose this bill, what the Senate sent us is clearly unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Representative Christiana, raises the point of order that HB 2497, PN 4476, is unconstitutional.

The Speaker, under rule 4, is required to submit the question of constitutionality of a bill or resolution to the House for decision.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER. On that point of order, the Chair recognizes the gentleman from Cumberland County, Representative Grell.

Mr. GRELL. Thank you, Mr. Speaker.

I rise in support of the gentleman's motion on constitutionality. It is unfortunate that I find myself in this position, having worked long and hard on HB 2497. However, when it left this chamber, it was perfectly constitutional. When it came back, unfortunately, an offending provision was added to the bill which, whether you support that provision or not, causes the bill to violate the provision that the gentleman from Beaver County just read.

It is a short and simple provision of Article III, section 3, of the Constitution of Pennsylvania that says that a bill may only contain one subject. Clearly, in my view, the independent fiscal office has nothing to do with reforms to either one of the State retirement systems, and I will be supporting the motion to determine that HB 2497 as returned from the Senate is unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny County, Representative Turzai. On the point of order, the Chair recognizes the gentleman from Allegheny, Representative Turzai.

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

I support the gentleman from Beaver County's motion that this bill as sent over from the Senate is unconstitutional, and I would ask that all of our members vote that it is in fact as set

forth, with an independent fiscal office on the one hand, which is separate and distinct from provisions dealing with our pension for SERS (State Employees' Retirement System) and PSERS (Public School Employees' Retirement System). They are two separate issues and violate the single-subject rule, particularly as set forth in an opinion from the Legislative Reference Bureau.

Mr. Speaker, I just want a clarification on the vote. If you are voting that it is unconstitutional, you will be voting "no," sir? Is that correct?

The SPEAKER. Yes. I will phrase the question that if you are voting to rule or wishing the bill be constitutional, you will be voting "aye." If you are voting that the bill is unconstitutional, you will be voting "nay."

Mr. TURZAI. So I urge my colleagues to vote "nay" that this is unconstitutional. Thank you very much, Mr. Speaker.

The SPEAKER. On the point of order, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Like my colleague from Beaver County, I, too, rise to debate the issue of constitutionality regarding this bill. They are clearly two independent subjects that are not related. If the fiscal office had only been limited to auditing the pension systems themselves, then they would have had a relation. But since the fiscal office's powers far exceed that horizon, it is not appropriate to have these two items in the bill.

Mr. Speaker, we saw an LRB, a Legislative Reference Bureau, opinion that was widely disseminated here in the chamber, and that outlined the reasons, multiple reasons, why this was unconstitutional. Mr. Speaker, regardless of each of our individual feelings on each underlying issue, we have an obligation to uphold the constitutional oath that we all took at the beginning of session. Mr. Speaker, we must maintain that credibility if we are going to have the consent of those that we govern.

Mr. Speaker, without following the rules of the Constitution that have so clearly been outlined, it simply turns into what we want versus what we have the authority to legislate. Mr. Speaker, for that reason, I would urge a vote that this bill is unconstitutional.

Mr. Speaker, we saw that the issue of constitutionality came about over an argument over the severance tax. A very similarly structured bill was sent over to the Senate, and the debate became that it was improperly amended, and therefore, it violated the single-subject rule. Mr. Speaker, a bill that was exactly the same, amended in exactly the same manner, Mr. Speaker, came before us and we are now asked to support that bill. I cannot do that, Mr. Speaker. In my mind, it is simply bad politics making bad policy. Everyone was trying to outmaneuver each other on the underlying issues rather than looking at the constitutionality of what we were about to do.

Mr. Speaker, for those reasons, I would urge that this bill is unconstitutional.

### PARLIAMENTARY INQUIRY

Mr. CUTLER. And at this point, I also have a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CUTLER. Mr. Speaker, I would like to have entered into the record the Legislative Reference Bureau report that we were all issued. It was approximately 11 pages, and I certainly do not want to read it into the record, if that would be all right.

The SPEAKER. The gentleman may submit those remarks for the record. The Chair thanks the gentleman.

Mr. CUTLER. I will be submitting the report, but it very clearly outlines that this bill is unconstitutional, and I would ask for my other members' support on this issue as well. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### REPORT SUBMITTED FOR THE RECORD

Mr. CUTLER submitted a report for the Legislative Journal.

(For report, see Appendix.)

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

Mr. PALLONE. Thank you, Mr. Speaker.

Hypocrisy: I was for it before I was against it. We have heard that time and time again. Here we are, trying to conduct the people's business, doing the will of the people, and we are going to let politics come into play.

This legislation addresses "agency" – the retirement agencies, the fiscal office agencies. They are not, they are not separate subject matter. They do not violate the Constitution of the Commonwealth of Pennsylvania.

We are in a situation today where we can make meaningful changes in the pension system. In June of 2001 I voted "no" on the increase in the pension numbers. I did not accept the 3-percent pension as many of the newly elected officials in this chamber have. We now have an opportunity to reduce the pension from 3 percent back to 2 percent for all newly elected officials in this chamber beginning December 1. That saves taxpayers money. That saves money to the taxpayers of Pennsylvania, the people that we are here to protect and to advocate for.

The fiscal note of this particular legislation shows us that it saves over \$100 million in the next fiscal year for the school districts in the Commonwealth of Pennsylvania. I do not know about you, but \$113 million is a lot of money, particularly for a school district, when most of the school districts are taxed to the maximum. This is nothing more than political posturing to try and prevent change and improvement to benefit the taxpayers of Pennsylvania.

This bill is constitutional. I encourage the members to vote in the same and to support it on final passage so that we can continue to protect the taxpayers and not the elected officials. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of constitutionality, the Chair recognizes the gentleman from Berks County, Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

It has been mentioned that there was an opinion from the Legislative Reference Bureau regarding the constitutionality of this piece of legislation in its present form, and the memo that was handed in presents their point of view. Now, that is not to say that there is not various opinion that they may be wrong,

and let me cite some examples: *Stilp v. Commonwealth*; *Commonwealth v. Neiman*. And just last month on a bill that we are going to be voting on, HB 1926, which HB 40 was folded into; HB 40 is the Castle Doctrine. Now, if that is not a conflict of interest, I do not know.

And let me also remind you, when we had the pari-mutuel betting piece of legislation, they folded the casino legislation into that. This House determines constitutionality, number one; and number two, we have courts of law. We are not judges. The judges will determine if there are challenges to any of the legislation that we pass. We are not the judges. We do what we have to do. If there is a majority of members here that vote that way, let it be signed into law. If there is a challenge, so be it. That is why we have the division of government, with the legislature making these laws and the courts determining whether or not they are or are not constitutional.

I am in favor of this legislation. I would hope that you would vote that this is constitutional, and let us get along to the final vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Mercer County, Representative Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

I also rise in support of the constitutionality of HB 2497. And I have read the LRB decision, or actually, opinion in this matter, and while I respect the LRB, clearly in my mind these are not two unrelated subjects. As was previously mentioned, they both deal with the fiscal affairs of the Commonwealth. But most importantly, one of the specific mandatory duties of the independent fiscal office is to study and analyze the impact of the shared risk contributions made to PSERS and SERS under the provisions of this bill, and so that is directly related, a direct connection between the independent fiscal office and what we are doing with the modifications to the pension system.

And as my colleague from Westmoreland County pointed out, if we fail to act on this legislation today, we will lose immediate benefits of reforming the pension system, and those include the fact that we will miss the opportunity to help our school districts, because if no action is taken in December, the employer contribution will rise by 81 percent over what it is currently, and we do not want to miss that opportunity. It is too important.

So notwithstanding the LRB's opinion on this matter, as was stated earlier, they are not a court of law. If there is a constitutional issue, the courts can address it. I believe that this bill is constitutional for the reasons that I have stated, and I believe that it would be a mistake for us to miss this opportunity to reform the pension system and realize the immediate benefits.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the point of order, the Chair recognizes the gentleman from Montgomery County, Representative Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the gentleman, Mr. Christiana's motion on constitutionality. I disagree with the conclusion that he reached and that others have reached that it is unconstitutional.

However, even if one, Mr. Speaker, were to accept that point of view, even if one were to accept that the provisions related to this independent fiscal office were to be unconstitutional as a result of it being merged together with this important pension

reform bill, Mr. Speaker, I believe that there is significant case law that would allow us to still pass this legislation today and put forth the very fine pension reforms that the gentleman from Westmoreland and others have spoken to.

Specifically, Mr. Speaker, a 1964 Pennsylvania Supreme Court decision, *Saulsbury v. Bethlehem Steel*, made it clear that an unconstitutional provision is severable from a constitutional provision within the laws that we pass here in this chamber. That was followed up, Mr. Speaker, in 2005 in the gaming decision, where independent provisions of that law were struck down, but yet the corpus, the totality of that law, the effort to legalize gambling here in Pennsylvania, was upheld. And then, Mr. Speaker, of course in 2010, in the most recent decision, *Commonwealth v. Neiman*, the court again invalidated what the court called extraneous provisions of the law but upheld the constitutionality of the underlying bill.

Mr. Speaker, I believe that here we are dealing with a similar situation. First and foremost, I think this is constitutional. But second, even if one is to believe that it is unconstitutional to have added the independent fiscal office, the court is very clear on at least three separate occasions, including in this calendar year, that the court can in fact remove the provision that they believe to be unconstitutional; in this case, based on the argument the gentleman, Mr. Christiana, made, the independent fiscal office could be removed and the important provisions of pension reform could be preserved.

Mr. Speaker, I would urge the members to oppose the Christiana motion and move forward swiftly to consideration of final passage. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Bucks County, Representative Petri, on the question of constitutionality.

Mr. PETRI. Thank you, Mr. Speaker.

In addition to what the previous speaker just stated about the law, there is an interesting conundrum in this particular piece of legislation, Mr. Speaker. This particular piece of legislation actually contains the severability provision. So therefore, if the bill is challenged and it is found to be unconstitutional, the portion that will be struck will be the fiscal office. I just wanted to note that for the record, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from York County, Representative DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I recognize that there are going to be different points of view on this. I think it is important to point out, though, that there has never been a specific case that has argued on this point before the Supreme Court that would deal with this specific type of issue. So while we may have our points of view on this, the reality is that this is not settled law as to what would happen.

I believe that this would be determined to be constitutional. That is my point of view on this. And the reason why I believe that is that you can certainly make the argument that both the pension reform legislation and the fiscal office view it the fiscal health of the Commonwealth, which is certainly a single subject. You may decide on your own to determine single subject on a much narrower path or on a more expansive path, but I just want to be clear that any of us who say that we know how the Supreme Court would rule on this particular issue, we do not have any specific case law to back up that argument. So this would be new law.

Specifically, though, I believe both deal with the fiscal health, which means I believe they both fall under the single-subject rule. And even if the court were to determine that they do not, the way this is crafted and the severability provisions that exist, the Supreme Court would have the ability that if they were to determine that the fiscal office is unconstitutional, the rest of the legislation would still be constitutional and still be law.

Thank you, Mr. Speaker.

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

Mr. D. EVANS. Mr. Speaker, thank you.

Mr. Speaker, this is very difficult for me, because I spent an awful lot of time on this particular bill working with Republicans on that side of the aisle in terms of addressing the issue, because, Mr. Speaker, we do need pension reform. I want to be very clear: We do need pension reform. However, Mr. Speaker, in my view, with what was presented to me in terms of the information, I do believe that this would be unconstitutional. If for some reason, Mr. Speaker, this should not be successful, I will be very clear that I just read an article from a good friend, Steve Nickol, and the fact of the matter is, I do believe that if this is not successful, I ultimately will support the bill, because I do believe we need pension reform. But I do believe this issue is so essential to where we are today that this is unconstitutional.

Why take the chance, Mr. Speaker, why take the chance and put it in the hands of the courts? In my view, and I am just one person, why take that gamble? So I would ask, Mr. Speaker, that the fact of the matter is that I believe this is unconstitutional and that if it should pass, or if it should not pass, I ultimately will support the bill. Thank you, Mr. Speaker.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 2497. And on the issue of constitutionality, the bill is constitutional; it is not unconstitutional. And I think the issue before us this evening, Mr. Speaker, is that HB 2497 is before us on concurrence. It is before us on concurrence. It can go directly to the desk of the Governor for his signature based on concurrence tonight. If we nonconcur and get caught up into these speculative issues — because there is no one here tonight to provide a clear and concise opinion which clearly indicates that this bill is unconstitutional. We do not have that kind of decisionmaking going on in this House.

And all the opinions that we have offered have been speculative at best, but when you put the speculation next to the thousands of public employees who are retired and for those who are currently in the system, their interests far outweigh this speculative analysis that we want to engage in tonight. Their interests clearly outweigh our speculative analysis. In fact, like the old folk used to say, sometimes we get so smart until we get caught up in the paralysis of analysis instead of going on taking care of the business. And I think a member fully stated, and I strongly support, that if something about this bill is problematic, then it is possible for the courts to delineate that problematic part of the bill and continue implementation of the main issue in the bill. That can happen.

So, Mr. Speaker, let us not play with the interests of retirees, current employees, and a marketplace that is unpredictable. Let us do predictability tonight by voting "no" on this issue of

unconstitutionality; reject that, and let us get on to sending HB 2497 to the Governor's Office this evening.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Allegheny County, Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the entire bill is constitutional. HB 2497 deals solely with the financial solvency and integrity of the Commonwealth by reforming the way we deal with public-sector pensions, including a mechanism to measure the impact and financial effectiveness of those reforms. Mr. Speaker, the creation of the independent fiscal office ensures that we have an independent assessment of revenues available to deal with pension contribution spikes and to measure and check on future spending so that we do not obstruct and inhibit our ability to budget in a manner that will prevent similar problems from arising. For these reasons, the entire bill is constitutional, and I urge the members to vote "yes."

The SPEAKER. The Chair recognizes the gentleman from Westmoreland County, Representative Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

If I might, I wanted to address what I believe to be a flaw in several of the arguments I have heard today. There were several folks that talked about the fact that we do not have a Supreme Court opinion, as if to say, since we do not have a Supreme Court opinion, we cannot make an independent decision. And I argue that we have an absolute obligation to do that without regard to whether there is a Supreme Court decision. We need to take a look at the Constitution. We have a constitutional duty and an obligation to do that today.

With regard to the question as to whether this bill is constitutional or not, if you take a look at the Constitution, we need to take a look at what mischief was designed to be prevented here, and I think the mischief that is designed to be prevented is exactly what we are seeing today. We will talk about this pension bill; we will talk about this as if it is a pension bill. Probably 95 percent of our discussion today will be whether or not it is a good reform of the pension system. The independent fiscal office will be an afterthought. It is a significant, significant structural change we are being asked to make going forward. It is a very significant issue, and we are going to give it almost no discussion because it is so tied into a pension bill that has a lot of political weight behind it. I think that is exactly what was designed to be prevented by requiring this to have a single subject. I think this is case in point to the reason why we should determine this to be unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Allegheny County, Representative Turzai. The gentleman, I think the rule only allows one time on constitutionality.

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

Mr. EACHUS. Thank you, Mr. Speaker.

Just to summarize. Let me be clear about this: This issue is not just merely a question about constitutionality. This issue, this motion, stands in the way against real pension reform, real pension reform that affects contribution rates for school districts and the Commonwealth. Make no mistake, if you vote that this bill is unconstitutional, you are voting against real pension

reform in this Commonwealth, and that virtually guarantees a property tax increase for taxpayers across this Commonwealth.

I am urging people to be reasonable about this. Let us move this along today, and I am asking for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. On the point of order, those who believe the bill is constitutional will vote "aye"; those believing that the bill is not constitutional will vote "nay."

On the question recurring,  
Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—128

Adolph	Fairchild	Levdansky	Preston
Barbin	Farry	Longietti	Ravenstahl
Belfanti	Fleck	Mahoney	Readshaw
Beyer	Frankel	Manderino	Roebuck
Bishop	Freeman	Mann	Ross
Boback	Galloway	Markosek	Sabatina
Bradford	Geist	Marshall	Sainato
Brennan	George	Matzie	Samuelson
Briggs	Gerber	McGeehan	Santarsiero
Brooks	Gibbons	McI. Smith	Santoni
Brown	Godshall	Melio	Scavello
Burns	Goodman	Miccarelli	Seip
Buxton	Grucela	Micozzie	Shapiro
Caltagirone	Haluska	Milne	Siptroth
Carroll	Hanna	Mirabito	Smith, K.
Casorio	Harhai	Mundy	Smith, M.
Cohen	Harkins	Murphy	Solobay
Conklin	Harper	Murt	Stern
Costa, D.	Harris	Myers	Sturla
Costa, P.	Hess	O'Brien, D.	Taylor, J.
Curry	Hornaman	O'Brien, M.	Taylor, R.
Daley	Houghton	O'Neill	Thomas
Deasy	Johnson	Oliver	Vereb
DeLuca	Josephs	Pallone	Vitali
DePasquale	Keller, W.	Parker	Wagner
Dermody	Kessler	Pashinski	Wansacz
DeWeese	Killion	Payton	Waters
DiGirolamo	Kirkland	Peifer	Wheatley
Drucker	Kortz	Perzel	White
Eachus	Kotik	Petrarca	Williams
Evans, J.	Kula	Petri	Youngblood
Fabrizio	Lentz	Phillips	Yudichak

NAYS—68

Baker	Gabig	Metcalfe	Rock
Barrar	Gabler	Metzgar	Rohrer
Bear	Gingrich	Millard	Saylor
Benninghoff	Grell	Miller	Schroder
Boyd	Grove	Moul	Smith, S.
Boyle	Hahn	Oberlander	Sonney
Causar	Harhart	Payne	Stevenson
Christiana	Helm	Perry	Swanger
Clymer	Hennessey	Pickett	Tallman
Cox	Hickernell	Pyle	Toepel
Creighton	Hutchinson	Quigley	True
Cutler	Kauffman	Quinn	Turzai
Day	Keller, M.K.	Rapp	Vulakovich
Delozier	Knowles	Reed	Watson
Denlinger	Krieger	Reese	
Ellis	Maher	Reichley	McCall,
Evans, D.	Major	Roae	Speaker
Everett	Marsico		

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

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

The SPEAKER. Does the gentleman from Schuylkill County, Representative Seip, wish to be recognized? The gentleman is recognized, on concurrence in Senate amendments to HB 2497, PN 4476.

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, I used to work in a Pennsylvania State prison, and I can tell you it is a fact that the employees there protect the rest of us from those that are convicted of murder, rape, child sexual assaults, and numerous other serious crimes. The verbal abuse from the prisoners is really the least of the nasty and despicable behavior that those in these incredibly challenging work settings have to tolerate. Mr. Speaker, from the physical beatings and the harm that I know that was inflicted on the Department of Corrections workers at SCI (State correctional institution) Camp Hill and other places to having human waste products thrown on them, the Commonwealth asks that care, custody, and control of inmates be maintained. Even for those with infectious diseases like MRSA (methicillin-resistant staphylococcus aureus), the three c's have to be maintained. Believe me, we have a duty to make sure that those employees' pensions are safe and that they are funded for sustainability.

I have also been an incredibly outspoken and vigilant advocate for legislation to take down the cyclops that forces and presses heinous school property tax burdens onto our homeowners. Mr. Speaker, without this bill, the taxpayer contribution to the pension funds will spike from the current range of about 5 or 6 percent of the employees' salaries to nearly 27 or 29 percent for those two systems just 2 years from now, and those rates are going to climb even higher as we go deeper into this. The Pennsylvania taxpayers, particularly those at the local school district level, cannot afford that kind of spike, especially in this type of economy. In the 2012-13 fiscal year alone, HB 2497 would protect taxpayers from a \$3.3 billion spike. Overall, we are talking about a savings of at least \$28 billion over 30 years.

In addition to the refinancing costs, the legislation also includes several reforms, like shared risk. Taxpayers will no longer be on the hook to make up the full cost of investment losses for new employees. Under this bill, new legislators who ran as reformers will come under a pension plan that puts a lower shared cost on taxpayers. Our school districts and homeowners need stable and predictable pension costs to avoid incredibly high property tax hikes. Mr. Speaker, this is real pension reform and far, far too important to put off until the next legislative season.

Now, we have been driving down the field hard. Now is not the time to punt the ball away. Let us press on with an affirmative vote on HB 2497. Just like the NFL (National Football League) champion Pottsville Maroons against the

Chicago Cardinals, we are on the move. So let us punch this legislation across the goal line, just like Tony Latone, and make it a touchdown for all of our taxpayers.

Thank you, Mr. Speaker. That concludes my remarks.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I think the importance of this vote cannot be underexpressed today. Pension reform is something that is needed for the taxpayers of this Commonwealth. The defined benefit systems that all government employees are currently under, all school employees and State employees, are breaking the bank, Mr. Speaker. Mr. Speaker, myself and many of the conservatives here voted earlier this session on this legislation and for this legislation, and many of us for one reason: that at the time it was brought before us, it was a small step in the direction of trying to reduce taxpayer liability, one with changing vesting times from 5 years to 10 years, some of the other changes that have been mentioned here today. And another reason was using the economic recovery that many of us are hoping for in the future to help grow our way out of the taxpayer liability that is currently there rather than requiring taxpayers to fill the gap currently, which I think if we require the taxpayers to fill the liability right now out of their pockets, once again it would depress the economy. It would be taking the taxpayers to the cleaners for something that we could hopefully use the economy to grow us out of as we move forward.

But, Mr. Speaker, after that vote was cast and this bill went to the Senate, and as it has come back to us, Mr. Speaker, I have never seen another piece of legislation in my recent memory lobbied as hard for by the union membership as I have this one today. And whereas many of us voted for this thinking that it was going to be a small step of many first steps in the direction of bringing about the real reform that is needed for these defined benefit pension systems, to actually end defined benefit pension systems, Mr. Speaker, the unions are advocating for this legislation for this being the saving grace to their defined benefit system. They are advocating for this thinking that this legislation today will actually keep their defined benefit systems in place and take that defined benefit system off the table when we are negotiating further changes to actually fix the pension system that is breaking the taxpayers of Pennsylvania's backs, Mr. Speaker.

So whereas many of us voted for this as a first small step, Mr. Speaker, the unions have been advocating – through a multitude of e-mails and calls that I have been receiving, as I am sure many of my colleagues have – they have been advocating for this as the final step, not the first small step, Mr. Speaker. I think if we pass this legislation today, Mr. Speaker, in this lameduck session, that we are going to take away any momentum that we actually will have going into the next session to bring about real pension reform that is needed for the taxpayers of Pennsylvania, Mr. Speaker.

Mr. Speaker, I think a "no" vote on HB 2497 is what so many people will be calling for who just went to the polls on November 4 and demanded their government to act more fiscally responsible, Mr. Speaker. Mr. Speaker, I think a favorable vote for this legislation in lameduck today is a real slap in the face to the taxpayers of Pennsylvania. Mr. Speaker, this could have been a first small step, but I think it has really turned into what is being lobbied and advocated for by the

unions as the final step. And I think, Mr. Speaker, by the way the unions have been lobbying for this, I think as somebody who spent 12 years here, it is very hard to believe that there have not been some backroom negotiations and deals that have been cut to try and ensure if this actually passes today that we do not see further reform in the future, Mr. Speaker.

Mr. Speaker, next session, coming in with a strong Republican majority and a Republican Governor and a Republican Senate, I think this General Assembly will have a chance to enact substantive reforms of which, if this is passed today, I think it will kill the momentum for those substantive reforms, Mr. Speaker. That is why I will be voting "no" with a capital N-O today, Mr. Speaker.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland County, Representative Grell.

Mr. GRELL. Thank you, Mr. Speaker.

Today I rise with very mixed feelings about this legislation. As a body we have just determined HB 2497 to be constitutional, yet I fear that if challenged, our Supreme Court will find otherwise. Nevertheless, I accept the vote of the body and am prepared to talk about the merits of the bill.

Faced with the up-or-down vote on HB 2497 on its merits, I take the microphone to support the bill and the short-term relief and the long-term reforms that are contained therein. At the outset, I want to address the rhetoric that we may hear in the debate on this bill.

Mr. Speaker?

The SPEAKER. The House will come to order. The gentleman may proceed.

Mr. GRELL. Mr. Speaker, I have installed a rhetoric counter at my desk. I have programmed in the phrase "union pension bailout" to keep track of how many times we will hear this phrase in connection with this bill. I think it is a misleading phrase for two reasons. First of all, neither of the pensions that we are talking about are union pensions. Unions do not control or manage or administer the pension funds. In fact, unions do not even contribute to the funds. We are not dealing with pension funds like the United Auto Workers or the Teamsters or other actual union pension funds. Second is the term "bailout." Now, Mr. Speaker, I always thought the phrase "bailout" is when one person or group of people steps in and assumes the obligation of another person or group of people because that group has not lived up to its obligations. That is quite clearly not what is the case here today. The members of PSERS and the members of SERS, whether they belong to a union or not, have paid every penny and every dollar they were ever required to pay under the retirement codes. These funds are not in trouble because of anything the members of the plan have done or failed to do. Frankly, Mr. Speaker, if this bill bails out anybody, it bails out our predecessors in the House and in the Senate, who have enacted benefit enhancements while at the same time keeping the contributions of State and school district employers at artificially low rates for many years.

On the merits of the legislation, let me start by saying I have been working on this issue for the better part of this 2-year session. With my Republican Policy Committee colleagues, I have met with teachers, police officers, firefighters, local government officials, public employee retirees, taxpayer groups, individual taxpayers, and others to educate me on how these funds work and why they do not currently work. I have

participated in public hearings, and I have presented town hall meetings on this subject.

Mr. Speaker, after about a year of this education, I dipped my toe into the water when I introduced HB 2135 in January of this year. This legislation would have created a hybrid pension system for all new State and school district employees, shifting from the defined benefit plan to a combination of a defined benefit and a defined contribution plan. Thirteen brave souls in the House joined me as cosponsors of HB 2135. Mr. Speaker, you would have thought that I had personally placed a worm inside the apple of every teacher across this State. To say I was criticized by teachers and their union is an understatement. With the possible exception of my friend from Lancaster County, I believe I was public enemy number one for daring to introduce the hybrid bill, but I did it because I thought it was a good plan, and I still do.

As I went to various school boards to make presentations on the pension crisis and to present various alternatives that were being discussed, I was accused of wanting to put teachers into breadlines and at soup kitchens. As I finished one presentation at a school board in Cumberland County, I was followed out of the room by a charming woman who introduced herself as a local union president. And she wanted me to know that she thought I was despicable. Imagine, me despicable. Who would have thought?

As we continued to work on this issue, now along comes HB 2497. In its original form, I agree it was nothing more than a series of employer rate collars that would prevent the 2012 rate spike at a tremendous cost of deferral. In working with Chairman Evans, we were able to insert four very significant long-term reforms that dramatically reduced the cost of that deferral, the cost of providing short-term relief to our schools and to our property tax payers. That bill passed the House 192 to 6.

Mr. Speaker, that bill then went to the Senate, and after some delay, they added five additional long-term reforms to further dramatically reduce or even eliminate the cost of the short-term relief that is contained in this bill, and it passed the Senate 41 to 8. Mr. Speaker, for those who argue that this bill pushes the pension problem down the road, I want to make sure that you and the public know about the nine long-term reforms that will significantly affect the benefits offered to all new State and school district employees and to legislators.

First, this bill rolls back the benefit enhancements of 2001 and returns the pension benefit multiplier from 2.5 to 2.0. Legislators' multiplier is rolled back from 3 to 2, while keeping the employee contribution at the higher rate of 6.5 percent for State employees and 7.5 percent for school district employees. In essence, this plan provides future members with a lower benefit but at the higher cost.

Second, the bill requires an employee to pay into the system for 10 years before vesting into the defined benefit plan, rather than the current 5-year vesting period. Third, HB 2497 raises the retirement age for a full benefit from 60 years to 65 years for State employees and from the current 62 years to 65 years for school employees. Fourth, the bill eliminates an option, the so-called lump sum option, which allows retiring employees to pull out all of the money that they have ever paid into the system while continuing to get a monthly benefit for life. Those were the four long-term reforms that we put in the bill.

In addition to those long-term reforms introduced by the House, the Senate went further and added an additional five

meaningful long-term reforms. The bill before us today includes a Senate amendment that prevents and prohibits the use of risky pension obligation bonds to prop up or mask the retirement fund's status. Second, the Senate version would cap the retirement benefit under the new plan at a member's preretirement salary, regardless of how many years of service. So nobody will be getting more than 100 percent of their final average salary if HB 2497 is concurred in. The third Senate amendment reduces the fresh start amortization from 30 years, as was provided, to a shorter 24 years, thereby reducing the cost of deferring the obligation. Fourth, the Senate amendments require that any future purchases of service be bought and paid for at actuarially neutral cost to the fund. So the fund will not be subsidizing purchases of service. Fifth, and most significant in my view, the Senate amendments introduce an element of shared risk into the employee obligations under both retirement codes. Under this innovative provision, no longer will the employer and the taxpayer be solely responsible for investment losses incurred in the future. Under this bill, the contribution rate for employees will also be adjusted periodically if the fund does not achieve its assumed rate of return of 8 percent. If so, the employees will be required to increase their level of payroll contribution for the benefit of the fund.

Those are the nine reforms. So to say that HB 2497 just pushes the problem down the road is disingenuous, and I want the record to reflect clearly on that subject, that there are substantive reforms contained in this bill. HB 2497 is not everything I wanted. I still believe the hybrid pension embodied in HB 2135 would be a fair and reasonable plan for employers, employees, and taxpayers. However, that bill is not before us today; this one is. Neither is the plan that would simply place all new employees into a defined contribution plan and require school districts to pay the piper with 30 percent payroll contributions 18 months from now.

Now, Mr. Speaker, some may argue that the political dynamic changed on November 2. Well, maybe it has, but maybe it has not. The State Senate could have amended a defined contribution plan into HB 2497 and sent it back here, but they did not. Perhaps that gives us some insight into what may be on the legislative horizon if we defeat HB 2497 today. All we know for sure is that if HB 2497 is not signed into law by November 30, every new legislator who joins us in December and every new State employee who comes to join the Corbett administration will be grandfathered in to the current expensive system and we will be even further behind in bringing these pension funds to a more stable financial status.

Now, there may be several different lessons from the election results on November 2, but I think one of them is that we need to do something. Today we have a choice. We can complain that this bill does not go far enough and we can defeat it on a wish and a hope that something better will be passed quickly in January, or we can approve this bill, scale back the overly generous benefit plans for all new employees and stop the bleeding, while at the same time providing short-term relief to our school districts and the taxpayers who support those school districts.

Now, if Governor-elect Corbett comes out of the gate with a better plan, I will be there to scrutinize that plan and help to advance it in the legislature, but if he does not, at least we will have done something good here today, and I urge your support on concurrence.

Thank you, Mr. Speaker.

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

Mr. KRIEGER. Thank you, Mr. Speaker.

First of all, I would like to say that I agree with very much of what the previous speaker had to say. I believe there are good reforms in this bill; however, to put it bluntly, I do not think they are good enough. Look at what we face. We face \$15 billion in underfunding in PSERS and perhaps another \$5 billion in SERS. And most of us would agree with how we got in this position. It is because we deferred the liabilities. We took the easy way out. I would like to remind the members, I was not here, many of us were not here, 10 years ago. Most of us look back and blame those decisions 10 years ago for the problem, but remember, those looked like good decisions 10 years ago. I believe 5 or so years from now, while what may look like a good decision to you now will not look like such a good decision then.

So our answer for deferring liabilities, getting into this problem is to pay less now and to pay more later. Take a look at the deferral schedule. In 2014, under the bill as amended we are considering today, the payment would be at 16.7 percent. Certainly significantly better than what it would be without the bill. However, the school districts I talked to say it does not matter; they are not going to be able to pay 16 percent or 30 percent. We are going to revisit this again. Why do we not do it right now? Elections are supposed to mean something. We have a new Governor coming in here in January. I think he deserves the opportunity to address this issue from the start and to address it comprehensively.

So while I respect the previous speaker and I do think there are reforms here that are significant, they are not good enough. We can do better, and I think we have a right and an opportunity to do better come January. So I would urge a "no" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Adams County, Representative Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

Just a couple of quick comments. Most of you here, on the floor here, have received innumerable e-mails from a particular union in support of this bill, and I was actually 50-50 on this bill until I heard some arguments here on the floor of the House. And I am going to echo some of the same things that the Representative from Westmoreland County has said, because at this point, I am now a "no" on the bill. Let me tell you why.

First of all, we are not doing our fiscal responsibility as a House of Representatives if we pass this bill as is. Number two, I believe we were sent a very clear message: We need to reform how we do business. And this is not accomplished. Yes, there are some very nice things in this bill, but we have not addressed what our constituents are demanding, which is, middle America today is on a defined contribution system. Why do we not fix it? Why do we not fix it correctly? Why are we kicking the can down to 2016 or whenever? We have not fixed the bill correctly. We have not fixed the problem with good fiscal management. As a matter of fact, we are deferring our responsibility. Thirdly is we have a new administration coming in January. We have a new House and a new Senate. I believe the new Governor should be allowed to put forth his proposal for what should occur with our pension crisis. And do not buy the argument that we have to have it done by 12/1 or whenever here in December, because just this year's fiscal bill, we

changed the pension contributions of the school districts. So that argument is fallacious to start with.

Thank you, Mr. Speaker.

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

Mr. PALLONE. Thank you again, Mr. Speaker.

Obviously I rise to support HB 2497, for a number of things. I think the gentleman from Cumberland County essentially took my speech and improved it by actually articulating each of the benefits and bonuses that come out of this reform legislation relative to pensions in Pennsylvania. But we did hear a number of remarks saying about how we have been contacted by so many unions and different representatives from one or more particular unions. The irony is, the members of those unions are the taxpayers of Pennsylvania, and those are the people that we are here to represent. While this bill, HB 2497, will yield significant financial benefits across the board, both to the Commonwealth as well as the local school districts and many other agencies that are participants to these State-operated or -funded pension systems, those members, the beneficiaries of this pension system, are the taxpayers of Pennsylvania. And here we are, for once, actually doing something meaningful to save the taxpayers money. Call them unions, call them anything you want to call them; the bottom line is, they are the taxpayers of Pennsylvania, and we are now showing them that we are going to save them money with both short-term and long-term benefits. If you have additional improvements, God bless you, because you have next session to introduce any more savings that you can provide for the taxpayers of Pennsylvania.

I know my good colleague from Westmoreland County has a proposal to go to a contribution-based plan, and that certainly is something that can be yielded in the future for additional benefits. But right now, here and now today, we have the chance to save taxpayers money in Pennsylvania, and I encourage all of you to vote "yes" on HB 2497.

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

Mr. D. EVANS. Mr. Speaker, I just want to stand and applaud the gentleman, whom I had a real pleasure of working with, Representative Glen Grell. I think that what this legislation demonstrates, for the first time that I have seen in my last couple of years, is a real bipartisan effort. I will not repeat the things that he has said, but it is clear to me that the process was something that did work. When you heard what he outlined, and I want to specifically make sure I deal with the issue that he talked about in terms of a bailout. I do not want this to be labeled in any way as a "bailout." I want to make that very clear. This is not a bailout. I think that he has laid a very cogent argument. I know that some individuals are running around saying that, but no matter if you are on either side of the aisle, it is not a bailout.

So, Mr. Speaker, I want to stand up and support what Representative Grell just said. Clearly, this is not a bailout. I would ask that you support it, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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—165

Adolph	Farry	Longiotti	Rapp
Baker	Fleck	Maher	Ravenstahl
Barbin	Frankel	Mahoney	Readshaw
Belfanti	Freeman	Major	Reed
Benninghoff	Gabig	Manderino	Reichley
Beyer	Gabler	Mann	Rock
Bishop	Galloway	Markosek	Roebuck
Boback	Geist	Marshall	Ross
Boyle	George	Marsico	Sabatina
Bradford	Gerber	Matzco	Sainato
Brennan	Gibbons	McGeehan	Samuelson
Briggs	Gingrich	McI. Smith	Santarsiero
Brown	Godshall	Melio	Santoni
Burns	Goodman	Miccarelli	Scavello
Buxton	Grell	Micozzie	Seip
Caltagirone	Grucela	Miller	Shapiro
Carroll	Hahn	Milne	Siptroth
Casorio	Haluska	Mirabito	Smith, K.
Causar	Hanna	Moul	Smith, M.
Christiana	Harhai	Mundy	Solobay
Clymer	Harhart	Murphy	Sonney
Cohen	Harkins	Murt	Stern
Conklin	Harper	Myers	Sturla
Costa, D.	Harris	O'Brien, D.	Taylor, J.
Costa, P.	Helm	O'Brien, M.	Taylor, R.
Curry	Hennessey	O'Neill	Thomas
Daley	Hess	Oliver	True
Day	Hornaman	Pallone	Vitali
Deasy	Houghton	Parker	Vulakovich
Delozier	Johnson	Pashinski	Wagner
DeLuca	Josephs	Payne	Wansacz
DePasquale	Kauffman	Payton	Waters
Dermody	Keller, M.K.	Peifer	Watson
DeWeese	Keller, W.	Perzel	Wheatley
DiGirolamo	Kessler	Petrarca	White
Drucker	Killion	Petri	Williams
Eachus	Kirkland	Phillips	Youngblood
Evans, D.	Kortz	Pickett	Yudichak
Evans, J.	Kotik	Preston	
Everett	Kula	Pyle	McCall,
Fabrizio	Lentz	Quigley	Speaker
Fairchild	Levdansky	Quinn	

## NAYS—31

Barrar	Ellis	Millard	Smith, S.
Bear	Grove	Oberlander	Stevenson
Boyd	Hickernell	Perry	Swanger
Brooks	Hutchinson	Reese	Tallman
Cox	Knowles	Roae	Toepel
Creighton	Krieger	Rohrer	Turzai
Cutler	Metcalfe	Saylor	Vereb
Denlinger	Metzgar	Schroder	

## NOT VOTING—0

## EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

## 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 2497, PN 4476

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 24, further providing for definitions, for mandatory and optional membership, for contributions by the Commonwealth, for payments by employers, for actuarial cost method, for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for administrative duties of board, for payments to school entities by Commonwealth, for eligibility points for retention and reinstatement of service credits and for creditable nonschool service; providing for election to become a Class T-F member; further providing for classes of service, for eligibility for annuities, for eligibility for vesting, for regular member contributions, for member contributions for creditable school service, for contributions for purchase of credit for creditable nonschool service, for maximum single life annuity, for disability annuities, for member's options, for duties of board regarding applications and elections of members and for rights and duties of school employees and members; providing for Independent Fiscal Office study; in Title 71, establishing an independent fiscal office and making a related repeal; further providing for definitions, for credited State service, for retention and reinstatement of service credits, for creditable nonstate service and for classes of service; providing for election to become a Class A-4 member; further providing for eligibility for annuities and for eligibility for vesting; providing for shared risk member contributions for Class A-3 and Class A-4 service, further providing for waiver of regular member contributions and Social Security integration member contributions, for member contributions for purchase of credit for previous State service or to become a full coverage member, for contributions for the purchase of credit for creditable nonstate service, for contributions by the Commonwealth and other employers, for actuarial cost method, for maximum single life annuity, for disability annuities and for member's options; providing for payment of accumulated deductions resulting from Class A-3 service; further providing for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for special supplemental postretirement adjustment of 2002, for administrative duties of the board, for duties of board to advise and report to heads of departments and members, for duties of board regarding applications and elections of members, for installment payments of accumulated deductions, for rights and duties of State employees and members, for members' savings account, for State accumulation account, for State Police Benefit Account, for Enforcement Officers' Benefit Account, for supplemental annuity account and for construction of part; and providing for Independent Fiscal Office study, for retirement eligibility of Pennsylvania State Police officers or members, for a prohibition on the issuance of pension obligation bonds, for holding certain public officials harmless, for construction of calculation or actuarial method, for applicability and for certain operational provisions.

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

## VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentleman from Dauphin County, Representative Payne, rise?

Mr. PAYNE. Thank you, Mr. Speaker. To correct the record.

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

Mr. PAYNE. Thank you, Mr. Speaker.

On HB 174, that is 1-7-4, I was recorded as a "yes." My switch malfunctioned; I should have been a "no." And, Mr. Speaker, I would like to personally thank the IT (Information Technology) people for their quick response in repairing my button. Thank you.

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

For what purpose does the gentleman from Perry County, Representative Keller, rise?

Mr. M. KELLER. To correct the record.

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

Mr. M. KELLER. On HB 2477, I was recorded in the negative and it should have been the positive.

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

The Chair recognizes the gentleman from Delaware County, Representative Adolph, to correct the record.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I stand to correct the record on HB 1482. My switch did not record a "yes" vote. Thank you.

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

The Chair recognizes the gentleman from Erie County, Representative Sonney.

Mr. SONNEY. I would like to correct the record.

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

Mr. SONNEY. On HB 2477, I was recorded in the negative. I wish to be recorded in the positive.

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

## REMARKS SUBMITTED FOR THE RECORD

### VOTE CORRECTION

Mrs. BROOKS submitted the following remarks for the Legislative Journal:

On HB 2497, I was recorded in the negative and should be recorded in the affirmative. Thank you for your attention in this matter.

## REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman from Chester County, Representative Hennessey, rise? To correct the record?

Mr. HENNESSEY. No, not to correct the record. I just wish to submit remarks on another bill. Am I in order to do that now?

The SPEAKER. You are recognized for that purpose.

Mr. HENNESSEY. Okay. I would like to submit remarks on SB 976, which passed this chamber earlier this afternoon.

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

I rise to support concurrence on SB 976. As Republican chair of the House Aging and Older Adult Services Committee, I worked closely with the PA State Police, State Senator Michael O'Pake, and State

Representative Rosita Youngblood, on the Missing Endangered Person Advisory System initiative (MEPAS).

With the agreement of both Representative Youngblood and Senator O'Pake, we amended Representative Youngblood's HB 726 in committee to insert the MEPAS language, and the bill passed the House on June 14, 2010, by a vote of 194 to 0.

HB 726 was originally proposed to create a silver alert program that would benefit individuals 65 and older. The MEPAS proposal, contained in both HB 726 and SB 976, will benefit any individual who is too old to be covered under the PA Amber Alert System, and who is missing and at risk of harm or injury.

MEPAS will operate very similarly to the current Amber Alert System and is wholeheartedly endorsed by the PA State Police, who anticipate utilizing the same protocols for the program.

The PA State Police anticipate that the cost of implementing the MEPAS program will be approximately \$60,000, anticipating that this will entail overtime costs for staff in order to be available to respond to calls.

I believe that this bill, as it stands before us, is in the best interest of the people of the Commonwealth and our seniors in particular, and I am pleased that the chamber has voted for SB 976.

## COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes the gentleman from Northumberland County, Representative Belfanti, for the purpose of an announcement.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, the House Labor Relations Committee scheduled a meeting for later today in case the House was going to be scheduled for additional voting days and the Senate may or may not return. That not being the case, the House Labor Committee meeting is canceled; not postponed but canceled.

And I would like to take this opportunity to thank the Democratic and Republican members of the Labor Committee for their steadfast support and bipartisan activity on being on a very tough philosophical divide-type of committee. A special thank-you to my Republican counterpart, Representative DiGirolamo. And I have been on that committee for 30 years consecutively, and 18 years as both minority and majority chairman. And once again, I will not be having any more meetings. I would also like to thank both the Democratic and Republican staffs of the House Labor Relations Committee, and I wish you all good stead in the upcoming session. Thank you.

The SPEAKER. The Chair thanks the gentleman.

## VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentleman from Cumberland County, Representative Grell, rise?

Mr. GRELL. To correct the record.

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

Mr. GRELL. Thank you, Mr. Speaker.

When we were voting on HB 1231, my color blindness caused me to push the wrong button. I had intended to be a "no" vote.

Thank you, Mr. Speaker.

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

For what purpose does the gentledady from Philadelphia rise, Representative Bishop?

Ms. BISHOP. To correct the record, Mr. Speaker.

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

Ms. BISHOP. HB 2477, my switch malfunctioned. I voted in the negative; I wish to be voted in the positive.

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

Ms. BISHOP. Thank you.

### FORMER MEMBERS WELCOMED

The SPEAKER. The Chair would like to welcome two former members to the House floor. Seated to the left of the Speaker, Representative Joe Battisto, Monroe County, and Representative Tom Petrone from Allegheny County – two former members. Welcome to the hall of the House.

### STATEMENT BY MR. PALLONE

The SPEAKER. For what purpose does the gentleman from Westmoreland County, Representative Pallone, rise?

Mr. PALLONE. I believe under personal privilege, Mr. Speaker.

The SPEAKER. Unanimous consent?

Mr. PALLONE. Unanimous consent; I am sorry.

The SPEAKER. Without objection.

Mr. PALLONE. Just for the record, in lieu of farewell remarks, I have already submitted remarks for the record. I just wanted to make sure that they were included.

The SPEAKER. The Chair thanks the gentleman.

Mr. PALLONE. Thank you.

### FAREWELL REMARKS SUBMITTED FOR THE RECORD

Mr. PALLONE submitted the following farewell remarks for the Legislative Journal:

Mr. Speaker, colleagues, friends, family, and constituents, it is with mixed emotions that I come before you today to offer my farewell remarks, and my remarks will be brief. In fact, I can probably summarize my remarks in two humble but significant words: Thank you. But for those of you who know me well, that probably is not possible – heck, I am a lawyer and a politician and I am before a crowd of 202 elected officials and a viewing audience.

Thank you for giving me the opportunity to serve you as the Representative in the Pennsylvania General Assembly for the 54th Legislative District for the past 10 years. It has been my honor to represent you and to fight to preserve the programs that are so important to Pennsylvanians both young and old. Just to mention a few accomplishments during my tenure: I fought off and voted against income tax increases. I fought off and stopped a gasoline tax increase. I voted to expand PACE (Pharmaceutical Assistance Contract for the Elderly) and PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) for seniors. I voted to increase funding for education. I voted to cut business taxes. I voted to provide property tax relief to all residential property owners in Pennsylvania. I voted to expand the Children's Health Insurance Program (CHIP). And I could not be pressured into voting for legislation that hurt Pennsylvanians. I had to make many difficult choices during my tenure, and I always put the will of the people before my personal point of view – I stood up for what was right even if I had to stand alone.

Additionally, I had the opportunity to learn more about this great State than one could imagine. As we all know, Pennsylvania has the beauty of all four seasons and has some of the most pristine landscape and countryside views from the valleys to the mountains. Pennsylvania

serves as host to two major metropolitan cities that are recognized nationally and is host to some of the most significant moments in national and world history. But it also offers its residents and visitors the opportunity to visit the Grand Canyon – that is, the Pennsylvania Grand Canyon. It offers the most sought-after hunting and fishing venues. It offers numerous cultural and leisure time activities from downhill snow skiing and whitewater rafting to the finest of the arts and entertainment. It has more colleges, universities, and advanced education opportunities than probably any other State in the Union. Pennsylvania has resorts, amusement parks, zoos, lakes, rivers, and streams. And Pennsylvania has the finest people that anyone could ask for. Pennsylvania has it all, and I am proud to have been a part of it.

Before I leave, I have to acknowledge some of the folks that were important to me during these past 10 years. First, I must acknowledge the people of Pennsylvania who took the time to share with me their thoughts, ideas, and concerns on issues that were important to them. That feedback assisted me as I deliberated over the many issues that confronted us. I want to thank all of the volunteers who helped me along the way, particularly during my six elections. And my staff – first, my legislative assistant, Marlene Miller, my only full-time Harrisburg employee, who retired in June. Marlene was invaluable to me as a freshman legislator; her experience and knowledge helped guide me through the maze of Harrisburg's bureaucracy, and she kept me on the right track until she retired. And Jane Victor, my current legislative assistant, picked up where Marlene left off and helped keep me in check these past 5 months. Also, Lauren Rooney, my writer, did a terrific job translating my random notes into well-reasoned press releases or e-mail blasts. And Lorrie Hodgkiss and her staff helped me, tirelessly, with the development of legislation, amendments, and other critical documents. These folks work behind the scenes and are the best. I will be forever grateful to them for their professional assistance and their individual friendships.

And my district office – I have some of the finest people working in my district office too. Jackie Van Horne, Pam Sacriponte, Michele Nagoda, and John Albertson were all part-time employees but gave full-time effort; and Michele Pelisari, my only full-time employee in the district. They all did a fantastic job representing me and particularly serving the constituency. I am sure that many of the local residents will miss them as their go-to people to help resolve their issues. And I cannot forget Mary Lou Kunkle and Vickie Black who worked for me but retired several years ago. They were all outstanding and I will value their friendship forever. Thank you to my staff – you are the best.

And last but certainly not least, my family – thank you. My mom has always been my guiding light and more proud of her five kids than you could ever believe. And my father, now deceased, had Alzheimer's when I got elected in 2000 and never fully appreciated that I was a member of the General Assembly. But my dad was one to lead by example and showed me throughout his life how hard work would lead to success. My parents' influence during my life has made me the man that I am today, and it always brings me pleasure to make them proud. My brothers and sister, their wives and husband, and my nieces and nephews – they are a political committee larger than life itself and cannot be beat – made personal sacrifices beyond any expectations to help me. It is amazing in this society, when so many young people have developed a laissez-faire attitude, these kids from very young ages got involved and reached out.

Now, my wife Judi – what can I say? Her tolerance of me and my schedule and basically her general support goes beyond words. She sacrificed much of our time together so I could better serve the public. Even after we got an 11-month-old foster daughter in June of 2009 – as you will recall, it was during the 2009 budget standoff and I was in Harrisburg much of that summer – she accepted the fact that I had a job to do and she took full responsibility of all of the parenting duties then. I regret that I missed witnessing the excitement of this child's early development as she advanced through those first milestones of young life. For that I owe my wife and our foster child dearly. Judi is always there for me. When I was frustrated or angered, she calmed me; when I was energized or excited, she celebrated with me; when I was

distressed or saddened, she comforted me; and when I lost this most recent general election, she supported me with optimism and declared without hesitation that "as one door closes, another opens." Thank you, Judi. I love you.

I believe that during my tenure I have demonstrated my commitment to the great people of Pennsylvania and have given my all to ensure that Pennsylvania is a better place to live, work, and raise a family. For that I am proud to have served in this august body. I know that we have faced challenges and many difficult choices throughout the past decade, and the future is certainly unknown. I wish you all well as I depart, and may God's blessings be with you always.

**FORMER MEMBER WELCOMED**

The SPEAKER. This House has been notified that the gentelady, Representative Sue Laughlin, former member Sue Laughlin, is in the back of the hall of the House. Welcome to the floor, Sue.

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2321, PN 4469**, entitled:

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, consolidating the Public Safety Emergency Telephone Act; further providing for definitions, for the Wireless E-911 Emergency Services Fund and for funding for support; providing for a legislative study and for termination; consolidating statutory provisions relating to firefighters, the State Fire Commissioner and grants to fire companies and other services; making editorial changes; and making related repeals.

On the question,

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—194**

Adolph	Fabrizio	Longiotti	Reese
Baker	Fairchild	Maher	Reichley
Barbin	Farry	Mahoney	Roae
Barrar	Fleck	Major	Rock
Bear	Frankel	Manderino	Roebuck
Belfanti	Freeman	Mann	Rohrer
Benninghoff	Gabig	Markosek	Ross
Beyer	Gabler	Marshall	Sabatina
Bishop	Galloway	Marsico	Sainato
Boback	Geist	Matzie	Samuelson
Boyd	George	McGeehan	Santarsiero
Boyle	Gerber	McI. Smith	Santoni
Bradford	Gibbons	Melio	Saylor
Brennan	Gingrich	Metzgar	Scavello
Briggs	Godshall	Miccarelli	Schroder
Brooks	Goodman	Micozzie	Seip
Brown	Grell	Millard	Shapiro
Burns	Grove	Miller	Siptroth
Buxton	Grucela	Milne	Smith, K.
Caltagirone	Hahn	Mirabito	Smith, M.
Carroll	Haluska	Moul	Smith, S.
Casorio	Hanna	Mundy	Solobay

Causer	Harhai	Murphy	Sonney
Christiana	Harhart	Murt	Stern
Clymer	Harkins	Myers	Stevenson
Cohen	Harper	O'Brien, D.	Sturla
Conklin	Harris	O'Brien, M.	Swanger
Costa, D.	Helm	O'Neill	Tallman
Costa, P.	Hennessey	Oberlander	Taylor, J.
Cox	Hess	Oliver	Taylor, R.
Creighton	Hickernell	Pallone	Thomas
Curry	Hornaman	Parker	Toepel
Cutler	Houghton	Pashinski	True
Daley	Hutchinson	Payne	Turzai
Day	Johnson	Peifer	Vereb
Deasy	Josephs	Perry	Vitali
Delozier	Kauffman	Perzel	Vulakovich
DeLuca	Keller, M.K.	Petrarca	Wagner
Denlinger	Keller, W.	Petri	Wansacz
DePasquale	Kessler	Phillips	Waters
Dermody	Killion	Pickett	Watson
DeWeese	Kirkland	Preston	Wheatley
DiGirolamo	Knowles	Pyle	White
Drucker	Kortz	Quigley	Williams
Eachus	Kotik	Quinn	Youngblood
Ellis	Krieger	Rapp	Yudichak
Evans, D.	Kula	Ravenstahl	
Evans, J.	Lentz	Readshaw	McCall,
Everett	Levdansky	Reed	Speaker

**NAYS—2**

Metcalf	Payton
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**NOT VOTING—0**

**EXCUSED—5**

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1926, PN 4477**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general principles of justification, further providing for definitions, for use of force in self-protection, for use of force for the protection of other persons, for grading of theft offenses and for licenses to carry firearms; providing for civil immunity for use of force; and further providing for registration of sexual offenders and for sentence for failure to comply with registration of sexual offenders.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the gentelady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I welcome the opportunity to finally debate the merits of the so-called Castle Doctrine bill. I rise in support of the Castle Doctrine. The Castle Doctrine is current law. But I rise to stand with the law enforcement community – with police men and women, police chiefs, and district attorneys—

The SPEAKER. The gentledady will yield. The House will come to order. Members will take their seats. The House will come to order. The gentledady may proceed.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise to stand with the law enforcement community – with police men and women, with police chiefs, with district attorneys – in opposition to this bill, this expansion of the Castle Doctrine, because I believe it is very bad public policy. The Pennsylvania Law Enforcement Gun Violence Policy Group says it best: This bill "...is a defense attorney's dream." It will make the job of prosecuting criminals more difficult. It will provide another "creative defense for violent criminals." The Pennsylvania District Attorneys Association agrees, and they have just recently written us a new letter on HB 1926 as it comes back to us from the Senate. And it is very unfortunate that they have included the Megan's Law language in this bill – because I certainly could have and would have supported the Megan's Law language – but I want to put into the record the Pennsylvania District Attorneys Association's letter in opposition to the concurrence on HB 1926. Their letter reads: "The Pennsylvania District Attorneys Association opposes HB 40, the so-called Castle Doctrine bill." I am sorry; they wrote a new letter on HB 1926. Here it is; I am sorry. Let me begin again. "Pennsylvania's District Attorneys respect the rights of law-abiding gun owners and their constitutionally-protected right to defend themselves, their families and their homes. The Castle Doctrine already exists in Pennsylvania and already protects those rights.

"With those facts as background, I write on behalf of Pennsylvania's District Attorneys to ask that you oppose concurrence on HB 1926, legislation that would greatly expand the existing Castle Doctrine, as well as close two loopholes in Megan's Law. It is unfortunate that we are in this position, because the bill's Megan's Law provisions are important. But the provisions that greatly expand the Castle Doctrine are for more detrimental to public safety than the Megan's Law provisions are helpful. As we explain below, expanding the existing Castle Doctrine is a solution in search of a problem. It will let murderers and other violent felons escape justice without penalty, leaving victims without recourse or closure. Moreover, HB 1926 may very well be unconstitutional. We cannot, consequently, support HB 1926 in its current form.

"As an initial matter, we find it particularly frustrating and inexcusable that the HB 40 language expanding the Castle Doctrine was ever added to HB 1926 in the first place, as it was in the Senate on October 13, 2010. You will recall that on October 5, 2010, HB 40 passed the House by a wide margin and had the votes to pass the Senate by an even greater margin. But adding this language to a non-controversial and important Megan's Law bill was nothing more than putting politics ahead of protecting our kids. We are disappointed with this unnecessary and irresponsible tactic. Pennsylvania's children should never be used as pawns in political battles – but on this issue, they were."

The letter goes on to enumerate the reasons why the District Attorneys Association strongly objects to the language in HB 1926 and this expansion of the Castle Doctrine. It drastically expands the Castle Doctrine, "Does not create the Castle Doctrine – it drastically expands it." It will create a "shoot first, ask questions later" doctrine, and it will help criminals and hurt victims. I will submit the entire letter for the record.

"For all of the above reasons, we respectfully request that you vote to non-concur on HB 1926." And it is signed, Edward M. Marsico, Jr., President of the District Attorneys Association of Pennsylvania.

I strongly agree with the District Attorneys Association, with a group called the Pennsylvania Law Enforcement Gun Violence Policy Group, which is a coalition of police chiefs. We also received a letter from a group called Mayors Against Illegal Guns. The law enforcement community believes that this bill is not good public policy and I strongly concur with that position. It will make the safety of our communities more violence prone and it will make it harder for us to prosecute violent criminals. So therefore, I strongly oppose HB 1926 as it comes back on concurrence from the Senate.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

### LETTER SUBMITTED FOR THE RECORD

Ms. MUNDY submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

The SPEAKER. On the question of concurrence in Senate amendments, the Chair recognizes the gentleman from Philadelphia County, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I join my colleague and stand firmly, firmly on behalf of the Pennsylvania District Attorneys Association and law enforcement communities on nonconcurring on HB 1926. Mr. Speaker, my colleague mentioned that defense attorneys will have a field day. Not only will defense attorneys have a field day, but defendant criminals, defendant criminals will have a new year if this bill becomes law. And two areas in which you can find a new day for criminal defendants, one is, the expanded Castle Doctrine takes away the duty to retreat. The duty, there is no duty to retreat. Secondly, under current rules, under current rules of deadly force, the expanded Castle Doctrine weakens all notions of deadly force. And all of it is anchored on, anchored on the individual's feeling of what he or she believes is threatening the reasonable suspicion of a threat to their health, life, and liberty.

Mr. Speaker, we have enough problems with criminal defendants in the Commonwealth of Pennsylvania. We do not need to empower them any more with weapons in their hands. And last but not least, Mr. Speaker, we stand in support of current law. We do not have a problem with current law, but, Mr. Speaker, it is under this expansion of existing law which creates the biggest kinds of problems. So I urge my colleagues to concur to nonconcur on HB 1926. Thank you.

The SPEAKER. The Chair recognizes the gentledady from Philadelphia County, Representative Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to join my colleagues in opposing concurrence to HB 1926. Mr. Speaker, the gentledady from Luzerne County so eloquently expressed her opposition to concurrence for this measure, and one of the reasons why, she noted, Mr. Speaker, was because of her support, respect, and admiration for those who are in our law enforcement community.

You know, Mr. Speaker, as members of this great body, we have from time to time, members from both sides of the aisle, stood in a show of respect for members of the law enforcement community when they have lost their lives in the line of duty. Now, Mr. Speaker, we should respect the professional acumen and recommendation of those men and women who put their lives on the line to protect citizens across the Commonwealth of Pennsylvania on a day-to-day basis. One day, Mr. Speaker, we want to honor them for their work; the next day, Mr. Speaker, we do not respect their professional opinion, and these are the men and women who put their lives on the line on a daily basis for us.

Mr. Speaker, for the record, because sometimes when this issue of the Castle Doctrine or anything that someone would like to misinterpret as an effort to control an individual's constitutional right to bear arms or to protect ourselves and/or our families and/or our properties, they try to make this sort of a regional issue. And, Mr. Speaker, I want to note for the record that when we talk about the chiefs of police, the law enforcement officials across the Commonwealth of Pennsylvania who oppose this measure, Mr. Speaker, we are not just sort of talking about southeastern Pennsylvania or, quote, unquote, "the usual suspects." I just want to read for the record, Mr. Speaker, that we are talking about Pittsburgh. We are talking about Erie. We are talking about Lancaster, Reading, Allentown, Bethlehem, and Philadelphia. It sounds like that coalition reflects Pennsylvania, in my opinion.

In addition to that, my colleague earlier, Mr. Speaker, was very specific in noting the strong support of the Pennsylvania District Attorneys Association. And I want to note for the record that even the leadership of this organization and its membership, it reflects what Pennsylvania looks like. We are talking about Edward Marsico, who is the D.A., and he is the president of the association, from Dauphin County; Francis Schultz, he is the D.A. from Crawford County; G. Michael Green from Delaware County; Gary Dobias, Carbon County; Shawn Wagner, Adams County; Cumberland County, Mr. David Freed; D. Peter Johnson from Union County; Risa Vetri Ferman from Montgomery County; David Arnold, Jr., from Lebanon County; and John Adams, Berks County; Seth Williams, Philadelphia County; and Stephen Zappala, Jr., from Allegheny County.

You have heard it mentioned earlier today that the amendments made to HB 1926 have muddied this bill so that the Republican district attorney here in Dauphin County, Mr. Marsico, has stated on a number of occasions, and I know my colleague from Luzerne County, I know she mentioned it, but I just want to repeat it for the record. They called the measure "a defense attorney's dream." This is specifically the quote that is attributed to Mr. Marsico. This will change what happens in the street. Someone can claim self-defense if they shoot someone who looks at them the wrong way. By eliminating their duty to retreat, you are encouraging someone to potentially take a life.

Now, Mr. Speaker, these are the comments that were attributed to the Pennsylvania D.A.s Association. In addition to that, I also want to note that the gentleman who originally drafted HB 1926 in its original, in its original form, he did so with the intent of trying to protect the children of the Commonwealth of Pennsylvania. And what he wanted to do, Mr. Speaker, was to close loopholes that were found in Megan's Law. Well, unfortunately, while I supported the gentleman from

Montgomery County and his efforts to close those loopholes in Megan's Law, I will be asking my colleagues on both sides of the aisle to not concur.

In addition, Mr. Speaker, because I do expect this measure to pass through our chamber tonight, I have already written a letter to Governor Rendell asking him to veto this legislation, and it is probably something that will occur when we adjourn and we come back during the next session. In addition to that, Mr. Speaker, I want to note for the record – because again, we always stand up and we pay honor to those individuals who put their lives on the line for us – but I want to note that in the last 10 years, 23 Pennsylvania law enforcement officers have been shot and killed in the line of duty. There have been eight since 2009 alone. Mr. Speaker, I do not want to just stand up on this floor and pay homage through a citation when those individuals who have put their lives on the front line for us face some kind of harm and/or they lose their lives. I do not want to just stand up, Mr. Speaker, in a show of admiration and respect to say we respect their work and we respect what they do for us on a daily basis when something very tragic happens in their line of duty, but I want us to respect them now, respect their professional acumen. They have told us that this bill will be a nightmare for the Commonwealth of Pennsylvania, that this does not make Pennsylvanians safer. And I ask my colleagues on both sides of the aisle to not concur. In addition to that, Governor Rendell, once it passes through this chamber, if it does, please make sure you veto it. Thank you.

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

The hour is late and I will be short. HB 40 passed by 159 votes. There was almost no objection to HB 1926. One of the speakers prior to me standing up said that HB 40 is just too much of a problem and that HB 1926 is not important. Well, I will tell you what I remember about HB 1926. I remember that there was a Republican member from Cumberland County, he stood up and he said what the problem was. There are out-of-State offenders that are moving into Pennsylvania because we have a loophole that the legislature created when they passed the Megan's Law. It needs fixed tonight. It does not need fixed tomorrow. I do not care what happens, we need to fix it today. In Johnstown, Pennsylvania, on Horner Street, there is a sex offender from Florida who is living in the wrong place, refuses to register because we have not passed this law.

I am for HB 40 because I think you have the right to an expanded ability to protect yourself. We voted on it. This is a democracy. I am in favor of HB 1926. We voted on it. It is a democracy. If somebody tells me it is not important tonight to deal with the sex offender problem that we have in this State, because out-of-State offenders have found out about the loophole and they tell that to the people on Horner Street. As for me, I am voting for this bill. I urge all my colleagues that are serious about doing something to stop sex offenders from moving into Pennsylvania to concur in this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of concurrence, the Chair recognizes the gentleman from Philadelphia County, Representative Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I want to make a motion. And, Mr. Speaker, I move that the House bill in its current form violates Article III,

section 3, of the Pennsylvania Constitution by containing more than one subject. So, Mr. Speaker, I want to make a motion that it is not germane.

The SPEAKER. The gentleman, Representative Waters, are you raising the issue of constitutionality citing section 3—

Mr. WATERS. Yes.

The SPEAKER. —or are you going to raise the question of germaneness?

CONSTITUTIONAL POINT OF ORDER

Mr. WATERS. Well, I want to raise the question of constitutionality, Mr. Speaker.

The SPEAKER. The gentleman, Representative Waters, raises the point of order that HB 1926, PN 4477, is unconstitutional. The Speaker, under rule 4, is required to submit questions of constitutionality of a bill to the House of Representatives for decision.

On the question, Will the House sustain the constitutionality of the bill?

The SPEAKER. On the point of order, does the gentleman, Representative Waters, wish to be recognized?

Mr. WATERS. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. WATERS. Mr. Speaker, HB 1926 provides for the registration of sexual offenders, a bill which came out of Judiciary Committee, which I am a member of. It came out unanimously out of that committee because it was a bill designed to help make sure that sexual offenders, people coming home from jail, people who are transient, it was a way to design legislation that would help make sure that we had a way of tracking those individuals, those people. HB 1926, however, was amended to add a provision providing for the principles of justification, for the use of legal force in self-protection, for the use of force for the protection of other persons, for the grading of theft offenses and the license to carry firearms.

Mr. Speaker, these provisions have nothing to do with the registration of sexual offenders. Mr. Speaker, these provisions are separate subjects and are in no way germane to the registration of sexual offenders. As such, Mr. Speaker, I move that HB 1926 violates Article III, section 3, of the Pennsylvania Constitution.

The SPEAKER. On the point of order, those who believe the bill is constitutional will vote "aye"; those believing the bill is unconstitutional will vote "nay."

On the question recurring, Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—164

Table with 4 columns of names: Adolph, Baker, Barbin, Barrar, Bear, Belfanti, Benninghoff, Fabrizio, Fairchild, Farry, Fleck, Freeman, Gabig, Gabler, Longiotti, Maher, Mahoney, Major, Markosek, Marshall, Marsico, Readshaw, Reed, Reese, Reichley, Roae, Rock, Rohrer

Table with 4 columns of names: Beyer, Boback, Boyd, Boyle, Brennan, Brooks, Burns, Buxton, Caltagirone, Carroll, Casorio, Causer, Christiana, Clymer, Conklin, Costa, D., Costa, P., Cox, Creighton, Cutler, Daley, Day, Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Drucker, Eachus, Ellis, Evans, J., Everett, Galloway, Geist, George, Gibbons, Gingrich, Godshall, Goodman, Grell, Grove, Grucela, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Kauffman, Keller, M.K., Kessler, Killion, Knowles, Kortz, Kotik, Krieger, Kula, Levdansky, Matzie, McI. Smith, Melio, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, O'Brien, D., O'Neill, Oberlander, Pallone, Pashinski, Payne, Peifer, Perry, Perzel, Petrarca, Petri, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Ravenstahl, Ross, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Stern, Stevenson, Swanger, Tallman, Taylor, J., Toepel, True, Turzai, Vereb, Vulakovich, Wagner, Wansacz, Watson, Wheatley, White, Yudichak, McCall, Speaker

NAYS—32

Table with 4 columns of names: Bishop, Bradford, Briggs, Brown, Cohen, Curry, Evans, D., Frankel, Gerber, Johnson, Josephs, Keller, W., Kirkland, Lentz, Manderino, Mann, McGeehan, Myers, O'Brien, M., Oliver, Parker, Payton, Roebuck, Sabatina, Santarsiero, Sturla, Taylor, R., Thomas, Vitali, Waters, Williams, Youngblood

NOT VOTING—0

EXCUSED—5

Table with 4 columns of names: Cruz, Gergely, Gillespie, Mustio, Staback

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

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

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

Mr. VEREB. Thank you, Mr. Speaker.

Mr. Speaker, I had no intention of speaking on this bill because I believe the bill has merit. You can believe in the merit that it possesses and vote "yes," or you can feel that the merit is not there and you can vote "no." However, to engage in the game of legislative limbo about how low can we go to say that if you vote "yes" for this that you may be hypocritical to bring a resolution to the family of a fallen officer is ludicrous, is

hypocrisy in itself. And frankly, Mr. Speaker, it is the lowest level I think we have gone to in this chamber.

Look, some people do not like this bill, and some people like the bill. I happen to be voting "yes" for the bill. This bill was not opposed by the Fraternal Order of Police, and this bill is not opposed by the Troopers Association. It is opposed by our D.A.s and others. So we have a choice to make, right? That is why we are here. But to sit here and imply that this will be a slaughter of police and will be hypocritical because we support one's right to defend themselves and how we want to change that wording, it is just a shame that it has come up in this chamber.

Mr. Speaker, in the greatest respect and gratitude for your service to this chamber, I felt the need to contain my comments to that. And that is, while I support this bill, let us not engage in any more legislative limbo, because we cannot get any lower than we already are, Mr. Speaker. I will be voting "yes." Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Lehigh County, Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

As with the gentleman from Montgomery, I had not anticipated needing to speak on this, but as one of the number of the members in the House who is a former prosecutor, I felt somewhat compelled to make some distance between the reference to the District Attorneys Association's opposition to the bill as it is currently amended.

This actually offers an opportunity to members to do two good things in one piece of legislation. You crack down on the possibility of out-of-State sex offenders not to have registered with law enforcement authorities, so we can protect children throughout the Commonwealth. But more importantly, it provides an enhanced level of self-protection to every individual. I know the gentledady from Philadelphia made some remarks regarding the number of officers who had tragically been shot in the line of duty or injured in the line of duty, and I do not think she intended to make this kind of comparison, but it is completely inappropriate to somehow imply that those officers were shot because their assailants were acting in a line of self-defense. Those people who shot those officers would not have obeyed the law if the whole weight of the courthouse was sitting on top of them. They were criminals. They were going to be criminals. They were going to engage in violent acts, which led to the death of police officers, tragically. And I think it is a complete misapplication of the amended language of this legislation to say somehow we are making it easier for that kind of thing to take place. What in fact the gentledady from Philadelphia should see is that with this legislation, she is helping the residents of Philadelphia protect themselves, because in every other jurisdiction where similar kinds of legislation have been passed and right-to-carry legislation has been passed, you no longer give certainty to the criminal that they will be the only one that has a firearm to defend themselves and to attack you. You now put the right of self-defense even more persuasively in the hands of the homeowner, of the law-abiding citizen, who is going to be out on our streets no matter what the jurisdiction, no matter what the community.

So I would encourage the members, act on behalf of parents of small children, act on behalf of every law-abiding resident of Pennsylvania, and vote "yes" to concurrence on this legislation.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Cumberland County, Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I am going to give a very short speech. I just wanted to add to the gentleman from Lehigh County's comments. As a former prosecutor, and actually, a former colleague of my good friend, District Attorney Ed Marsico, I wanted to say, I know Ed Marsico. Ed Marsico is a friend of mine, and the arguments on the other side just do not hold weight. To say anything about this having to do with police officers – absurd. It is absolutely absurd. We debated this issue on the prior bill in Judiciary, and the information that was provided to us is that most of the States already have this, most of the other States. We are in the minority of States that have this duty to retreat. The majority opinion throughout America is what we are going to do with this bill.

So we are in the minority right now. All we are doing is making ourselves the same as the rest of the States, including, by the way, the Federal government. The Federal government, in their law of self-defense, does not have a duty to retreat. So we are just making ourselves consistent with the rest of America rather than being in this minority position. It does not give anybody the right to shoot and kill a police officer. You have got to be kidding me. That is against the law. In fact, it is an aggravating circumstance for murder. It is an aggravating circumstance if you shoot and kill a police officer. You would be subject to capital, potentially subject to capital punishment.

So this is a good piece of legislation. I also want to make a comment about the Megan's Law, which only I think one gentleman from the other side brought up – very important piece of policy. To let that go over a fairly minor piece in the self-defense, to make ourselves consistent with the rest of the States and the Federal government, and you are not going to try to help and protect these victims of sexual assault? You have got to be kidding me. Please reconsider that position. Do not just be an anti-gun person, an anti-self-defense person. Do not lock yourself into that illogical and say, no, anything that the NRA (National Rifle Association) is for, I am against. Do not go there. Please, try to help the victims of sexual abuse; vote for HB 1926.

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

Mrs. BROOKS. Thank you, Mr. Speaker.

This bill is critical to protecting our families and also our most vulnerable: our children. This bill will allow the State of Pennsylvania to prosecute out-of-State sex offenders from our lifetime registry. Right now there is a loophole that allows them to perhaps get around registering. We have to close that loophole. With all of the social networking going on right now, our children are so vulnerable to the sexual predators that can identify them 10 States away. We have to protect our children.

As importantly, this bill is about protecting our families. We have the right to defend ourselves. Law-abiding citizens have the right to protect their property and their families. If an intruder breaks into my home, I should not have to lose 2 minutes of valuable time in protecting my daughter or my son to say, will I be prosecuted if we defend ourselves? We have to send a strong message to criminals: If you break the law, we are going to defend ourselves. We have to pass this legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot said here tonight and today. I simply rise in support of HB 1926. It supports, through the Castle Doctrine, measures that are injected by the Senate into this legislation, Mr. Speaker. It supports a basic right of every American citizen to defend themselves and their family and their property.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative Waters, for the second time.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak on the bill.

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

Mr. WATERS. Mr. Speaker, I just want to rise again. I am not surprised about the count. I am not surprised at all with the amount of people that voted in favor of the bill. I just appreciate that members did not give me the whistle as it went down, the whistle sound.

But what I want to say is this: I am totally in support of the Castle Doctrine in terms of its original form. I think that there should be no hesitation at all when an intruder comes inside of your home. The way I understood the law, maybe I had it wrong, but if an intruder comes inside your home, I thought you already had the right to defend your property and your life and your family. I thought that was already a matter of law. Maybe I did not understand the law in its entirety.

However, as a member that comes from an area where we have been trying to find some sensible gun legislation so that we can stop the illegal use of firearms, which is plaguing some of our communities, we have stood here time and time again trying to figure out how we pass legislation that restricts the illegal use or the aggressive use of guns. This bill now as it currently has been amended would allow people not only to defend their castle – so now I wonder if the word "castle" should still be applied to this bill. HB 1926 in its original form, Megan's Law, which my colleague from Montgomery County, I totally supported that bill because I totally think that children have a right. I am totally in support of Megan's Law. That is why I thought that maybe we should separate the two, because one, in my opinion, has nothing to do with the other. However, the majority rules.

However, in addition to that, this bill now in its form, the way it has been amended, reminds me of the story of the Trojan horse, because now it is coming to us in a cover and it is wrapped up in a beautiful type of legislation that I would support. But just like the Trojan horse, maybe the people who opened their gates did not understand what was inside. Now we have a chance to see what is inside. The problem with it also for me, Mr. Speaker, is the way that this bill in HB 40 was introduced on the floor and the clerk announced the bill and it immediately went to the previous question. Now, that in and of itself I believe did not allow the constituents that we all represent to hear all these bright minds that we have on this floor debate the issue. So I believe, in my opinion, we denied people democracy. We did not allow them to hear people from both sides of this issue discuss it so they could better understand what is inside this bill, so they could have a feeling and input to it. Some people have read the bill. Many people watch us on

TV. Many people read what is in the newspapers and listen to the debates. We did not allow our constituents of the State of Pennsylvania the opportunity to hear the debate. I have never in the 11 1/2 years that I have served here seen a process take place like that.

So based on the way that it moved from the clerk to a vote without any intervention amongst us here on either side of the issue or people in between, I cannot support the bill. Now, I did support HB 40 because I am not in favor of expanding gun use. I am trying to figure out how we eliminate the gun use, at least in terms of the criminals. I do not want to see more and more people using guns, and there is nothing in this bill that says that in addition to the Castle Doctrine in its new form that the people who get these guns have to have any additional training on how to use their firearms. So that is another issue that I think has to be considered here. Perhaps a debate would have allowed that to also be talked about. Perhaps we could have amended the bill to make it better, but I am not opposed to a person protecting their home. A person's home is their castle, and I know what I would do and I feel as though anyone has a right to do if an intruder comes in there.

But the expanded use – now you can do it at your car, now you can do it in your driveway, now you can do it wherever you are – I have a problem with that expanded gun use. And then on top of it, there is no civil liability for wrongful death. So to me, the way that this bill has been drafted needs to be worked on. And perhaps if we could have talked about it on the floor, we could have made the bill a better bill so that it does not use expanded gun use. We could have responsible gun use.

So, Mr. Speaker, I stand opposed to the amendment that came inside HB 1926, but I support the original part of HB 1926. But now that it is a Trojan horse, I have to vote down HB 1926 in its current form.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from York County, Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

I just want to take a moment to correct, at least in my view, a few of the things that have been said here today and shed a different light on some different opinions. Regarding the D.A.s Association, I want everybody in the room to know that we worked very closely in crafting the language that the D.A.s Association could be supportive of, and even though we worked with them, at the end of the day they still would not support it. But let me also say that the association is made up of more than just one person. There are many D.A.s that we know have not been contacted regarding their thoughts on this bill, and arguably, they support it. So when we hear about the D.A.s Association, first of all, just remember that it is not every member of the association that is opposed to it. And second of all, remember that we in this body do not vote in favor of things that associations support; we vote in favor of things that citizens support.

Regarding the police against illegal firearms, I mean, it is a headline. It is a mantra on the letterhead. Of course police are against illegal firearms. Are we not all against illegal firearms?

So they put their names on the letterhead, and then the head of the organization sends a letter to you and me saying that he or she is opposed to this legislation. It does not mean that every single individual on the letterhead is opposed. And so again, are we here to support associations or citizens of the Commonwealth?

To those who say this is a solution looking for a problem, I would beg you to go visit the individuals here, right here in Harrisburg and all across the State, recently out west, that are guilty of defending themselves in a firefight or against some criminal that walked into their business or into their home in the middle of the day or the middle of the night and now have to find themselves defending themselves in court. That is the problem and this is the solution.

Mr. Speaker, this bill is about constitutional rights – our right to life, our right to defend our lives. This bill is also about letting us know when violent offenders that would prey on our children are close to us, and we have a right to know that and we should know that.

This is a good bill. This is a good amendment. Most of us voted for both of them in this House, and so I would urge your support moving forward. Thank you, Mr. Speaker.

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

Mr. R. TAYLOR. Thank you, Mr. Speaker.

I will yield.

The SPEAKER. The gentleman yields to the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Mr. Speaker, I must respectfully decline the yielding. The gentleman was up before me, and I will take my place after him.

The SPEAKER. The gentleman is the prime sponsor of the legislation. We will allow him to speak last.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, I was really, really trying to refrain from elongating a debate that I feel is unnecessary.

Mr. Speaker, about 208 miles west of here, back in my beloved district, my wife and my two young daughters, none of them older than – well, my daughters are 13 and 11 – have to put up with their dad being far away quite often.

Like everyone else on this floor, I watch the news. I see what happens – home invasions, carjackings.

Mr. Speaker, I wholeheartedly support HB 1926. To think that the government would penalize a person for defending their family and their property is untenable. It is not salient. There is no logic to it, Mr. Speaker. Mr. Speaker, quite frankly, that my wife, upon hearing someone breaking through the window into my house tonight after midnight, would be unable to defend my daughters creates a scenario of a Pennsylvania that, frankly, I would not want to live in.

This law does not change the attitude of our State, Mr. Speaker. What it does is it removes a criminal liability from someone who is in the perilous situation of having to use firearms to protect themselves and their own.

Mr. Speaker, I urge the House's support of HB 1926 because it reasserts that this government belongs to the people and not the other way around.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Is there any other member seeking recognition?

The Chair recognizes the gentleman from Montgomery County, Representative Taylor.

Mr. R. TAYLOR. Thank you, Mr. Speaker.

I rise one last time on this House floor before you, and it is kind of an eerie feeling – it is almost like a "Twilight Zone" type of feeling; I half expect Rod Serling to step out – because I am speaking on my bill, the last substantive action I will take in this legislature.

And furthermore, I am rising to speak against the bill. It is sad, because I have spent 2 years working with a coalition of individuals to make Pennsylvanians' lives safer, and I came here with the sole purpose to protect our most vulnerable citizens, to take care of our children, and this Megan's Law bill that closed two important loopholes is good legislation. Unfortunately, I had to make the weight of one issue over the other. The Megan's Law I supported, but the Castle Doctrine as it is written I cannot support in good conscience. This is something I truly believe. So I am taking this step to say I think this is not going to be a good piece of legislation to pass. I think we are not going to make children safer, but I think we are going to put more children at risk, and because of that, again, I cannot vote for that.

And for my friends who were talking about the single-subject issue, well, this is two subjects, in my opinion. Megan's Law was the subject I cared about, a subject I know many friends and colleagues have fought with me on, but the Castle Doctrine is something completely different. And so on that single-subject argument, I argue that you should consider voting "no" for that.

At the end of the day and as I take my seat for the last time, I thank everybody for the opportunity to come up here and deliberate the honest differences that we have had – good, honorable men and women who have differences of opinion – but at the end of the day I have said I want to protect our children. I do not feel this bill will protect our children as it is currently amended.

So I urge everyone to vote "no," and if it does pass the legislature, I do ask the Governor to veto this legislation. I think this is an inappropriate bill at this time. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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—161

Adolph	Everett	Kula	Reese
Baker	Fabrizio	Longietti	Reichley
Barbin	Fairchild	Maher	Roae
Barrar	Farry	Mahoney	Rock
Bear	Fleck	Major	Rohrer
Belfanti	Freeman	Markosek	Ross
Benninghoff	Gabig	Marshall	Sainato
Beyer	Gabler	Marsico	Samuelson
Boback	Galloway	Matzie	Santarsiero
Boyd	Geist	Melio	Santoni
Boyle	George	Metcalfe	Saylor
Bradford	Gibbons	Metzgar	Scavello
Brennan	Gingrich	Miccarelli	Schroder
Brooks	Godshall	Micozzie	Seip
Burns	Goodman	Millard	Shapiro
Buxton	Grell	Miller	Siptroth
Caltagirone	Grove	Milne	Smith, K.
Carroll	Grucela	Mirabito	Smith, M.
Casorio	Hahn	Moul	Smith, S.
Causer	Haluska	Murphy	Solobay
Christiana	Hanna	Murt	Sonney
Clymer	Harhai	O'Neill	Stern
Conklin	Harhart	Oberlander	Stevenson
Costa, D.	Harkins	Oliver	Swanger

Costa, P.	Harper	Pallone	Tallman
Cox	Harris	Pashinski	Taylor, J.
Creighton	Helm	Payne	Toepel
Cutler	Hennessey	Peifer	True
Daley	Hess	Perry	Turzai
Day	Hickernell	Perzel	Vereb
Deasy	Hornaman	Petrarca	Vulakovich
Delozier	Houghton	Petri	Wagner
DeLuca	Hutchinson	Phillips	Wansacz
Denlinger	Kauffman	Pickett	Watson
DePasquale	Keller, M.K.	Pyle	Wheatley
Dermody	Kessler	Quigley	White
DeWeese	Killion	Quinn	Yudichak
DiGiroloamo	Knowles	Rapp	
Eachus	Kortz	Ravenstahl	McCall,
Ellis	Kotik	Readshaw	Speaker
Evans, J.	Krieger	Reed	

NAYS—35

Bishop	Johnson	McI. Smith	Sabatina
Briggs	Josephs	Mundy	Sturla
Brown	Keller, W.	Myers	Taylor, R.
Cohen	Kirkland	O'Brien, D.	Thomas
Curry	Lentz	O'Brien, M.	Vitali
Drucker	Levdansky	Parker	Waters
Evans, D.	Manderino	Payton	Williams
Frankel	Mann	Preston	Youngblood
Gerber	McGeehan	Roebuck	

NOT VOTING—0

EXCUSED—5

Cruz	Gillespie	Mustio	Staback
Gergely			

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.

**BILLS SIGNED BY SPEAKER**

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

**HB 1926, PN 4477**

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general principles of justification, further providing for definitions, for use of force in self-protection, for use of force for the protection of other persons, for grading of theft offenses and for licenses to carry firearms; providing for civil immunity for use of force; and further providing for registration of sexual offenders and for sentence for failure to comply with registration of sexual offenders.

**HB 2321, PN 4469**

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, consolidating the Public Safety Emergency Telephone Act; further providing for definitions, for the Wireless E-911 Emergency Services Fund and for funding for support; providing for a legislative study and for termination; consolidating statutory provisions relating to firefighters, the State Fire Commissioner and grants to fire companies and other services; making editorial changes; and making related repeals.

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

The SPEAKER. I can tell by the look on my family's face they know the reason why I am retiring.

**COMMUNICATION FROM GOVERNOR**

**VETO OF HOUSE BILL**

The Speaker laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been vetoed by the Governor:

**HB 101, PN 4389.**

Said bill having been returned with the following message:

Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

October 22, 2010

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

I am returning herewith, without my approval, House Bill 101, Printer's Number 4389. I regret doing so, as there are favorable provisions within the legislation which I support.

Prior to the passage of House Bill 101, the Administration put the legislature on notice that this bill was seriously flawed; we informed the Education Committees of the House of Representatives and the Senate, the Appropriations Committees in both chambers, and the Leaders' Offices of the serious constitutional infirmity in the provision of the bill which exempts non-profit entities that rent to charter school entities from paying real property taxes.

Having supported many of the initiatives included in this legislation – including provisions related to dating and sexual violence education and prevention, affordability of textbooks for college students and recognition for Vietnam veterans – withholding my signature from this bill is certainly not easy for me. It is my hope that the legislature will act quickly in January to pass legislation encompassing these reforms. Though I understand the importance of the aforementioned provisions of this legislation, I am required to review each bill that reaches my desk for any constitutional defects, and this bill is constitutionally flawed.

Our Constitution requires uniformity of taxation, with limited exemptions which are enumerated as follows: (a) the General Assembly may by law exempt from taxation: (i) actual places of regularly stated religious worship; (ii) actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith; (iii) that portion of public property which is actually and regularly used for public purposes; (iv) that portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and (v) institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

This bill is constitutionally infirm insofar as it would provide a real property tax exemption for property that is leased to a charter or cyber charter school or an associated foundation by a *nonexempt entity*.

Leased property does not constitute real property "of" the public charity under Pennsylvania's Constitution or under the existing statute which defines a purely public charity, Act 55 of 1997. Although I am not supportive of this purpose, and many respected parties who understand our school funding system share my view, as evidenced by the letters attached, if the legislature wishes to legally provide for this property tax exemption for these entities, they can do so by amending Act 55 to include these entities in the definition of a purely public charity. Further, as written this exemption would itself constitute a violation of the Uniformity Clause, as lessors of property to other tax exempt entities would not enjoy a similar exemption, and, as such, I must withhold my signature from this bill.

Sincerely,  
Edward G. Rendell  
Governor

The SPEAKER. Without objection, the message will be printed in today's Journal in full. The Chair hears no objection.

### **BILL AND VETO MESSAGE PLACED ON CALENDAR**

The SPEAKER. The message will be placed on today's supplemental calendar, the veto message.

For what purpose does the gentleman from Philadelphia County, Representative Roebuck, rise?

Mr. ROEBUCK. Thank you, Mr. Speaker.

I am rising to ask that the House consider the necessary action to override the Governor's veto of HB 101.

The SPEAKER. The Chair thanks the gentleman.

### **SUPPLEMENTAL CALENDAR C**

#### **BILL VETOED BY GOVERNOR**

The House proceeded to consideration of the veto message on **HB 101, PN 4389**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school districts, further providing for reports to Department of Education and providing for value-added assessment system and for drop-out data collection; in intermediate units, further providing for financial reports; providing for payment of fees associated with certification by the National Board for Professional Teaching Standards; in certification of teachers, further providing for disqualifications relating to teacher's certificate; in pupils and attendance, further providing for residence and right to free school privileges and providing for emergency permits at approved private schools and chartered schools for the deaf and blind; in provisions relating to safe schools, further providing for definitions and for the Office for Safe Schools; providing for regulations; and further providing for reporting by school entities; in school health services, further providing for possession and use of asthma inhalers and epinephrine auto-injectors, for medical examinations of teachers and other persons and for duties of Department of Education; in terms and courses of study, providing for economic education and personal financial literacy programs, for State standards for business, computer and information technology courses and for dating violence education; establishing the Science Technology Partnership Program; in high schools, further providing for academic degrees; in charter schools, further providing for facilities; providing for the Older Pennsylvanian Higher Education Program, for course materials at institutions of higher education and for sexual violence education at institutions of higher education; in reimbursements by Commonwealth and between school districts, further providing for effect of failure to file reports; and making editorial changes and related repeals.

On the question,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

The SPEAKER. On that question, does the gentleman, Representative Roebuck, wish to be recognized?

Mr. ROEBUCK. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to ask that the House override the Governor's veto of HB 101.

This legislation passed this body by a vote of 180 to 19. It passed the Senate by unanimous vote. It contains 18 important education initiatives. Some of those initiatives have been considered over several sessions. Let me just highlight a few of the provisions within this bill that command our action. There are provisions in the legislation providing for approved private schools and charter schools for the deaf and the blind to apply directly to the Department of Education for emergency teacher certifications. There are provisions for dealing with the issue of sexual violence in higher education as well as sexual violence in high schools. There are provisions that would affirm the Science in Motion program that benefits the teaching of science to young people across the Commonwealth. There are provisions that give high school diplomas to Vietnam veterans. There are provisions for dropout data reporting for residents, addressing the issue of residency status of students whose parents serve in the military and are transferred from school district to school district across the nation. There are also provisions dealing with the issue of college textbook costs.

Mr. Speaker, this is a good piece of legislation. It is a piece of legislation that deserves our support. I think the Governor was clearly wrong in his action in vetoing the measure, and I would ask that we correct that mistake by overriding that veto.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise, as my colleague from the other side of the aisle, Chairman Roebuck, to ask the members to override the Governor's veto.

I just want to add a few more things to the list that are in this bill. It allows for approved private schools and charter schools for the deaf and blind to apply directly to PDE (Pennsylvania Department of Education) for emergency permits for employee certifications. It requires school entities to develop policies to allow students to self-carry asthma inhalers. It allows board of school directors to establish an operation recognition program to award high school diplomas to honorably discharged veterans of the Vietnam war. It permits Pennsylvania colleges and universities to establish a program to permit older Pennsylvanians to take college courses on a tuition-free basis. And of course, you heard Chairman Roebuck talk about the textbook affordability provision as well. So there are many provisions that we have supported individually and collectively.

And, Mr. Speaker, I ask members to vote in the affirmative for the purpose of overriding the Governor's veto. Thank you.

The SPEAKER. On the question, shall HB 101, PN 4389, become law?

On the question, those in favor of the bill becoming law will vote "aye"; those in favor of sustaining the Governor's veto will vote "no." I will repeat the question, those in favor of the bill becoming law will vote "aye"; those in favor of sustaining the Governor's veto will vote "no."

On the question recurring,  
Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

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

The following roll call was recorded:

YEAS—171

Adolph	Fairchild	Levdansky	Rapp
Baker	Farry	Longiatti	Ravenstahl
Barbin	Fleck	Maher	Readshaw
Barrar	Frankel	Mahoney	Reed
Bear	Freeman	Major	Reese
Belfanti	Gabig	Mann	Reichley
Benninghoff	Gabler	Markosek	Roae
Beyer	Geist	Marshall	Rock
Bishop	Gibbons	Marsico	Roebuck
Boback	Gingrich	Matzie	Rohrer
Boyd	Godshall	McGeehan	Ross
Brennan	Grell	McI. Smith	Sabatina
Brooks	Grove	Metzgar	Sainato
Brown	Grucela	Miccarelli	Santoni
Burns	Hahn	Micozzie	Saylor
Buxton	Haluska	Millard	Scavello
Caltagirone	Hanna	Miller	Schroder
Carroll	Harhai	Milne	Seip
Casorio	Harhart	Mirabito	Siptroth
Causier	Harkins	Moul	Smith, K.
Christiana	Harper	Murphy	Smith, S.
Clymer	Harris	Murt	Solobay
Cohen	Helm	Myers	Sonney
Conklin	Hennessey	O'Brien, M.	Stern
Costa, D.	Hess	O'Neill	Stevenson
Costa, P.	Hickernell	Oberlander	Swanger
Cox	Hornaman	Oliver	Tallman
Creighton	Houghton	Pallone	Taylor, J.
Curry	Hutchinson	Parker	Toepel
Cutler	Johnson	Pashinski	True
Daley	Josephs	Payne	Turzai
Day	Kauffman	Payton	Verab
Deasy	Keller, M.K.	Peifer	Vulakovich
Delozier	Keller, W.	Perry	Wagner
Denlinger	Kessler	Perzel	Wansacz
Dermody	Killion	Petrarca	Waters
DeWeese	Kirkland	Petri	Watson
DiGirolamo	Knowles	Phillips	Wheatley
Drucker	Kortz	Pickett	White
Ellis	Kotik	Preston	Williams
Evans, J.	Krieger	Pyle	Youngblood
Everett	Kula	Quigley	Yudichak
Fabrizio	Lentz	Quinn	

NAYS—24

Boyle	Galloway	Mundy	Sturla
Bradford	George	O'Brien, D.	Thomas
Briggs	Gerber	Samuelson	Vitali
DeLuca	Goodman	Santarsiero	
DePasquale	Manderino	Shapiro	McCall,
Eachus	Melio	Smith, M.	Speaker
Evans, D.	Metcalfe		

NOT VOTING—1

Taylor, R.

EXCUSED—5

Cruz  
Gergely  
Gillespie  
Mustio  
Staback

The SPEAKER. On the question of the bill becoming law, the objections of the Governor to the contrary notwithstanding, the "ayes" are 171; the "nays" are 24. Two-thirds of the members elected having voted in the affirmative, the bill is passed, and the clerk will inform the Senate accordingly.

**MOMENT OF SILENCE  
FOR MR. DONATUCCI**

The SPEAKER. Will the Sergeants at Arms close the doors of the House. The Sergeants at Arms will close the doors of the House. The members will please take their seats. The members will please take their seats.

We started today's session and the Speaker inadvertently forgot to remind the members that one of our members passed away. It was a tragedy suffered by the entire Donatucci family.

As most of us knew Bob, he was not a man of a lot of words, but when he did stand on this House floor, he stood for a reason, and people listened when he spoke and debated the issues. He will be sorely missed by many, especially his family.

And if I can offer words of condolence to his wife, Maria; his son, Tom; and his daughter, Dierdre. And many of our members, including the Speaker, were at his funeral over the weekend; it was a very sad day in south Philadelphia, but it was obvious to everyone there that he was beloved by everyone. He was truly a family man. He will truly be missed by his family, and he will be truly missed by his community. And certainly, the outpouring of love that was shown by the people in that community towards Bob and his family was remarkable.

So on behalf of the House of Representatives, I would hope all of our members can stand in place in a moment of silence in memory of our fallen colleague, Bob Donatucci.

All guests will please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Robert C. Donatucci.)

The SPEAKER. Members and guests may please be seated. Again, our heartfelt condolences to the Donatucci family. The Sergeants at Arms may open the doors of the House.

**REMARKS BY MR. WATERS**

The SPEAKER. For what purpose does the gentleman from Philadelphia, Representative Waters, rise? Unanimous consent? Without objection, unanimous consent is granted.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak about a gentleman whom I sat right next to on the House floor whose district was right next to mine in southwest Philadelphia and Delaware County.

I stand up to speak about Robert C. Donatucci, because I remember at one time in Philadelphia, in particular, we had a major problem, quality-of-life problem dealing with the stop-and-go's. I came up here knowing of this problem and wanted to see what we could do, if anything, to address it, and I remember talking to some members about it in the Policy Committee; at the time we had another chairman. And I brought up the issue of the stop-and-go's and I talked about it, and most of the members who were there were shocked to hear that operations or stores like this were existing and functioning in Philadelphia, and I wanted to do something. I got advice. At that time Chairman Donatucci was the minority chairman, and one of our good legislators, who has since retired, from Delaware County, was the majority chairman. We talked about what we could do to address this issue. Many members here came to the hearings that we held, on both sides of the aisle, and gave great input, but he helped me navigate this legislation through the process, because I was not really sure about how to get it done. I just want to thank him and I want to thank the other members who helped get this done. But it was his leadership that I will always remember, because he did not have that problem, but he stepped up and helped someone who was pretty much a freshman at that time address this issue, and legislation finally was drafted and signed into law to help the citizens who had to deal with this quality-of-life issue.

So for him and what he did for programs like Fresh Start, an after-school program, which he helped send funds to through his leadership to help children who were in need, "at risk," as the quotes say, or on the brink who just needed a lift up, he brought resources to help programs like that move forward. I want to thank him again for that.

But, Mr. Speaker, I want to thank this chairman, who has since gone on to perhaps a better place, his new chapter, in where he now is. I wish him all the best, and I just want to thank you for allowing me a chance to speak about my friend and colleague, Robert C. Donatucci.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### **FAREWELL ADDRESS BY MR. SIPTROTH**

The SPEAKER. Moving on, since 2005 John Siptroth has represented Monroe and Pike Counties in one of the fastest growing areas of this Commonwealth, Monroe and Pike Counties. He is a lifelong resident of northeastern Pennsylvania, leaving only to serve his country in the United States Navy. He fought hard for property tax relief, sportsmen's issues, and to protect children and families.

And one of the things, John, that I recently heard and never knew this about you, you are a pretty darn good drummer too. If we had known that, we may have forced you to do a solo here on the House floor.

But please welcome to the rostrum Representative John Siptroth, who would like to say some parting words.

Mr. SIPTROTH. Thank you, Mr. Speaker.

It is my honor to serve in the capacity of Representative of the Pennsylvania House of Representatives since 2005. And as I reflect on my years in the legislature, I come back to that day over 5 1/2 years ago when I was sworn in for the first time. My eyes welled with tears of pride.

And now, as I prepare to leave, I am still filled with pride – pride for serving this great institution, pride for working with people who are dedicated to making Pennsylvania a better place, and pride for all we have accomplished. I firmly believe that I am leaving the 189th Legislative District a better place now than when I started in the House. The Marshalls Creek bypass will help ease congestion on Route 209, and the construction of State Route 2001 in Pike County will make for safer travel. Numerous economic development projects in Monroe and Pike Counties have and are being helped with revenue that I helped secure, and schools in Monroe and Pike Counties are getting millions more to help shape the next generation of Pennsylvanians in this global economy.

### **GUESTS INTRODUCED**

Mr. SIPTROTH. During my time in office, I have been fortunate to have many dedicated people around me. My legislative assistant in Harrisburg, Julie Yarrish, has been with me from day one. Julie has spent her entire professional life with the House of Representatives, and her knowledge of this institution has been invaluable, as I am sure you can attest to, Mr. Speaker.

Many staffers have worked in my district office and served the constituents of the 189th District. My staff now includes my chief of staff, Steven Washington, of whom I owe many of our successes to, along with Megan Bartow, Maria Picon, Elizabeth Forrest, and Charlie McCoy. Staff that has moved on include Carolyn Lawson, Clair Patterson, Lois Heckman, Susan Koomar, Nancy Withrow, Lorraine Gramich-Woods, Maria Bush, and also Trudie Lear. And when I left the district to travel to Harrisburg, I knew that the offices were in good hands of dedicated public servants.

I would also like to thank all of the support staff here in Harrisburg for their assistance in making my job manageable.

Last but not least, I want to thank my family, particularly my wife, Elaine; sons Stanley and Kyle; and my grandson, Tyler. I have missed a lot of time at home while I was doing the people's business here in Harrisburg or attending functions and dinners, and Elaine was always patient.

I have made many friends here in Harrisburg on both sides of the aisle and will miss them and cherish those friendships and miss them deeply. On my swearing-in day in 2005, leader Sam Smith said that I should not forget the friends at home, and I have not done that, and I certainly have made many more here in Harrisburg. And as the secretary of the township I served prior to being elected to the House always said, "It has been a real hoot."

In closing, thank you. May God bless this wonderful Assembly, and may God bless all of you. Thank you.

### **FAREWELL ADDRESS BY MS. McILVAINE SMITH**

The SPEAKER. Barb McIlvaine Smith can trace her family roots in Chester County all the way back to 1683.

Given her experience as a teacher and a small business owner, it makes sense that her service here in Harrisburg has been marked by her fierce advocacy for education. There is hardly an issue or an organization she does not serve on back in

Chester County. In fact, she might even be busier now than she will after leaving this House of Representatives.

Please welcome Barb McIlvaine Smith to the rostrum.

Ms. McILVAINE SMITH. Thank you, Keith.

It is my great honor and privilege to speak to you this evening. Yes, my family did come from Wales in 1683, having bought 5,000 acres from William Penn, and my mother still lives on part of that same land to this day, and that is where I will retire one day. But we came here as Quakers looking for religious freedom, and as a Quaker, it was my honor to come here to serve where three of my ancestors had served before me.

In 1796 Col. Richard Thomas served under Gen. George Washington in the Revolutionary War and was the very first person from Chester County to be elected to this august chamber, and he went on to serve in Congress. And then in 1836 Abraham Robinson McIlvaine was elected to the State House, went on to Congress, and roomed with Abraham Lincoln. And then in 1922, right after women gained the right to vote, my cousin, Martha Gibbons Thomas, was the first woman to be elected from Chester County, and she was seated on this floor in 1923 with seven other women who had gained the right to vote and had been given the honor to serve their community.

The seat that I sit in, in the 156th District in Chester County, was created back in 19 – I am now forgetting; I am sorry – 1970, somewhere around there, but it was a woman who first served in that seat for 4 years, and then for 30 years another woman served in that seat. I have served for 4 years, and I am sorry to say I am the last woman to be serving in Chester County. It is all men.

I have often been quoted as saying, and it is a saying from Henry Clay back in the 1800s, that "Government is a trust, and the officers of the government are trustees. And both the trust and the trustees are created for the benefit of the people." As a Quaker, I hold that to be the truth, and I hope that each and every one of you that continues to serve on into the next decade will remember that as a truth, that you are here to serve the people.

And I would like to close with a piece from a book that I read regularly. It is called "A Time for Reflection," and I am reading this for each of you. "Endless drama in a group clouds consciousness. Too much noise overwhelms the senses. Continual input obscures genuine insight. Do not substitute sensationalism for learning. Allow time for silent reflection. Turn inward and digest what has happened. Let the senses rest and grow still. Teach people to let go of their superficial mental chatter and obsessions. Teach people to pay attention to the whole body's reaction to a situation. When group members have time to reflect, they can see more clearly what is essential in themselves and others."

This chamber was based on Quaker philosophies and practices, and that is part of our Quaker faith – reflection, building consensus – and I know that there are many members in this room that know how to build consensus. And I actually want to congratulate Representative Glen Grell on his fine speech about HB 2497. He did a great job. It really should be about true debate in this chamber, not taking sound bites and just chattering them along so that other people believe that there is something wrong or there is something right with bills.

I also want to thank Christina Sappey, who was my chief of staff in my district office; Liz Hulse; Pat Laubenstein; and I would also like to thank Kendalle Wilt, who was awfully nice to me when I first got here and I lost my husband right after I was elected; and I want to thank all of you for your kindnesses also.

Bless all of you. Have a great rest of the year.

### FAREWELL ADDRESS BY MR. LEVDANSKY

The SPEAKER. Since 1985 Dave Levdansky has served the people of Allegheny and Washington Counties, and he has distinguished himself as a strong voice for sportsmen's issues and for campaign finance reform. He fought hard to close tax loopholes that punished working families at the expense of good corporations, and he has been one of the most vocal chairmen of the Finance Committee in its history. He is a former roommate of mine. We talk a lot about Notre Dame football.

Please welcome to the rostrum Representative Dave Levdansky.

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

Mr. Speaker, let me begin by first thanking the people of the 39th Legislative District who sent me here on January 1, New Year's Day, 1985, to begin serving the public as their Representative here in the General Assembly, and most importantly, as their public servant, because that is what the office is really all about. So I want to thank the people of the 39th Legislative District for 26 years of their support for me here as their legislator.

Mr. Speaker, I also especially want to thank – and I am not going to get into all the details – but over 26 years I have obviously had a very excellent, dedicated, loyal, hardworking staff both in my district offices, plural, and here in Harrisburg as well, and without their sacrifice and their hard work, I could not have been any kind of a legislator let alone maybe achieved a few things while we were here if it were not for their support as well.

Mr. Speaker, I also want to thank my parents, my mom and my dad; my boys, my three sons, Shane, Tim, and Joe; my aunts and my uncles; friends; family; supporters for everything they have done to enable me to put forth my best effort serving the people of the 39th Legislative District here.

And briefly, two particular lessons that my parents imbued in me since I was a kid that I think served me well as a public servant were these. My parents said, "David, always give an honest day's work for an honest day's pay." Secondly, they said, "Always tell the truth because you'll never have to remember what you've told anybody." Now, I know in politics and in public service the tendency is sometimes to tell people what they want to hear, but trust me, after my 26 years of experience, people will appreciate you more for your honesty and telling them what you know and your rationale for making your decisions. They can sense that you are telling them what they want to hear. They appreciate honesty and hard work, in my judgment, above all else.

Now, when I first came to this floor, I had the honor of listening, frankly, to some historic debates involving some real legislative giants. I will never forget the strong leadership given

by then Speaker K. Leroy Irvis. I will never forget, never forget those important debates on the floor of this chamber – Jim Manderino, the Democratic leader; Matt Ryan, the Republican leader; Sam Hayes, the Republican whip; Bobby O'Donnell, the Democratic whip. I served in an era, frankly, when these men, these public servants, their debates actually influenced how we voted in this chamber. Think about that: The debate on this floor and in committee actually influenced you in terms of how you voted to represent your district. Unfortunately, those days are behind us. Today, in my judgment, too often the debate caters to the public watching PCN (Pennsylvania Cable Network) and the decisions on votes are all too often made long before the debate begins on this floor.

I have come to recognize that there are two kinds of legislators. It is not Democrat or Republican or liberal or conservative or urban or rural. Frankly, it is basically a philosophy that you approach this job. One says be content with holding the public office. Do not take any risks. The other philosophy is this: You are elected to a sacred office of public trust to do something with it, to make a real difference for the people in the communities that you are privileged to represent.

I was fortunate to have some legislative activists that served as my mentors when I first took office. Allen Kukovich, Tom Murphy, Mike Dawida, Tom Michlovic, and Huck Gamble – liberal, conservative, moderate – all affected me in terms of my approach to the job of being an active and engaged legislator. They taught me that in order to protect and defend the public interest, you have got to, from time to time, stand up to the special moneyed interests.

In the past I encouraged new members to stand up for their beliefs and to fight the moneyed special interests on behalf of the public. Today, sadly, I am not so sure that that is good advice. It seems to me that we are entering a new era in this House chamber when the moneyed interests do not just influence the debate; they often control it and strongly influence legislative outcomes just as they do in the political process as well.

The United States Supreme Court's recent ruling in *Citizens United v. Federal Election Commission* now ensures that unlimited moneyed interests can spend unlimited amounts of money to advance or oppose a candidate for office as long as it is done so, quote, unquote, as an "independent expenditure." This court ruling means that if you stand up against the moneyed interests to do the right thing for the public good, you could well see hundreds of thousands of dollars – or if you are a statewide candidate, perhaps millions of dollars – spent against you in the next election distorting and misrepresenting your position and your public record. This uncontrolled avalanche of campaign money is a dire threat to our democracy. Do people really want a government that money could buy or do they want a government of Abraham Lincoln – a government of the people, by the people, and for the people?

As I leave this People's House, this is the challenge that lies before all of you that remain. You can fight to protect and preserve the public interest or cower to the unbridled influence of the moneyed interests. If you allow the second to flourish, our legislative process will no longer be an exercise in real democracy but a winner-take-all auction. This is not the kind of government our Founding Fathers envisioned. It is not the democracy that is the envy of so many other nations. It is certainly not the kind of democracy that our brave soldiers have defended across the globe. I urge each of you to rededicate

yourselves to the cause of democracy. Be equally brave and enact meaningful campaign finance reform, a piece of unfinished business to protect the public interest.

And let me end with a quote from, in my judgment, the greatest public servant of all, Abraham Lincoln, "If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how – the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong,..." no one "...swearing I was right would make no difference."

I hope that I have done some good for the people of the 39th Legislative that I have been proud and privileged to represent here and for the citizens of the Commonwealth of Pennsylvania. I thank the people of my legislative district, my family, friends, and supporters for their support and confidence that they have given to me over the past 26 years. God bless each and every one of you. God bless America, God bless the people of Pennsylvania, our Commonwealth of Pennsylvania, and God bless this hallowed House while democracy can and will flourish.

Thank you very much.

#### FAREWELL ADDRESS BY MR. SEIP

The SPEAKER. Tim Seip has represented Schuylkill County since 2006. He is a good coal cracker. He has dedicated his life to public service and spent a lot of his adult life as a social worker and as a therapist. He has worked diligently on property tax reform and the elimination of spot assessments that so affect not only Schuylkill County but so many regions around this Commonwealth.

The other thing that he works on is trying to get those Pottsville Maroons that national title that they won back in 1925.

Welcome to the rostrum Representative Tim Seip.

Mr. SEIP. Thank you, Mr. Speaker.

Back in October I was in the rear of the chamber here with Flo Fabrizio, and I said, "You know, Flo, we're going to have to have some extra days or make some extra time here for folks that don't even know they're going to be retiring." He said, "Yeah; that's true." And here we are today following a wave of campaign themes that centered a lot on spending, and I think that after they considered what the House was spending on coffee for me, I think that is what brought me to the rostrum here now.

One thing that happens when you do get elected is you go through grueling campaigns, and now at least I know that I will not have to go through another grueling election. And I am not talking about the general election or the primary; I am talking about the leadership election that is going to take place tomorrow.

When I first got elected, I really did not know what leadership elections were like, and all of a sudden I had people coming up to me and they are saying, "Hey, I need you to vote for me for something. I'm not sure what yet, but something. Keep me in mind." So I have all these people inundating me with these requests for support, and I thought, my goodness, I do not even know what the heck is going on here. So I called

up my good friend, Congressman Holden. I said, "Congressman, I don't know what to do." I said, "I've got all these people contacting me. Todd Eachus, he helped me in my campaign; Tom Caltagirone. They're both running for the same thing. What should I do?" He said, "Hey, you could have bigger problems." I said, "You're right."

During my time in the House, my 4 years here, I have a kaleidoscope of memories just packed away. There are people that I have helped in the 125th District, the Cabella's and Yuengling district. There are House colleagues with distinguished backgrounds and unique character. And there are just amazing people that have visited this chamber: international leaders like the Indian Ambassador, Meera Shankar; Mary Wilson from the Supremes was here; NFL (National Football League) quarterback Jim Kelly; and even that mean old Nellie Oleson from "Little House on the Prairie" – mean old Nellie Oleson was here.

Also, I had a chance to meet amazing people outside of the chamber, and that was very astonishing to me. I never knew that I would have a chance to meet the President of the United States in Girardville with the esteemed chairman of the northeast delegation, Neal Goodman. Neal is someone that I am sure I pestered the living heck out of when I first got elected in November of 2006, and that is just one of the advantages of living 47 miles away from the Capitol Building.

I know that I also had many questions for my fellow member of the Berks County delegation, Representative Santoni, the esteemed chairman of the Gaming Oversight Committee. And I know I journeyed here many days that November of 2006 to ask for guidance and input from Neal and Dante, and I would say, "Well, how do I get off to a good start? What do I really need to do to get rolling here?" And Dante also, being a great friend and counselor he has been to me, was one of the cosponsors of the tuck-and-roll citation that was given to me by Representatives Kessler and Caltagirone and Dante for my actions I took at the Berks County Chamber of Commerce meeting on the 12th of June of 2009, when I inadvertently fell off the stage.

This chamber has been graced with so many interesting members. I can see Ed Wojnaroski in the back of this chamber wearing that red blazer that he was always very famous for wearing.

One day I was trying to get to my seat – my prized seat in the middle of the row, as many first-term members get assigned – and with John Pallone on the one end, I decided the other end was the better route to take. And as I went to enter my row, I saw this giant ring on this guy's hand, and me being me and not being able to help myself, I said, "What is that? Is that a Super Bowl ring?" And Tom Yewcic looked at me and said, "No. Just a national championship ring with Pitt." Well, it turns out he played with Tony Dorsett, as many of you know, and won a national championship.

#### FAMILY INTRODUCED

Mr. SEIP. I was here for many, many incredible days on this House floor in that 4 years that I have served, and there are three very outstanding days that I will always remember. The first one I do want to talk about is July 14, 2007, when my wife, then Maj. Starr Seip, returned from war in Iraq. It was just before the start of session that morning that I had a chance to welcome her home over at the National Guard headquarters

building right here in Harrisburg. And having her and her colleague, Capt. Kara Walters, here on the House floor created a moment that I know few that were here will ever forget. Having my daughter and my dad here, too, on that day, signs and all, "Welcome home, Major Mom," it was very special indeed, and my dad is here again today sitting in the rear of the chamber with my wife, Starr. And I want to thank my dad for all of his encouragement and support throughout my life. Thank you, Dad. And I also have to thank my wife, Starr, and my daughter, Elisa, for their incredible love and understanding of the challenging schedules that we keep as legislators. And I want to thank my wife particularly for forgiving me for that anniversary dinner that we had at Eat'n Park on July 2 during a budget debate that ran a little bit longer than we had expected.

On October 8, 2008, spot appeal bills were moved because of actions taken on October 7, 2008. And to be very honest with you, I remember October 7, 2008, a lot more vividly than I do October 8, and no other legislation that I know of was more of a bipartisan product than those spot appeal bills. I am proud of the fact that I was able to work on that legislation with the late Senator Rhoades, and I distinctly remember the conversations that took place on the floor of this House, at the microphone and off the microphone, on the night of October 7, 2008.

I really remember being on the legislative ropes when a motion to adjourn was made from right here in the well of this House, by my side of the aisle, and I think a few syllables might still be rumbling around the rafters of this chamber from that evening. As that motion was made to adjourn, I thunderously catapulted myself down here to the front, and I know some of you people are thinking, come on, Seip. Thunderously catapulted yourself? No, no, I really did, and many of you who were here know what I am talking about. Once I got down here, some emotions were exchanged, and I dragged myself back up to the microphone, where I had originally thought I would call up a veto message for an override, and it was at that moment when Andrew Ritter, a very youthful-looking, then clean-shaven executive director of the Finance Committee on the Republican side, came to me and he said, we are going to help you. And I said, wow, that is great; I could really use some help right now. And shortly thereafter Sam Smith stood up and he said, Mr. Speaker, if we adjourn now, does that mean that we could not discuss other important business tonight like, oh, I do not know, just for example, the override of a Governor's veto? Does that mean we could not talk about that tonight? And the Speaker said, no, all that would be in order would be adjournment. And it was at that time when Sam Smith said, well, Mr. Speaker, I think we should have a roll-call vote on this motion, and that was just enough to have that motion to adjourn withdrawn, and that legislation passed this General Assembly.

On January 2, 2007, I can still see the then Chief Clerk, Roger Nick, right here at this very rostrum that I am standing at now. He was interpreting Mason's Manual more times than he probably had ever anticipated, and he was handing down more rulings than he probably ever thought he would be doing as Chief Clerk on the opening day of that session. And I can still hear the echo of Bill DeWeese standing down here in the well of the House saying, although the votes are not as steely and unremitting as I had hoped, I nominate Denny O'Brien for Speaker – Denny O'Brien. And that was an unbelievable start to this incredible voyage that was my time in the Pennsylvania House of Representatives.

## GUESTS INTRODUCED

Mr. SEIP. My staff, whether they were full-time or part-time, the people of the Cabella's and Yuengling district always got 100 percent performance 100 percent of the time. And no offense to my colleagues, but my legislative staff is the very best legislative staff in this Commonwealth. If I could just have you guys stand. Kris Bernard, Pam Hatter, Jen Laughlin, Heather Bixler, Brian Tobin, and Cory Nush could not make it here today, but she was an outstanding member as well. And I have to let you all know that no other legislator in this body has ever had the two-time Schuylkill County Fair hay-bale-throwing champion working for them, Katie Dinger.

I know we helped, and I like to say "we," but really, most of the time it was all of those staff people doing great things that I got credit for. Constituents did get help from my office with mortgage fraud, student loan problems, health-care insurance issues, and we just finished assisting constituents with our second international constituent crisis. A couple from my legislative district was stranded in St. Lucia without power, drinking pool water, and they chose to try and contact me to help them. So what I did, as I had done previously many times, I contacted my good friend, Congressman Holden, who took care of those constituents and achieved a very positive outcome for them.

One thing that was very unfortunate about my time here in the House was that my mother was never able to come and see me work on the floor. She was in a very, very bad car accident on the last day in 1983, but I know that she is watching on TV, and I just want to thank her for her love and support and all that she has done for me over the years.

Lastly, lastly, I know that I have planted a seed here with many of my House colleagues about either a House Olympics or a caucus Olympics, and even though I will not be here to do the long jump against John Pallone, and Frank Oliver will not be here to do the arm wrestling event against Merle Phillips, please feel free to set up that game of marbles between Bryan Cutler and Greg Vitali or that game of jacks between Dwight Evans and Mike Turzai.

Well, I guess before they send Jack back here to – Jack, the last Sergeant at Arms, the official Sergeant at Arms of this House – before they send Jack up here to physically remove me, I guess I better wrap this up.

When I step my cowboy boots off the floor of this chamber for the final time, I will know that I did my very best and the very best that I could do for my constituents for the 4 years that I have represented them at their State Capitol. And as I stand here under my favorite mural, "The Apotheosis," I can honestly say that there is nothing that I would have done any differently whatsoever.

Thank you, Mr. Speaker, and thank you, all.

**FAREWELL ADDRESS  
BY MR. EACHUS**

The SPEAKER. Since 1996 Todd Eachus has served the people of Luzerne County. He made his mark quickly fighting for senior citizens, expanding prescription drug coverage, and fighting to reduce property taxes for senior citizens statewide. He led the fight to improve access to health care for all

Pennsylvanians and to keep costs down. And yet as another coal cracker, he has fought hard on issues to help working people including workers' compensation, unemployment compensation, and defending against a tax on our unions.

He is our outgoing majority leader and truly will be missed. My good friend, Representative Todd Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to say hello to the McCall family who is here today. They are good friends from next door. It is an honor to have the whole family here.

Mr. Speaker, I would like to thank you for your personal courtesy to me in our working relationship for the past 2 years. Sam Smith, the next Speaker of the House, I would like to thank you and the Republican leadership for your loyal opposition every day for the last 2 years. And I would like to thank the members of the House, those who graced me with the opportunity to serve you as your majority leader for the last 2 years.

As the Speaker said, I raged onto the scene here in 1996 winning an election that was very contested, but in that time since I have served the people of the 116th District of southern Luzerne County to the best of my abilities. Over the last 2 years here as majority leader, I was very honored to be elected by the members of the Democratic Caucus to serve in the majority leader capacity. I was the first new majority leader in two decades and the first ever from Luzerne County.

On the first day of swearing-in, I asked a question: "Why are we here?" And I said that I believe the primary mission during our time of the greatest economic crisis in Pennsylvania history since 1930 was to face the tough issues head-on. I believe we did that. As much as the session was difficult for many of us, because unless you are graced to lead as the members of this General Assembly do every day, you do not understand the challenges, the challenges to real people whom we live with and we serve, the challenges of families who are struggling with loss of home, loss of health care, loss of hope. But I can tell you this, that the Democratic Caucus that I served with, the members of the governing coalition, faced those issues head-on, and I can tell you that I am extremely proud of working with dedicated members who did the difficult heavy lifting for 4 years running – never, never once shirking your responsibility to your people you serve and the tough issues we faced.

As to the constituents whom I served, I have been honored to serve you back home. Every day people came in my office and I would say, people do not come here on their best day to my district office on Broad Street; they come on their worst day.

As I said earlier, this economic crisis has really done damage to the hopes and dreams of many. The people that I serve in southern Luzerne County have one of the lowest per capita incomes in our region. The last census was \$17,700 a year. The people that I work for go to work every day, and I am hoping in some small measure that the people that I serve with in my district office, the employees of my office – Dave Palermo, Nicole Matsko, Judy Lisnock, Michele Mahovich, and Allyson Rappaport – have served you well. I am proud of the work they did in my Hazleton office for the 14 years that we did it.

Let me say also as it relates to the Democratic Caucus that I worked for and I served, under our leadership, Pennsylvania's working families took first responsibility here. We put forward a progressive agenda that we did not take for granted any single day. There was no question of how hardworking the members of this Democratic Caucus have been. We have been the voice,

the voice of working families, as the Speaker said, the voice of the injured on the job site, the voice of those who are without health care, the voice of children who cannot speak for themselves, the voice of veterans who serve. We have been that voice, and when it came down to it, even in the most difficult budget crisis of last year, we would not relent on the issues of that budget that affected real people. The budget exercise that we are involved in is not just about numbers, it is not just about lines in the budget; it is about real people, real people on kidney dialysis, children's health insurance, long-term care for seniors, the progressive agenda that we stand for.

Even though the electoral winds of change have asked me to step aside from my seat, I know that the people left behind on this side of the aisle, even with the smaller number, are going to stand up for those families every day, for men and women who are struggling in our urban centers against opportunity, for people who live here and have lived their whole lives and are struggling against a hope for the future. The Democratic Caucus will stand for them.

And we have done great things, things that we should be proud of. We have, as I said, fought for health insurance access for adults and children and got that done. Every child in Pennsylvania today is covered. Over the last 8 years we have expanded prescription drug coverage for senior citizens by a quarter million.

As it relates to the fair access to property tax relief, we passed the Gaming Act. In that Gaming Act is over \$1 billion in property tax relief, more than Nevada and New Jersey. And as it relates to what we did in that Gaming Act, we have created opportunity for thousands of people – employment, an entertainment value – but we did not leave behind those who were the neediest. In the law, just as you would expect us to do in a progressive agenda, we made sure that minority-owned businesses and women-owned businesses had an opportunity to play on a playing field in that new business that was equal to everyone else. Those are the things that Democrats stand for. Those are the things we fight for. That is a voice that will not be muted in this process no matter what our number is.

And even though I say to you I leave this chamber with some small sense of regret, because you want to leave on your own terms, I know that what I leave with is a sense of accomplishment. But there is unfinished business in this session. That unfinished business is to take on a transportation funding bill that guarantees that the Allegheny transit system and the Philadelphia transit system do not shut down, that guarantees that the people who need jobs in highway construction, taking care of Pennsylvania's ailing infrastructure, have an opportunity and a fair shake. That is going to be left to you.

As it relates to our heritage in the forests of Pennsylvania, the place where all of us who love the forest grew up, where we hunted and we fished, we went to camp in the summertime, this oil and gas industry poses a threat, a threat and an opportunity, but the threat is great. That threat is that with the new administration and their position and the position of my Republican colleagues in the House and Senate, there will be no oversight on environmental safety, environmental quality, safe drinking water standards, and things that matter in people's lives that will be adjacent to that drilling. That, my friends, is unacceptable. And the resources from that industry – a very profitable industry, I might say, and one that is happy to contribute to political campaigns, as Chairman Levdansky

pointed out so eloquently – that that industry should pay its fair share, not the taxpayers of the Commonwealth, for any cleanup responsibility that is created by that industry.

As for the things we continue to fight for, the threats to children's health insurance: We have covered every child in Pennsylvania over the last 8 years. You must endeavor to save that. As it relates to the things that we fight for in drug and alcohol treatment and human services programs for our counties that take care of the homeless, the indigent, the mentally impaired: Those people need a say. The members of the Democratic Caucus are the people who stand for those qualities, and I want to say in a bipartisan way, some members of the caucus, we need to have that agenda completed.

So as I leave you today with both the opportunities and the threats, I leave you with a sense of pride and accomplishment, because the day that I was able to be chairman, I opened for my very best friend, Keith McCall, somebody whom I have respected and has really been a mentor to me throughout the process. Representative Phyllis Mundy, the woman who recruited me and got me into this mess, I honor you today.

To the members and the chairmen I have served with every day here on the Republican and Democratic side: Even though we disagree on many days between Republicans and Democrats, I think you know from that well I was never disagreeable. I never let a sense of disrespect or a lack of decorum run our House, and in this moment as we enter into the next session, I am asking the members, the Speaker, respectfully, elect, to maintain the integrity of that. I mean, there are days that we disagree vociferously, but among ourselves a sense of respect and decorum must be maintained.

#### GUESTS INTRODUCED

Mr. EACHUS. Finally, to my family. I am honored to have a family of both staff here at the Capitol – and I consider them family – who have run this process with the greatest sense of respect, intellect, and I would like to say execution. We have never lost a vote, not one over the last 4 years. In the last 2 years we executed it on the House floor perfectly even on days when we nearly outmaneuvered ourselves, but we still won. So I leave with that sense of accomplishment, and it could not have been done without the majority leader's staff. I am not going to recognize all of them, but I would like to recognize the chief of staff of the Democratic Caucus, Laura Kuller. If you would stand to be recognized, Laura, please. To Vicki Baughman, my secretary in the office, who is not on the House floor, she has been with me for nearly a decade. I wanted to thank her personally.

And to, as I said, my family – my wife, Ellen, who is a wonderful nurse, who does a great deal of good for people throughout her career; and my three sons. My son, Anthony. Anthony, if you are out there watching, I love you, buddy. I will be home soon. To my son, Benjamin, who is on the west coast, graduating in May from my alma mater at Pitzer University and going on to medical school. And the last time, one of the few times I stood up here as a rank-and-file member with my son, Nate Eachus, the State wrestling champion in 2007, at 199 pounds, AAAA Pennsylvania. He is a hen's tooth away from holding the FCS (Football Championship Subdivision) rushing championship and the scoring championship. He is on the Walter Payton watch list. One more game at Fordham this

weekend, Nate, and just keep your body glued together. I hope we can get through it. But I wanted to say to my family, when I started here Nathan was 6, Ben was 7, and Anthony, 11, and every day that I have spent here at the Capitol endeavoring to be the legislator that I could be, I got there.

As I said, to my good friend, Sam Smith, who has been, as I said, the loyal opposition. I got here in 14 years, stood right there in the well of the House, the first kid in my family to go to college, the first guy from Luzerne County since a few white landed men put together the Constitution for Pennsylvania. Probably Barb's family was there. I do not have family like that.

But I want to say it has been a great honor to serve, a great honor to serve the people of my district, a great honor, the greatest honor to serve the Democratic Caucus and the Commonwealth of Pennsylvania.

Farewell and adieu, and I wish you all well. Take care.

### FAREWELL ADDRESS BY MR. McCALL

The SPEAKER. Well, literally, the party is over. It is 10 after 7. I guess it is apropos for me offering some remarks.

There is my wife, my daughter, and my son. What a time to lose your voice too. I am fighting a bit of a cold, so I apologize for the raspy nature of my voice.

Bernie, do you have the number? Stand up and show the rest of the chamber. Bernie O'Neill reminds me every day that we are in session how many days I have left to when you get your life back and get your sanity back.

I think back about the first time that I walked into this chamber, and it was not as a member of the General Assembly. It was as a son to an elected member of the General Assembly. I can tell you that when I walked in here I was in such awe of this place, that very first time that I walked in here. And I remember sitting on the side aisle thinking how proud I was of my father being an elected Representative, being the voice of the people of Carbon, and I think he had a part of Luzerne County at Freeland and Foster Township. And here I am probably for the last time as your Speaker and as an elected member of this House and I am still in awe of this chamber, and not so much the lights and the beautiful marble and really the opulence of the place, because it really is. I often tell kids when they come through, it is a heck of an office, is it not? A nice place to come to work. But it is not just the beauty; it is the awesome responsibility that has been entrusted in all of us as elected members of this chamber.

And I think oftentimes as we work here, we take for granted that trust that people have put in for us. And I do not mean that in a negative way, but we kind of get caught up in the things that we do and really do not realize the awesome responsibility that has been given to us.

For me, my journey really started at my father's knee. My family was always involved in politics in one way or another, and I think, like many of you, when you grow up around politics, you sit around that dinner table and you discuss the issues of the day, the policies of the day, the politics of the day. My father always talked about the value of public service and good governance, and I remember as a young man arguing the issues with him when we would sit around that table and the decisions that he was making as an elected Representative. And one of the things that I like to cite is, I was 18 years old, and

I would argue and say, "Dad, you know, why is it that a young man can go off to war at the age of 18 years old, but if I, as an 18-year-old, wanted a glass of beer, I am not allowed to have a glass of beer, but you entrust a young man at 18 to sacrifice his life?" And he said something interesting to me. He said, "You have to wear my shoes and know and understand how those decision processes are made." And it is so true, and that is why we have a representative form of government, because when you have to get into the minutia and the details of bills, it is difficult and it is hard to get people to understand the minutia and the details of the decisionmaking that we make in this institution.

And the reason why I say that is once I became an elected member, I remember Kevin Blaum offering legislation on underage drinking, and it dawned on me when we had that debate why my father was probably right. Representative Blaum was debating the issue and talking about the life expectancy of people, and he went through categories, 18 to 24 and then went, like, 5 years up on every one of them, 25 to 30, 30 to 35, 70 to 80, 80 to 90. And he said, "You know, all those life expectancies, people are living longer, even 90 to 100 years of age. Their life expectancies are going up except for one, 18 to 24, and the number one reason was because of alcohol-related traffic accidents. And it kind of dawned on me at that point, that is why we have an elected form of government, so we can know and study the issues and make those very, very tough decisions, that really, people in their busy lives do not have that opportunity to do the work that we do in getting into the details of legislation.

As many of the members here know – Representative Bud George, who started with my dad; Frank Oliver is still here; Mark Cohen served with my dad; Bill DeWeese – my father tragically passed away Christmas Eve 1981. He was 46 years old and today I am 50, and it still scares me when I think about how young he was when he passed away. And he was a man of conviction. One of the things that he always said was, "The principles of honesty, fairness, integrity, that should be your guiding light."

And I think about one issue, and I am going to digress just a tad just to tell you something about my father. He stood tall and advocated, unyieldingly, for the unborn. And in 1981, that was a very, very contentious issue for a lot of members, and to this day it is still a contentious issue that can divide this country deeply – and this General Assembly, and I have been through many of those debates. And when you tragically lose someone, you always look for solace in that loss, and you almost pinch yourself in disbelief, that it is not happening to you.

And I remember the priest, when my father was being buried, came to me and said, you know, your father was such a strong advocate for the unborn; I think that you and your family should know something. You know, think about the fact that your father passed away on Christmas Eve and probably witnessed the birth of Christ somehow or some way, and, he said, even more importantly, when I do the service today and bury your father, that he is also being buried on the feast day of the Holy Innocents.

And what strikes me when I tell you that is, you know, is there coincidence in that? And I guess the answer to that is, probably so, there is coincidence in that. But is it something that we all should think about? And I think the answer to that is, absolutely. But he was a man that stood up. He was a man that

was not afraid to make the tough decisions, and I think that is one of the things that my father instilled in me.

I look to my mother, and it is kind of funny, you talk about how fate works— Mom, do you want to stand just for one second? I know she hates to do that, and most mothers do, but— Now I made her cry. But you talk about how fate works. When my father passed away, they wanted her to run, so you would have gotten certainly somebody a lot prettier and somebody a lot more intelligent if there was a special election called. And they did not call the special election, and that was one of the things that I fought for when I got here, was to make those special elections be called timely. But the fact is that if the special election would have been called, my mother would have run for this seat. She would only have filled the unexpired term, but I certainly would not have been in the equation at all. So maybe that was a good decision or not, I do not know, but certainly, certainly the decision that I made to run for this seat was the right one and I certainly have not looked back since then.

But when I think about my arrival in Harrisburg, I was 22 years old. Most kids were just finishing college or starting a career or wondering what they were going to do with their life. Heck, when I would go to the Maverick for dinner, they would card me if I wanted a glass of wine. I looked that young too. But I understood that my youth was really an asset, that my desire to work hard and make a difference, to do something meaningful in my life and meaningful down here, was so very important to me.

And I look at Bud George, who was my roommate when I was 22 and Bud was only 80 years old at the time. And now he is what, 105 or what? But, you know, Bud George was one of my roommates when I first came here. And I talk about the names like Jim Manderino; Jim Gallagher, who was from Bucks County and the Education chair, and an outstanding Education chair; Russ Letterman, who was the Game and Fish chair and was a great friend of Bud's, and those two guys would take me out to dinner oftentimes. Joe Petrarca, Sr., who was the Transportation chairman and took me under his wing and helped me through a lot of tough circumstances and debating bills, and I sat right in front of him. David Wright; Benny Dombrowski from Erie – all older members that, when I was elected here, helped me to progress and do the job as a rank-and-file member in this General Assembly.

I worked under six Governors, imagine: Governors Thornburgh, Casey, Singel, Ridge, Schweiker, and Rendell. And there have been a lot of great things that have happened in this General Assembly, and I know the members will continue to do those great things. But when you talk about PENNVEST (Pennsylvania Infrastructure Investment Authority), the children's health insurance, the PACE program, PACENET, Growing Greener, adultBasic, the Alternative Energy Portfolio, this General Assembly has done so much, and oftentimes you, the members, get no credit for it. The press is so quick to demonize things anymore; it is really unfortunate, because this General Assembly has passed laws that are landmark pieces of legislation that have been models for the entire country, not just for Pennsylvania, for the entire country – the entire country. They come to us and look at what we have done and ask for our legislation.

The Pennsylvania General Assembly, ours was America's first independent legislative body, and it has been an honor and a pleasure to serve the 61,000 or 62,000 constituents. And the

responsibilities, again, are absolutely awesome. We work 7 days a week. That is the other thing that I often talk about, is that, you know, it is 7 days a week. It is almost every single night and every single weekend, in the district and here in Harrisburg. And I know me, personally, the reason why I made the decision that I made is because I do not have the fire in the belly anymore. But something happens that I think the gravitational pull was so great that it was really easy to make the decision, and the reasons are right here to my right.

You know, when you are 22 years old and young and single and you could come and go as you please, it is real easy to do this job. But when you are married and have children, and certainly, I have been blessed with a wonderful wife and two great children, that gravitational pull just became too great for me. My kids are involved in everything, and I want to be home and participate and enjoy all those great things with my children, both Keith and Courtney, who are involved in so many different things.

And you know what it is like. It does not matter if you are at church, you are at the grocery store, you are at the baseball field, you are at the volleyball game; your job never leaves you, and the sad reality is that you do not get the credit for that. It is oftentimes overlooked, the sacrifices that all of you make individually in your districts on a day-to-day basis. And the vitriol of this last election; it is so anti when I know different and I know better, and I mean that on both sides of the aisle, how hard all of you work and the efforts that you put in to represent the people that have elected you here.

I want to also take a moment to really thank my staff, and of course all of you know the importance of staff, that none of us would be the successes we are without good, solid people behind us. And I have my staff standing in the back, if they do not mind, from Mary Lou Paul, who has been with me 25 years in the district; Bill Richards; Nancy; Pat; Robin. I do not know if they are all here from the district. I do not have my glasses on, so I cannot see them back there. But even here in the Harrisburg office – Karen, Deb, Nikki, Samantha, Gale, Mike, Kate – are you all back there? Just stand and just take a quick bow, and thank you very much for all that you have done for me. You know, it is hard to do the jobs that they do and take the phone calls and answer the letters, and it really is a wonderful service to the people of this Commonwealth. You have to be dedicated in doing that job, and they do an outstanding job.

Certainly, to my family and friends, my mother, of course, you have met. She really has been a wonderful support for me and instilled values that I carry with me today, and certainly my father as well. My sister, Kelly, and my brother, Tom, who – Kelly and Tommy, if you just want to stand; hold your applause – Kelly and Tom, they have been just so helpful and have guided me through so many different things. My Uncle Emmett and Aunt Mary Ellen sitting next to my mother. Emmett, stand up. Emmett has been down here a couple of times. But they have all been just such a strong support system. Michael McCall, my cousin. My brother-in-law, Andy Sherkness. My nephew, Drew, you could stand up just to show them how tall you are. Drew is at Penn State now, playing baseball. My niece, Marykate. She is a sophomore at Marian High School and I think will be a Division I volleyball player someday. We are very, very proud of her. She does a great job.

And then Tonimarie Macaluso. Tonimarie owns a great restaurant in my district that is called the Lantern. I have known Tonimarie my entire life, and her place has always been kind of

our de facto campaign headquarters, that every time, you know, you have to have a place to kind of get all the intelligence of what happened in the day, and that was one of the places that we always stopped. So thank you for coming down here, Tonimarie.

To my beautiful wife, Betty. I have to thank her for her unwavering support. I think, as most of you know, our spouses suffer the most, without question. And when I talk about how sometimes the press demonizes all of us, they forget about the human side of the equation. And there are people that have to hear and read things that maybe are not true, and certainly on the human side I have been blessed with just a wonderful wife and two great children that have just changed my outlook on life entirely. So thank you very much for everything. Like I said on swearing-in, I said, I may have the title of "Speaker," but the best title that I can have is "Dad," and I am very proud of that.

You know, each day as I opened session, I sought to prove myself worthy of the respect entrusted in me by you, my colleagues, and the people that I represent. I never forgot who sent me to Harrisburg and why I was granted the privilege to serve. And when I gavel out of session for the last time as the 136th Speaker of the House, during the 193d session of the Pennsylvania General Assembly, I hope to be remembered as a person who restored dignity to our House.

I soon will be elevated to the rank of constituent, and it is actually a role that I am going to assume with gusto. I absolutely look forward to that role. But through war, through peace, through economic upheaval, through international unrest, we have always here in this General Assembly, rallied around the democratic process, and there is no better, regardless of what the pundits say, there is no better process.

I have been honored and I have been privileged to be the voice of the people of the 122d Legislative District, and I want to thank all of those people who have supported me over the 28 years as a member of this General Assembly and as the Speaker of the House for their support. But I am equally honored and privileged by the responsibility you entrusted to me as your Speaker. It has been a humbling experience for me personally, and I truly feel fortunate to be part of Penn's Holy Experiment. I thank you all.

### COMMEMORATIVE GAVEL PRESENTED

The SPEAKER. I am being instructed by the Parliamentarian that I have to turn the microphone over for a minute to the dean of the General Assembly, Representative Frank Oliver, the gentleman from Philadelphia.

Mr. OLIVER. Mr. Speaker, I am requesting personal privilege to address the House. Thank you.

On behalf of all members of the 193d session of the Pennsylvania General Assembly, I would like to wish our departing Speaker many wonderful years of retirement with his family and present him with this ceremonial gavel.

The SPEAKER. I am going to have to keep that away from somebody.

Sam, I also wanted to really say a thank-you to you and Mike Turzai, number one. You have been just, words cannot express how great it has been working with you. The respect that you have for this office and the respect that you have shown me over my 2 years here as Speaker, I cannot put into terms how greatly

I appreciate that. And I mean that unequivocally. You have been a scholar and a gentleman the whole 2 years that I have been at this rostrum, and I really want to thank you for that. And you as well, Michael; you have been certainly a gentleman.

To my leaders – Todd, Frank Dermody, Bill DeWeese, Dwight Evans – it has been my pleasure working with all of you in formulating an agenda for this House. And, Todd, you and I probably saw more of each other in the last 2 years than we have seen at home with our wives and our families. But thank you for being such a stalwart supporter. It is greatly appreciated. And Godspeed to you in your retirement as well. Thank you again.

There will be no further votes.

### REMARKS BY REPUBLICAN LEADER

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Jefferson County, the minority leader, Representative Smith.

Mr. S. SMITH. I want to wish you well and hope that you have many, many, many years of constituent work to do in your new endeavor. But I also want to say, kind of in reflection to your last comment to us as leaders, respect gets respect, so I think it is easy to respect one who shows that respect, and I appreciate the way you have conducted yourself as Speaker and your fairness in our – okay, we have our little debates here on the floor – but it is those discussions up there, those discussions in your office, that are most meaningful, and I thank you for the respect you have for this institution and that you have afforded myself and our caucus in that regard, too, as well.

Thank you, and God bless you.

The SPEAKER. The Chair thanks the gentleman.

### VOTE CORRECTION

The SPEAKER. For what purpose does the gentledady from Clarion County, Representative Oberlander, rise?

Ms. OBERLANDER. To correct the record.

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

Ms. OBERLANDER. On HB 2477 I was in the negative and need to be recorded in the positive. Thank you.

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

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.

### ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative Oliver, who moves that this House do now adjourn until Tuesday, November 16, 2010, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 7:32 p.m., e.s.t., the House  
adjourned.