

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 19, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 66

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Eternal, all-wise, all-knowing, everlasting Father, the God of our weary years, the God of our silent tears, we are grateful for another opportunity to enter into Your sanctuary and ask for blessings upon the people in the Commonwealth of Pennsylvania. These days ahead of us sometimes appear that they may be uncertain and our future may appear to be bleak, but we are grateful for a faith that is unshaken and is as solid as the Rock of Gibraltar. We thank You this morning as we ask blessings. We are confident that somehow, somehow we are going to make it through these difficult times.

I pray that Your loving hand, as always, will guide us through the storms of a difficult budget, stand by us, and help us to reach without bending and to bend without ripping. The Commonwealth of Pennsylvania will not only feel some pain, but we know that You will help us through the pain and to the sunshine of another successful period. Service really is the price that each and every one of us pays, and we thank You, for it is the space that we occupy.

To You, God, be the glory. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, October 18, 2011, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 865, PN 2587 (Amended) By Rep. METCALFE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in matters affecting government units, providing for exceptions to governmental immunity related to unauthorized aliens.

STATE GOVERNMENT.

HB 1052, PN 2588 (Amended) By Rep. HENNESSEY

An Act establishing an independent informal dispute resolution process for long-term care nursing facilities to dispute Department of Health survey deficiencies; and providing for the powers and duties of the Department of Health.

AGING AND OLDER ADULT SERVICES.

HB 1720, PN 2589 (Amended) By Rep. HENNESSEY

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for uniform adult guardianship and protective proceedings jurisdiction.

AGING AND OLDER ADULT SERVICES.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1902 By Representatives ELLIS, QUIGLEY, CALTAGIRONE, CHRISTIANA, DALEY, DeLUCA, DUNBAR, EVERETT, GEIST, GEORGE, GIBBONS, GINGRICH, GODSHALL, KORTZ, MILLARD, MILLER, MURT, MUSTIO, PEIFER, PICKETT, SAYLOR, STEPHENS, STEVENSON, STURLA, TAYLOR, THOMAS, TOEPEL, VULAKOVICH, WAGNER, WATSON and MIRABITO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for report and public information and for tax credit; providing for annual report on tax credits; and repealing provisions relating to report to General Assembly.

Referred to Committee on FINANCE, October 19, 2011.

No. 1903 By Representatives BAKER, GEIST, HESS, MAJOR, AUMENT, BOBACK, CALTAGIRONE, CARROLL, CLYMER, COHEN, D. COSTA, DALEY, DAVIDSON, DONATUCCI, FLECK, GEORGE, GILLEN, GINGRICH, GRELL, GROVE, HORNAMAN, M. K. KELLER, KOTIK, KULA, MANN, MILLARD, MUNDY, MURT, PICKETT, PRESTON, QUINN, RAPP, REICHLEY, ROAE, ROSS, SONNEY, SWANGER, TOOHIL and YOUNGBLOOD

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for definitions.

Referred to Committee on CONSUMER AFFAIRS, October 19, 2011.

No. 1905 By Representatives M. K. KELLER, MARSICO, CALTAGIRONE, AUMENT, BENNINGHOFF, BOYD, BRENNAN, BUXTON, CARROLL, CLYMER, EVERETT, GEIST, GODSHALL, GRELL, HANNA, HARKINS, HARRIS, HELM, KAMPF, KAUFFMAN, KRIEGER, LAWRENCE, LONGIETTI, MANN, METCALFE, MILLARD, MILLER, MOUL, MURT, MUSTIO, OBERLANDER, O'NEILL, PICKETT, PRESTON, PYLE, QUINN, READSHAW, SAYLOR, SCHRODER, SONNEY, STERN, STURLA, TALLMAN, TOEPEL, TOOHIL, TURZAI, WATSON, BARBIN, P. COSTA, MAHER, CAUSER, MARSHALL, HICKERNELL, EVANKOVICH, REED and STEVENSON

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for general provisions and for liability; providing for liability for refusal to accept acknowledged power of attorney; and further providing for validity.

Referred to Committee on JUDICIARY, October 19, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 100, PN 1668

Referred to Committee on JUDICIARY, October 19, 2011.

SB 354, PN 1354

Referred to Committee on STATE GOVERNMENT, October 19, 2011.

SB 397, PN 380

Referred to Committee on JUDICIARY, October 19, 2011.

SB 449, PN 432

Referred to Committee on CHILDREN AND YOUTH, October 19, 2011.

SB 743, PN 756

Referred to Committee on EDUCATION, October 19, 2011.

SB 834, PN 1669

Referred to Committee on LOCAL GOVERNMENT, October 19, 2011.

SENATE MESSAGE

AMENDED SENATE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1151, PN 1665**.

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

BILL SIGNED BY SPEAKER

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

SB 631, PN 1033

An Act designating the section of State Route 23 that is situated between Chester County's border with Montgomery County and State Route 100 as the Medal of Honor Grove Highway.

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

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence? The Speaker recognizes the majority whip, who requests a leave of absence for: the lady, Mrs. WATSON, from Bucks County for the day; the lady, Mrs. HARHART, from Northampton County for the day; and the gentleman, Mr. MOUL, from Adams County for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for: the lady, Ms. WAGNER, from Allegheny County for the day; the gentleman, Mr. KOTIK, from Allegheny County for the day; and the gentleman, Mr. GALLOWAY, from Bucks County for the day. Without objection, the leaves will be granted.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 244, PN 195

By Rep. CLYMER

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 approved reimbursable rental for certain leases and approved reimbursable sinking fund charges on indebtedness.

EDUCATION.

HB 1901, PN 2570

By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in grounds and buildings, further providing for work to be done under contract let on bids and exceptions.

EDUCATION.

SB 159, PN 440

By Rep. CLYMER

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

EDUCATION.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Donatucci	Kirkland	Rapp
Aument	Dunbar	Knowles	Ravenstahl
Baker	Ellis	Kortz	Readshaw
Barbin	Emrick	Krieger	Reed
Barrar	Evankovich	Kula	Reese
Bear	Evans, D.	Lawrence	Reichley
Benninghoff	Evans, J.	Longietti	Roae
Bishop	Everett	Maher	Rock
Bloom	Fabrizio	Mahoney	Roebuck
Boback	Farry	Major	Ross
Boyd	Fleck	Maloney	Sabatina
Boyle, B.	Frankel	Mann	Saccone
Boyle, K.	Freeman	Markosek	Sainato
Bradford	Gabler	Marshall	Samuelson
Brennan	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Sonney
Causser	Grell	Milne	Staback
Christiana	Grove	Mirabito	Stephens
Clymer	Hackett	Mullery	Stern
Cohen	Hahn	Mundy	Stevenson
Conklin	Haluska	Murphy	Sturla
Costa, D.	Hanna	Murt	Swanger
Costa, P.	Harhai	Mustio	Tallman
Cox	Harkins	Myers	Taylor
Creighton	Harper	Neuman	Thomas
Cruz	Harris	O'Brien, D.	Tobash
Culver	Heffley	O'Brien, M.	Toepel
Curry	Helm	O'Neill	Toohil
Cutler	Hennessey	Oberlander	Truitt
Daley	Hess	Parker	Turzai
Davidson	Hickernell	Pashinski	Verbe
Davis	Hornaman	Payne	Vitali

Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Wheatley
DeLozier	Kampf	Petrarca	White
DeLuca	Kauffman	Petri	Williams
Denlinger	Kavulich	Pickett	Youngblood
DePasquale	Keller, F.	Preston	
Dermody	Keller, M.K.	Pyle	Smith, S.,
DeWeese	Keller, W.	Quigley	Speaker
DiGirolamo	Killion	Quinn	

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Galloway	Kotik	Wagner	Watson
Harhart	Moul		

LEAVES ADDED—2

O'Brien, D.	Petri
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LEAVES CANCELED—1

O'Brien, D.

The SPEAKER. One hundred ninety-seven members having voted on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to welcome some guests that are with us today. Located to the left of the Speaker, we would welcome Dorothy and William Rooney. They are here today as guests of Representative Dennis O'Brien. Will our guests please rise. Welcome to the hall of the House.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. DeLUCA called up **HR 449, PN 2527**, entitled:

A Resolution designating the month of October 2011 as "Italian Heritage Month" in Pennsylvania.

* * *

Ms. BROWNLEE called up **HR 460, PN 2557**, entitled:

A Resolution designating the month of October 2011 as "Meet the Blind Month" in Pennsylvania; and recognizing October 15, 2011, as "White Cane Safety Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—197

Adolph	Donatucci	Kirkland	Rapp
Aument	Dunbar	Knowles	Ravenstahl
Baker	Ellis	Kortz	Readshaw

Barbin	Emrick	Krieger	Reed
Barrar	Evankovich	Kula	Reese
Bear	Evans, D.	Lawrence	Reichley
Benninghoff	Evans, J.	Longiotti	Roae
Bishop	Everett	Maher	Rock
Bloom	Fabrizio	Mahoney	Roebuck
Boback	Farry	Major	Ross
Boyd	Fleck	Maloney	Sabatina
Boyle, B.	Frankel	Mann	Saccone
Boyle, K.	Freeman	Markosek	Sainato
Bradford	Gabler	Marshall	Samuelson
Brennan	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Sonney
Causar	Grell	Milne	Staback
Christiana	Grove	Mirabito	Stephens
Clymer	Hackett	Mullery	Stern
Cohen	Hahn	Mundy	Stevenson
Conklin	Haluska	Murphy	Sturla
Costa, D.	Hanna	Murt	Swanger
Costa, P.	Harhai	Mustio	Tallman
Cox	Harkins	Myers	Taylor
Creighton	Harper	Neuman	Thomas
Cruz	Harris	O'Brien, D.	Tobash
Culver	Heffley	O'Brien, M.	Toepel
Curry	Helm	O'Neill	Toohil
Cutler	Hennessey	Oberlander	Truitt
Daley	Hess	Parker	Turzai
Davidson	Hickernell	Pashinski	Vereb
Davis	Hornaman	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Wheatley
Delozier	Kampf	Petrarca	White
DeLuca	Kauffman	Petri	Williams
Denlinger	Kavulich	Pickett	Youngblood
DePasquale	Keller, F.	Preston	
Dermody	Keller, M.K.	Pyle	Smith, S., Speaker
DeWeese	Keller, W.	Quigley	
DiGirolamo	Killion	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—6

Galloway	Kotik	Wagner	Watson
Harhart	Moul		

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

APPROPRIATIONS AND RULES COMMITTEE MEETINGS

The SPEAKER. The Speaker recognizes the gentleman from Delaware County, Mr. Adolph, for the purpose of making an announcement. Could I have the members' attention.

Mr. ADOLPH. Thank you, Mr. Speaker.

If I could have the members' attention, I am going to announce two meetings. There will be an immediate Appropriations Committee meeting in the majority caucus

room, immediately following the break, and then at 11:30, there will be a House Rules Committee meeting in the Appropriations conference room. So I will repeat that one more time: House Appropriations Committee meeting immediately at the break in the House majority caucus room, and then a Rules Committee meeting at 11:30 in the Appropriations conference room. Thank you.

The SPEAKER. There will be a House Appropriations Committee meeting immediately at the break in the House majority caucus room and a Rules Committee meeting at 11:30 in the Appropriations conference room.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Geist, for the purpose of making an announcement.

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

There will be an immediate meeting of the Transportation Committee in the meeting room back at the Appropriations; I think it is 245, somewhere around there. And that will be immediately at the recess, and we will have a quick Transportation meeting, in and out. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

There will be an immediate meeting of the Transportation Committee.

FINANCE COMMITTEE MEETING

The SPEAKER. The Speaker recognizes Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The House Finance Committee meeting will reconvene at about quarter till 12 back at the Ryan Office Building, in 205. I know there is an Appropriations Committee meeting which should be done directly, so as soon as that is over, and we will do our best to call every individual member.

House Finance Committee at quarter till 12, Ryan Office Building, 205. Thank you very much, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

There will be a meeting of the Finance Committee at 11:45 in 205 Ryan Office Building.

REPUBLICAN CAUCUS

The SPEAKER. The Speaker recognizes the lady from Susquehanna County, Ms. Major, for the purpose of a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus at 11:30. I would ask our Republicans to please report to our majority caucus room at 11:30, and we would be prepared to come back on the floor at 1.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for the purpose of a Democratic Caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.
There will be a Democratic caucus at 11:45; Democratic caucus at 11:45, back on the floor at 1. Thank you.

RECESS

The SPEAKER. Seeing no further business, this House stands in recess until 1 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEES

HB 700, PN 705 By Rep. ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring compliance with Federal Selective Service requirements as part of application for learners' permits or drivers' licenses.

APPROPRIATIONS.

HB 1399, PN 1660 By Rep. ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "motorcycle."

APPROPRIATIONS.

SB 314, PN 1696 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; and prohibiting use of interactive wireless communications devices for text-based communications while operating motor vehicles.

TRANSPORTATION.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 592, PN 576 By Rep. BENNINGHOFF

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for exemptions from the realty transfer tax.

FINANCE.

HB 761, PN 2590 (Amended) By Rep. BENNINGHOFF

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for definitions, for excluded transactions and for acquired company.

FINANCE.

HB 1100, PN 1676 By Rep. BENNINGHOFF

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

FINANCE.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

SB 1151, PN 1665 By Rep. TURZAI

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for purpose and legislative intent; providing for fiscal emergencies in third class cities and for receivership for third class cities; and making editorial changes.

RULES.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. PETRI, from Bucks County for the remainder of the day. Without objection, the leave will be granted.

The members will please report to the floor.

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. GERBER called up **HR 464, PN 2579**, entitled:

A Resolution designating the week of October 17 through 21, 2011, as "National Business Women's Week" in Pennsylvania.

* * *

Mr. GODSHALL called up **HR 468, PN 2583**, entitled:

A Resolution designating October 21, 2011, as "Biomedical Research Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—196

Adolph	Donatucci	Kirkland	Rapp
Aument	Dunbar	Knowles	Ravenstahl
Baker	Ellis	Kortz	Readshaw
Barbin	Emrick	Krieger	Reed
Barrar	Evankovich	Kula	Reese
Bear	Evans, D.	Lawrence	Reichley
Benninghoff	Evans, J.	Longietti	Roae
Bishop	Everett	Maher	Rock

Bloom	Fabrizio	Mahoney	Roebuck
Boback	Farry	Major	Ross
Boyd	Fleck	Maloney	Sabatina
Boyle, B.	Frankel	Mann	Saccone
Boyle, K.	Freeman	Markosek	Sainato
Bradford	Gabler	Marshall	Samuelson
Brennan	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Sonney
Causar	Grell	Milne	Staback
Christiana	Grove	Mirabito	Stephens
Clymer	Hackett	Mullery	Stern
Cohen	Hahn	Mundy	Stevenson
Conklin	Haluska	Murphy	Sturla
Costa, D.	Hanna	Murt	Swanger
Costa, P.	Harhai	Mustio	Tallman
Cox	Harkins	Myers	Taylor
Creighton	Harper	Neuman	Thomas
Cruz	Harris	O'Brien, D.	Tobash
Culver	Heffley	O'Brien, M.	Toepel
Curry	Helm	O'Neill	Toohil
Cutler	Hennessey	Oberlander	Truitt
Daley	Hess	Parker	Turzai
Davidson	Hickernell	Pashinski	Vereb
Davis	Hornaman	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Wheatley
Delozier	Kampf	Petrarca	White
DeLuca	Kauffman	Pickett	Williams
Denlinger	Kavulich	Preston	Youngblood
DePasquale	Keller, F.	Pyle	
Dermody	Keller, M.K.	Quigley	Smith, S.,
DeWeese	Keller, W.	Quinn	Speaker
DiGirolamo	Killion		

NAYS—0

NOT VOTING—0

EXCUSED—7

Galloway	Kotik	Petri	Watson
Harhart	Moul	Wagner	

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

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. FRANKEL called up **HR 457, PN 2554**, entitled:

A Resolution recognizing the week of October 24 through 28, 2011, as "No Place for Hate Week" in Pennsylvania and commending the Anti-Defamation League for its outstanding efforts to promote peace, brotherhood and goodwill through its "No Place for Hate" program.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Donatucci	Kirkland	Ravenstahl
Aument	Dunbar	Knowles	Readshaw
Baker	Ellis	Kortz	Reed
Barbin	Emrick	Krieger	Reese
Barrar	Evankovich	Kula	Reichley
Bear	Evans, D.	Lawrence	Roae
Benninghoff	Evans, J.	Longietti	Rock
Bishop	Everett	Maher	Roebuck
Bloom	Fabrizio	Mahoney	Ross
Boback	Farry	Major	Sabatina
Boyd	Fleck	Mann	Saccone
Boyle, B.	Frankel	Markosek	Sainato
Boyle, K.	Freeman	Marshall	Samuelson
Bradford	Gabler	Marsico	Santarsiero
Brennan	Geist	Masser	Santoni
Briggs	George	Matzie	Saylor
Brooks	Gerber	McGeehan	Scavello
Brown, R.	Gergely	Metcalfe	Schroder
Brown, V.	Gibbons	Metzgar	Shapiro
Brownlee	Gillespie	Miccarelli	Simmons
Burns	Gingrich	Micozzie	Smith, K.
Buxton	Godshall	Millard	Smith, M.
Caltagirone	Goodman	Miller	Sonney
Carroll	Grell	Milne	Staback
Causar	Grove	Mirabito	Stephens
Christiana	Hackett	Mullery	Stern
Clymer	Hahn	Mundy	Stevenson
Cohen	Haluska	Murphy	Sturla
Conklin	Hanna	Murt	Swanger
Costa, D.	Harhai	Mustio	Tallman
Costa, P.	Harkins	Myers	Taylor
Cox	Harper	Neuman	Thomas
Creighton	Harris	O'Brien, D.	Tobash
Cruz	Heffley	O'Brien, M.	Toepel
Culver	Helm	O'Neill	Toohil
Curry	Hennessey	Oberlander	Truitt
Cutler	Hess	Parker	Turzai
Daley	Hickernell	Pashinski	Vereb
Davis	Hornaman	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Wheatley
Delozier	Kampf	Petrarca	White
DeLuca	Kauffman	Pickett	Williams
Denlinger	Kavulich	Preston	Youngblood
DePasquale	Keller, F.	Pyle	
Dermody	Keller, M.K.	Quigley	Smith, S.,
DeWeese	Keller, W.	Quinn	Speaker
DiGirolamo	Killion	Rapp	

NAYS—3

Davidson	Gillen	Maloney
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NOT VOTING—0

EXCUSED—7

Galloway	Kotik	Petri	Watson
Harhart	Moul	Wagner	

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1716, PN 2178**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for Category 3 slot machine license.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1716, PN 2178, be recommitted to the Committee on Appropriations.

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

FILMING PERMISSION

The SPEAKER. The Speaker gives permission for media access to the floor to Christine Baker of the Patriot-News for the purpose of taking still photos and Natalie Cake of Roxbury News/PLCA (Pennsylvania Legislative Correspondents Association) for the purpose of taking still photos.

SUPPLEMENTAL CALENDAR C**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1151, PN 1665**, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for purpose and legislative intent; providing for fiscal emergencies in third class cities and for receivership for third class cities; and making editorial changes.

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

The SPEAKER. Moved by the majority leader that the House concur in the amendments.

The Speaker recognizes the gentleman from Chester County, Mr. Ross, for a brief description of the Senate amendments.

Mr. ROSS. Thank you, Mr. Speaker.

The Senate merely clarified the intent that we originally had incorporated in previous amendments, cleaned up some language in a technical way. There are no substantive differences in this and the bill that we overwhelmingly supported previously.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate to House amendments?

On that question, the Speaker recognizes the gentleman from Dauphin County, Mr. Buxton.

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, as the Representative of the city of Harrisburg, I stand before you today and request an affirmative vote on the amendments inserted to SB 1151.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF SB 1151 CONTINUED

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The following roll call was recorded:

YEAS—177

Adolph	Donatucci	Keller, W.	Quigley
Aument	Dunbar	Killion	Quinn
Baker	Ellis	Kirkland	Rapp
Barbin	Evankovich	Knowles	Ravenstahl
Barrar	Evans, D.	Kortz	Readshaw
Bear	Evans, J.	Kula	Reed
Benninghoff	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Gabler	Maloney	Sabatina
Boyle, K.	Geist	Mann	Saccone
Brennan	George	Markosek	Sainato
Brooks	Gerber	Marshall	Santoni
Brown, R.	Gergely	Marsico	Saylor
Brown, V.	Gibbons	Masser	Scavello
Brownlee	Gillen	Matzie	Schroder
Burns	Gillespie	McGeehan	Simmons
Buxton	Gingrich	Metcalfe	Smith, K.
Caltagirone	Godshall	Miccarelli	Smith, M.
Carroll	Goodman	Micozzie	Sonney
Causer	Grell	Millard	Staback
Christiana	Grove	Miller	Stephens
Clymer	Hackett	Milne	Stern
Cohen	Hahn	Mirabito	Stevenson
Conklin	Haluska	Mullery	Sturla
Costa, D.	Hanna	Mundy	Tallman
Costa, P.	Harhai	Murt	Taylor

Cox	Harkins	Mustio	Tobash
Creighton	Harper	Myers	Toepel
Cruz	Harris	Neuman	Toohil
Culver	Heffley	O'Brien, M.	Truitt
Curry	Helm	O'Neill	Turzai
Cutler	Hennessey	Oberlander	Vereb
Davidson	Hess	Parker	Vulakovich
Day	Hickernell	Pashinski	Waters
Deasy	Hornaman	Payne	Wheatley
DeLissio	Hutchinson	Payton	White
Delozier	Johnson	Peifer	Williams
DeLuca	Josephs	Perry	Youngblood
Denlinger	Kampf	Petrarca	
Dermody	Kauffman	Pickett	Smith, S.,
DeWeese	Keller, F.	Preston	Speaker
DiGiroilamo	Keller, M.K.	Pyle	

NAYS—18

Bradford	Emrick	Murphy	Shapiro
Briggs	Freeman	Reese	Swanger
Daley	Kavulich	Samuelson	Thomas
Davis	Krieger	Santarsiero	Vitali
DePasquale	Metzgar		

NOT VOTING—0

EXCUSED—8

Galloway	Kotik	O'Brien, D.	Wagner
Harhart	Moul	Petri	Watson

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1603, PN 1984**, entitled:

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

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

* * *

The House proceeded to second consideration of **SB 282, PN 1584**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further regulating contracts as to purchasing and advertising requirements.

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

Mr. **WHEATLEY** offered the following amendment
No. **A05600**:

Amend Bill, page 1, line 5, by inserting after "requirements"
; and providing for notice to minority-owned and women-owned businesses

Amend Bill, page 7, by inserting between lines 22 and 23
Section 4.1. The act is amended by adding a section to read:

Section 1919. Notice to Minority-owned and Women-owned Businesses.—For any contracts under the base amounts stipulated in sections 1901, 1902 and 1909, the city shall contact any minority-owned or women-owned business in the county in writing and notify the business of the availability of the contract.

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

AMENDMENT WITHDRAWN

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Wheatley.

Mr. **WHEATLEY**. Thank you, Mr. Speaker.

Mr. Speaker, in the spirit of collaboration and cooperation – and I know that these have been bills that have certainly taken their time to get to this point – I am going to withdraw my amendments.

But I did want to just express that, as I said in the committee meeting and as I will say it today and as I will continue to say, I think it is very important that when we increase limits— And if I can, Mr. Speaker, get some order in the building?

The **SPEAKER**. The House will please come to order. The members will hold the conversations down. The members will please take their seats. If the members could hold the conversations down, please take their seats, and clear the aisles, I would appreciate it.

Mr. **WHEATLEY**. I am going to try to do my part and help us get out of here in a speedy time, Mr. Speaker.

But I do think it is important that we make sure that when we increase our limits for a nonbid process, that we make sure we do all the things that are possible to include small businesses like minorities and women as well as veteran businesses in that process. And so although I am pulling my amendments, I am hoping that this chamber recognizes that we still should have a commitment to move forward on making sure there are fair and equitable processes to our State contracts and government contracts as best as possible.

So with that being said, Mr. Speaker, I would like to pull all the amendments that I have drafted to the various bills today.

The **SPEAKER**. The Speaker thanks the gentleman.

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

The **SPEAKER**. On that question, is the gentleman from Philadelphia, Mr. Thomas, seeking recognition?

Mr. **THOMAS**. Thank you, Mr. Speaker.

Mr. Speaker, is there someone that I can interrogate in reference to the bill?

The SPEAKER. The gentleman from Perry County, Mr. Keller, indicates that he will answer interrogation relative to the Senate bills that are before us.

The question is, will the House agree to SB 282?

The gentleman may proceed on interrogation on that bill.

Mr. THOMAS. Who am I interrogating?

The SPEAKER. The gentleman, Mr. Keller, from Perry County.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I just have some basic questions. Number one, is there anything about SB 282 that deals with the escalating unemployment in the Commonwealth of Pennsylvania?

Mr. M. KELLER. Mr. Speaker, no; there is nothing in the bill that does. It just has the rate of inflation. That is it.

Mr. THOMAS. Mr. Speaker, is there anything in SB 282 that could remotely result in job creation or job retention or job expansion or job training?

Mr. M. KELLER. Mr. Speaker, it is mandate relief for local governments.

Mr. THOMAS. Okay. So the answer is no. No?

Mr. M. KELLER. Correct.

Mr. THOMAS. Thank you, Mr. Speaker. Mr. Speaker, thank you.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to introduce some guests that are with us. They are up in the balcony. They are the guests of Representative Bill Adolph. They are the "Marple Seniors" from Marple Township, Delaware County. They are accompanied by township commissioners John Lucas and Jan Ceton. Welcome to the hall of the House. Will the guests please rise or wave and we will see where you are. Welcome to the hall of the House.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 285, PN 1587**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts, for evasion of advertising requirements and for certain purchase contracts.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 286, PN 1667**, entitled:

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for regulation of contracts; providing for adjustment; further providing for evasion of advertising requirements, for contracts between \$750 and \$10,000 and

for separate bids for plumbing, heating, ventilating and electrical work.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 290, PN 1592**, entitled:

An Act amending the act of April 29, 1937 (P.L.526, No.118), referred to as the Political Subdivision Joint Purchases Law, increasing the amount of purchases that may be made subject to certain conditions.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 292, PN 1594**, entitled:

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for contracts and acquisition of property; and providing for adjustments.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 295, PN 1596**, entitled:

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for awards of contracts, completion bond, additional bond for protection of materialmen and others.

On the question,

Will the House agree to the bill on second consideration?

Mr. **McGEEHAN** offered the following amendment **No. A05432**:

Amend Bill, page 1, line 23, by striking out "further providing" and inserting

providing for civil service merit system; and further providing for powers of an authority and

Amend Bill, page 1, line 27; page 2, lines 1 through 3, by striking out all of said lines on said pages and inserting

Section 1. The act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, is amended by adding a section to read:

Section 4.3. Civil Service Merit System.—(a) A housing authority located in any city of the first class shall, within 12 months of the effective date of this section, enter into a contract with the State Civil Service Commission for the purpose of establishing a complete civil service merit system protecting the employes of the Authority. The contract shall be executed in accordance with the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act." The Authority is authorized to make the payments required by the "Civil Service Act."

(b) The contract under subsection (a) shall provide:

(1) For a civil service merit system for all management employes, including administrative nontechnical employes who are not subject to collective bargaining agreements under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," of the housing authority except members of the housing authority. The State Civil Service Commission shall only use the provisions of the "Civil Service Act" in setting standards and principles for employment with the Authority. The State Civil Service Commission shall include in the system the same duties and obligations, rights, prerogatives and appeals provided for employes by the "Civil Service Act."

(2) That persons employed on the effective date of this section shall continue in their present positions, without taking an examination, and may be removed only in accordance with section 807 of the "Civil Service Act."

(3) That the compensation of all Authority employes shall be determined by the Authority in accordance with uniform schedules adopted by the Authority using the classifications established by the State Civil Service Commission as a basis for the determination. The compensation of any person employed by an Authority on the effective date of this section may not be reduced through an action of the State Civil Service Commission or the Authority during the period the person holds the same position the person held on that day.

(c) During the period after the effective date of this section until the execution of the contract, employes shall enjoy civil service protection and may be removed only in accordance with the "Civil Service Act." A housing authority created in a city of the first class on or after the effective date of this section shall be subject to this section and shall enter into the required contract within 12 months of the date of organization.

(d) Any employe of a housing authority covered by the provisions of this section who, on the effective date of this section, is in provisional status and has been in provisional status for a period of at least two years, shall assume the status of a probationary employe for six months. After successful completion of the probationary period, the employe shall be granted regular status.

Section 2. Section 10(gg) of the act, added November 9, 2006 (P.L.1355, No.145), is amended to read:

Section 10. Powers of an Authority.—An Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purpose and provisions of this act, including the following powers, in addition to others herein granted:

* * *

(gg) [To] Except for an Authority located in a city of the first class, to make, execute and enter into employment agreements, which are necessary or convenient to the exercise of the powers of the Authority, with any individual who is or will be hired to work in any position that is not represented by a bargaining representative under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," or part of a bargaining unit that has been created by an order of the Pennsylvania Labor Relations Board pursuant to the "Public Employee Relations Act." Such employment agreements must be in writing and must be approved by the Authority and may not be renewed except by the affirmative approval of the Authority. No such employment agreement nor any term thereof shall be enforceable or amended or renewed unless such agreement or amendment is in writing and approved by the Authority as stated above. Any employment agreement created or approved pursuant to this subsection may— (1) identify the specific terms and conditions of the individual's employment; (2) confer a specific term of tenure in employment which may be for a specific period of time not to exceed five years; (3) otherwise limit or state the power of the Authority to summarily dismiss such employe and the circumstances under which such dismissal shall be exercised; or (4) any combination of subclauses (1) through (3) above; however, any employment agreement created or approved pursuant to this clause which confers a specific term or

tenure of employment under subclause (2) above must also enumerate the circumstances under which the Authority may terminate the employment agreement for cause, including the lack of funding, prior to the expiration of the expressed term or agreement. If such agreement does not contain the items stated in subclause (2) or (3), the employe may be summarily dismissed by the Authority, and the agreement terminated at any time. Under no circumstances shall the mayor or any individual employe, official agent, attorney or member of the Authority be personally liable for any provision contained in any such employment agreement. Any employment agreement into which the Authority enters pursuant to this clause shall not be subject to the provisions of section 11 or to the contract procurement provisions, rules or regulations to which the Authority is otherwise subjected.

Section 3. Section 11 of the act, amended May 20, 1949 (P.L.1614, No.486), February 16, 1990 (P.L.67, No.13) and November 21, 1990 (P.L.569, No.143), is amended to read:

Amend Bill, page 7, line 16, by striking out "2. This" and inserting

4. The amendment of section 11 of the

Amend Bill, page 7, line 19, by striking out "3" and inserting
5

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he has withdrawn the amendment. And does that go with the other amendment as well? Do you want the other amendment to be considered? The gentleman indicates that amendment A05432 is withdrawn.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **McGEEHAN** offered the following amendment
No. **A05580**:

Amend Bill, page 1, line 23, by striking out "further providing" and inserting

providing for civil service merit system; and further providing

Amend Bill, page 1, line 27; page 2, lines 1 through 3, by striking out all of said lines on said pages and inserting

Section 1. The act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, is amended by adding a section to read:

Section 4.3. Civil Service Merit System.—(a) A housing authority located in any city of the first class shall, within 12 months of the effective date of this section, enter into a contract with the State Civil Service Commission for the purpose of establishing a complete civil service merit system protecting the non-management employes of the Authority. The contract shall be executed in accordance with the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act." The Authority is authorized to make the payments required by the "Civil Service Act."

(b) The contract under subsection (a) shall provide:

(1) For a civil service merit system for all non-management employes of the housing authority. The State Civil Service Commission shall only use the provisions of the "Civil Service Act" in setting standards and principles for employment with the Authority. The State Civil Service Commission shall include in the system the same duties and obligations, rights, prerogatives and appeals provided for employes by the "Civil Service Act."

(2) That non-management employes employed on the effective date of this section shall continue in their present positions, without taking an examination, and may be removed only in accordance with section 807 of the "Civil Service Act."

(3) That the compensation of non-management employees shall be determined by the Authority in accordance with uniform schedules adopted by the Authority using the classifications established by the State Civil Service Commission as a basis for the determination. The compensation of any non-management employe of an Authority on the effective date of this section may not be reduced through an action of the State Civil Service Commission or the Authority during the period the person holds the same position the person held on that day.

(c) During the period after the effective date of this section until the execution of the contract under subsection (a), non-management employes shall enjoy civil service protection and may be removed only in accordance with the "Civil Service Act." A housing authority created in a city of the first class on or after the effective date of this section shall be subject to this section and shall enter into the required contract within 12 months of the date of organization.

(d) Any non-management employe of a housing authority covered by the provisions of this section who, on the effective date of this section, is in provisional status and has been in provisional status for a period of at least two years shall assume the status of a probationary employe for six months. After successful completion of the probationary period, the employe shall be granted regular status.

Section 2. Section 11 of the act, amended May 20, 1949 (P.L.1614, No.486), February 16, 1990 (P.L.67, No.13) and November 21, 1990 (P.L.569, No.143), is amended to read:

Amend Bill, page 7, line 16, by striking out "2. This" and inserting

3. The amendment of section 11 of the

Amend Bill, page 7, line 19, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. McGeehan.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I want to briefly describe the amendment and then, if I may, be recognized to speak on the amendment.

Basically, what this amendment will do, Mr. Speaker, it would require the Philadelphia Housing Authority to contract with the PA Civil Service Commission and require a civil service merit system for all nonmanagement level employees. It would require, PHA would have 12 months to enter into a contract with the State Civil Service Commission. Current employees would not be subject to the civil service requirements, and compensation for current employees would not be affected by my amendment.

I would like to speak on the amendment at an appropriate time.

The SPEAKER. The gentleman is in order on the amendment.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, the abuses at the Philadelphia Housing Authority are legend in a system that is prone to abuse. Philadelphia's example is front and center and a disastrous example of how to run a housing authority.

Mr. Speaker, the Philadelphia Inquirer had detailed the abuses and the gross mismanagement of the Philadelphia Housing Authority in a series of articles, and they have pointed out a number of egregious examples of why workers at the Philadelphia Housing Authority need to be protected and need to fall under the protection of the Pennsylvania Civil Service Act.

Mr. Speaker, the mismanagement at the Philadelphia Housing Authority has resulted in tens if not hundreds of millions of dollars of wasteful spending. Under the prior executive director, Mr. Speaker, there have been questionable hiring practices. The Philadelphia Housing Authority is a modern example of patronage run amok. The examples of the Philadelphia Housing Authority that the Inquirer spotlighted – excessive spending on outside legal fees; Mr. Speaker, unbelievably the Philadelphia Housing Authority on their outside counsel spent \$38 million, much of that for work that the Inquirer could not find an account for. They also profiled gross professional misconduct within the Philadelphia Housing Authority. Mr. Speaker, as I said, they have paid outside counsel \$38 million since 2007 alone. They have also spent \$648,000 to date to settle several sexual harassment assault cases. The Philadelphia Housing Authority spent lavishly on gifts for the managers and a party that featured, of all things, exotic dancers, for the benefit of their donors and employees. Mr. Speaker, the PHA has also used a nonprofit group to collect money from employees for parties in the former executive director's honor.

This kind of badgering, this kind of abuse of employees, and the tithing, the involuntary tithing of employees to pay for the excesses that have happened in the Philadelphia Housing Authority, Mr. Speaker, I think is a gross example of why and a clear example of why the Philadelphia Housing Authority needs to protect, and this General Assembly needs to protect, the employees – the good, professional, honest, dedicated employees who are going to work for the Philadelphia Housing Authority in the future.

Mr. Speaker, for those reasons and others that I could enunciate but because of time I will not, I would ask for an affirmative vote.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I agree entirely with the prior speaker about the problems and the difficulties that have occurred at the Philadelphia Housing Authority. However, I would note that the Federal Housing and Urban Development Department has actually intervened. They are in the midst of doing some very substantial changes to the organization, management, and operation of the Philadelphia Housing Authority. One of the discussion points that we have had among members and staff on the Urban Affairs Committee is a reconsideration of the use of civil service not only in this particular housing authority but elsewhere in the State. There is legislation being prepared, and I think it is premature to intervene in this particular piece of legislation which is fundamentally about other issues.

And I would like to promise the maker of the amendment that we will be discussing and attempting to pass legislation in this area in the future. I would like to work with him in the future. I ask that he withdraw the amendment. If he is unable to, I will, unfortunately, have to oppose it and ask for a "no" vote.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to join my majority chairman in asking for a "no" vote on this amendment. I agree with what my colleague from Philadelphia County has articulated regarding some of the problems at the Philadelphia Housing Authority, but I am sure my colleague will say to you that the person who was primarily responsible for many of these issues has been removed and will never be returning to the Philadelphia Housing Authority or any housing authority in the Commonwealth of Pennsylvania. If it was up to me, he would not have ever been hired. But once this individual was removed, the board at the Philadelphia Housing Authority was removed and allowed to resign; the board members resigned.

The United States Office of Housing and Urban Development has become the asset receiver for the Philadelphia Housing Authority and has made it very clear that there will be no conversation about a governing board in Philadelphia County no later than March or April of 2012. They have a very thorough investigation underway. They are making substantive changes to how things were done at the Philadelphia Housing Authority.

And I have got to let the record reflect, and I know that my colleague will acknowledge this, that the Philadelphia Housing Authority has become America's leader in building, restoring, and rehabbing affordable housing, more than any other authority in the United States. The Philadelphia Housing Authority has been acknowledged by national and international organizations on its ability to provide decent and affordable housing, both rental and for-sale housing, than anybody else in America.

And so I think that it is premature to support this amendment. The Pennsylvania Redevelopment Authorities, the Philadelphia Housing Authority, the Allegheny County Housing Authority – nowhere in the Commonwealth of Pennsylvania is there a request for this kind of transformation without additional conversation and additional thought to what the chairman of the Urban Affairs Committee has requested. So it is premature for us to do this at this particular time.

And at the end of the day, as I close, I would like to ask my colleague, where are the jobs? Is this amendment going to result in creation, retention, expansion, or, or the creation of job training opportunities? This is a regressive amendment that is going to result in job loss; not job creation, not job retention, and not job training. And so to that end, I join my majority chairman in asking for a "no" vote on amendment 5580. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I support this amendment. I commend the maker of the amendment for starting a dialogue and introducing legislation that pertains to housing authorities, and we should start looking at all authorities.

One of the things that we do not do out there and the news media has neglected in doing is scrutinizing these authorities. What he is saying, the sponsor of the amendment stated about the solicitor making all that money; if you went through all of

these authorities, you would find out the outrageous rates and outrageous fees that these solicitors are charging.

I think this is a good amendment. It is a start. I would like to see introduced more legislation pertaining to authorities, to rein them in, because they are our taxpayers. There are people that pay the rates, but that is taxes, and when you continue to pay these high fees for solicitors, for other professionals, that means they have got to raise the rates. There is nothing wrong with putting people under civil service, especially in the management positions, to hold them more accountable. Now, maybe that one individual was at fault, but that is not to say other individuals who come and take his place are not going to be in the situation he was in, and then when we find out, it is too late.

This is a good amendment. It is a start that we should start looking. This whole House should start looking at our authorities, because I could tell you I attended some of the authority meetings, and there is nobody paying attention in that audience or news media paying attention to these authorities. Therefore, I urge my colleagues on this side of the aisle to vote "yes" on it. Thank you, Mr. Speaker.

AMENDMENT WITHDRAWN

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. McGeehan, for the second time.

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

I am heartened by the remarks of the influential gentleman from Allegheny County. I listened very intently to the words of Chairman Ross and Chairman Thomas, both chairs of the Urban Affairs Committee. Mr. Speaker, I know both of these gentlemen very well and I know their sincere belief that they want to correct the past abuses that happened not just in Philadelphia but in other housing authorities around the State. They pledge to work with me and my office to see that some of these reforms become reality, and, Mr. Speaker, because of their assurances, I will withdraw the amendment at this time. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

* * *

The House proceeded to second consideration of **SB 296**, **PN 1597**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for adjustments based on Consumer Price Index; and further providing for work to be done under contract let on bids and exception, for purchase of supplies, for contracts for construction, repair, renovation or maintenance, for project contracts and for powers and duties of institution presidents.

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 700, PN 705**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring compliance with Federal Selective Service requirements as part of application for learners' permits or drivers' licenses.

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the prime sponsor of the bill stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Saylor, indicates he will stand for interrogation. You may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

My first question perhaps to start off might be, could you just give a brief explanation of the bill?

Mr. SAYLOR. HB 700 is a bill that has been around for awhile. Many States in our nation have now, because of the fact we do not have the draft anymore – we still have the requirement that young men must register for the draft, even though we do not have it, and what has happened is because we do not have a draft anymore, many of our young men in this country going through high school forget they have to sign up, but when they go for grants later on for college or trade school or they go for a Federal mortgage, home loan program, they are declared ineligible because they have not signed up for the draft. So this bill now automatically signs them up via they are applying for a permit or a driver's license.

The one thing we put in this bill to protect those who do not want to automatically be registered is they can check the box that says that they do not want to be registered. Thereby, if you have a religious reason why you do not want to be registered automatically – you want to do it on your own or you do not want to do it at all – you just check that box and you will not be automatically registered.

Mr. VITALI. Okay. Thank you. Now, as I understand the bill, there would be some costs involved because there would be forms that would need to be modified, there would be requirements of forwarding this information to the Federal government, which would involve staff time. Do you have an estimate of what cost to the Commonwealth of Pennsylvania or the Department of Transportation the enactment of this bill would provide, or would incur?

Mr. SAYLOR. Mr. Speaker, the agreement is with the Federal government. They pick up the cost, and we would not ship that information to the Federal government until such time

as the agreement of understanding is signed by the Federal government. It is done in other States. The Federal government pays for the data to be sent forward to them.

Mr. VITALI. Now, are you aware of what costs the Commonwealth would incur?

Mr. SAYLOR. The Commonwealth would incur no cost. The program is paid for by the Federal government out of Federal dollars, directly from them.

Mr. VITALI. As I understand it, we incur the cost by modifying forms, we incur the cost by having personnel do this, and then we are reimbursed. Is that right?

Mr. SAYLOR. The Federal government agrees through an agreement of understanding between them and the State of Pennsylvania, like they have with other States, that they will pick up the cost for this project or program.

Mr. VITALI. Do you know what the cost— If you do not, you do not; tell me and I will move on to another question.

Mr. SAYLOR. I do not have— No, because we have to get an understanding of how that process works as far as – I should not say how the process works – but the Federal government has agreed to pick up the tab, and we would not do anything that they do not pick up the tab for. That is our agreement with the Department of Transportation.

Mr. VITALI. Could you outline to me when that agreement was reached – if it in fact has been reached, with regard to Pennsylvania to date – when that was reached, with whom it was reached? I want some assurances that an agreement in fact has been reached.

Mr. SAYLOR. Well, first of all, no; there has been no agreement reached at this point. This bill is not law yet, but we have provisions such that there will be no transfer of data until there is an agreement with the Federal government for the reimbursement of expenses.

Mr. VITALI. So to be clear, you incur costs by modifying forms and gathering data, but you are not going to transfer it?

Mr. SAYLOR. Mr. Speaker, listen to me carefully: Nothing takes place until agreement is signed with the Federal government that they are going to reimburse the Commonwealth. Nothing changes until there is an agreement of understanding between the Federal government and the State of Pennsylvania, similar to what some 26 or 30 other States in the nation have already.

Mr. VITALI. So you have not reached that agreement yet. That is true.

Mr. SAYLOR. No, because there is no act as such that does that, and the Federal government will not sign an agreement until there is such an act in place.

Mr. VITALI. So with regard to these other— I want to be clear because I work in the State system and not in the Federal system. So the bill seems to read, by signing the application – and presumably the bill means the application for learner's permit, application for driver's license – you are consenting to registration in the Selective Service. Does that mean the signing of your application means you are registering for the Selective Service or you are consenting that you will do so? Do you know what I am saying? The language—

Mr. SAYLOR. I do not mean to interrupt you. Either way is actually correct. You are consenting to be registered for the draft, or the Selective Service, as such, with the State sending that information to the Federal government. There will be a box on that application or signature area that says you should check

this if you do not want to be registered by the State of Pennsylvania with Selective Service.

Mr. VITALI. What I am trying to get at, and maybe just because I have legal training, if the signature constitutes a consent to register, are you consenting that at some point in the future you will register, or will they just register you because you have signed this?

Mr. SAYLOR. If you sign your signature on the form and do not opt out of having yourself automatically registered, you will then be registered by the Department of Transportation, on your 18th birthday, when they mail it to the Federal government. After getting the agreement with the Federal government, they will reimburse the State of Pennsylvania for the expenses. If you check the box that you do not want the State of Pennsylvania's Department of Transportation to register you, then you check the box and you will have that responsibility on your own to do it or not to do it.

Mr. VITALI. Okay. So the effect of signing this if you do not opt out is registering with the Selective Service Commission, the Selective Service?

Mr. SAYLOR. Mr. Speaker, I think I have said that multiple times.

Mr. VITALI. Right. Now, help me understand this, because there are some people who have a moral opposition to war. So this is an important issue to some people. What is the effect of being registered for the Selective Service? What options have you closed off? What contractual agreements have you entered into? What is the legal import of being registered with the Selective Service?

Mr. SAYLOR. Mr. Speaker, I think you have registered for the draft and the Selective Service, and you know the answer to that question.

There is no draft today, but 18-year-olds are still required to register for Selective Service. Because we do not have the draft anymore, that requirement did not go away from the Federal government. This bill is to save the young men of this country who forget to register, because now a lot of our high schools and parents are not reminding their children to register and are being cost opportunities to go to college with Federal dollars and/or getting Federal loans for housing in the future. This bill is simply a bill to protect the consumers, particularly young men of this nation, who no longer realize that they have to be signed up for Selective Service. This does not in any way impede anybody from either objecting to a war and serving their nation that way or somebody who may object to it because of religious reasons. Those reasons still hold in effect. This does not in any way change those kinds of objections at all.

Mr. VITALI. I am looking at section 1521(a). I will not read all of the seven or eight lines, but does this make it a State crime to fail to register for the draft?

Mr. SAYLOR. It has never been a State crime and it will not be a State crime. This is a Federal— This is the same thing as it is. It does not change the requirements of Selective Service. It is a Federal law. There is no State law that covers Selective Service at all.

Mr. VITALI. You mentioned 30-some other States. Is this model legislation you are introducing, or is this something that a group is promoting, or is this something that—

Mr. SAYLOR. Mr. Speaker, I do not understand the basis for that question, because it has nothing to do with the bill, whether it is model legislation or it is a bill that we drafted here in Pennsylvania on our own. I see no reason why it matters

whether it is model legislation or it is not that it has pertaining to the content of this legislation.

Mr. VITALI. I understand that, but let me ask that question again: Is this model legislation?

Mr. SAYLOR. It is our own version. I do not see how that pertains to the contents of the bill, but it is our own version.

Mr. VITALI. Of what?

Mr. SAYLOR. Mr. Speaker, I think I have answered enough of your questions. You keep going around in circles, and I know very well as an attorney you are very much versed in this law and you understand it—

The SPEAKER. The gentleman will suspend.

Mr. SAYLOR. —so at this point I am withdrawing.

The SPEAKER. The Speaker appreciates your rising frustration and would suggest that this is not an argument and would ask the member to confine his questions to seeking information that he otherwise does not know and the answers would be confined to those specifics.

Mr. VITALI. I truly have not asked a question I knew the answer to. I think you are giving me way too much credit.

The SPEAKER. Now the Speaker does not understand.

The gentleman may proceed.

Mr. VITALI. I guess the question is out there. If you decline to answer the question, that is fine. I will move along. But is this model legislation?

Mr. SAYLOR. I said it is Pennsylvania; it was written here in Pennsylvania, it is adjusted to Pennsylvania. We had some hearings on this; we adjusted. The bill has been amended a couple times. It has been around. We wanted to make sure we protected those who have religious freedom in this area who may be conscientious objectors. It may cover Amish individuals, any number of groups. We amended to make sure when this bill passed Pennsylvania, it provided those protections to people who did not want to be registered. Other States do not necessarily provide that protection in this kind of a bill.

Mr. VITALI. That concludes my questioning. I would just like to speak on the bill.

The SPEAKER. The gentleman is in order on the bill.

Mr. VITALI. I just have some concerns with this bill. I mean, clearly there are going to be costs to the Department of Transportation. We all know the Department of Transportation has huge, huge financial obligations it has to meet with our roads and bridges in disrepair. We have an all-volunteer force now. We have had an all-volunteer force for many years. I think anyone who pays attention to the political scene knows that a draft would be wildly unpopular to the point of being politically unacceptable.

I simply just do not know why we are doing this at this point. I just think that this bill really raises a lot of questions that I do not think have been answered. Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the bill stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. THOMAS. Mr. Speaker, do you believe that this compliance will lead to much more traffic around permits and licenses, and thereby might create some additional jobs?

The SPEAKER. The House will come to order, please. If the members could hold the conversations down, I would appreciate it. The two members participating in interrogation cannot hear each other very well. If we could have the members just hold the conversations down. Please clear the aisles, and take the conversations to the back of the House, please.

Mr. SAYLOR. If the gentleman would repeat his question?

The SPEAKER. If the gentleman would repeat his question, the gentleman, Mr. Saylor, did not hear it.

Mr. THOMAS. Is it your opinion or is it your belief that this compliance requiring permit, licensed drivers comply with this Federal law, that it will result in creation, retention, or expansion of jobs?

Mr. SAYLOR. Mr. Speaker, I do not believe this has any impact one way or the other on creation or the loss of jobs. I think what it has is an impact on young men and women, or young men who are supposed to be drafted – or drafted is a bad selection – who are to sign up for the Selective Service agreement when they turn 18 years of age. What this does is protect them, and particularly areas where we are finding that these young men who are not signing up are in poor neighborhoods, urban areas more than anywhere. And what is happening is when these young people go and apply for Federal loans for homes and housing programs and/or go forward to apply for college, Pell grants, or anything else, anything that has Federal dollars with it, they are denied that money because they did not sign up for the Selective Service when they were 18 years of age. It is a Federal crime not to sign up, but the Federal government has not prosecuted people for not signing up in years.

Mr. THOMAS. Mr. Speaker, is it your feeling that this compliance is available to both young men and young women?

Mr. SAYLOR. Just young men. I misspoke there. It is not women, just young men.

Mr. THOMAS. Do you have an interest in also including young women—

Mr. SAYLOR. Most certainly do, Mr. Speaker.

Mr. THOMAS. —so that we do not want to isolate young women? And I know there has got to be some young women in Pennsylvania who would like to participate, so I am comfortable that you will work with your Senate partner in making sure that we make that technical change and include young men so we do not leave them out.

Mr. SAYLOR. Thank you, Mr. Speaker.

Mr. THOMAS. And may I close in making a recommendation that maybe we can look at expanding the number of permit, driver's license application centers in the 10 counties of Pennsylvania that are facing escalating unemployment and underemployment? If we can look at those 10 counties – like Clarion, Lackawanna, Philadelphia, Schuylkill, some other counties – and look at maybe expanding the number of driver's license and permit centers, I think we can help in putting some people to work and do good at the same time. Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notes the presence of the gentleman, Mr. Dennis O'Brien, from Philadelphia on the floor of the House. His name will be added back to the master roll call.

CONSIDERATION OF HB 700 CONTINUED

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as I see this bill, it is several parts. First, it informs young people 18 years of age and older that they have a legal duty, if they are men, to register for the draft. I think that part is unobjectionable, but unfortunately, it goes beyond that part. The bill gives them a choice. It sets up a situation where they have to show intent of do they want to register or do they not want to register? And people do not want to register for various reasons. They do not want to register because they are against war. A lot of people are against war. Some people are against war for religious reasons.

This State was founded by Quakers. Quakers ran this State. For many years until sometime in the 1750s, the situation arose in which there became a great consensus that war with the Indians was needed. There was no dispute that the only way to solve the current problems with the Indians at that time was war. Peaceful negotiations had clearly failed, but the beliefs of the tenets of the Quaker religion prohibited them from engaging in war. So they did something that is extremely rare in the annals of government. The Governor of Pennsylvania, who was a Quaker, and the Speaker of the House, who was a Quaker, and other Quakers who held high responsible positions in the State government of Pennsylvania, or the Colonial government of Pennsylvania at that time, all submitted their resignations from government, because they could not, in good conscience, according to the tenets of their religion, pursue a war. And in the more than 250 years since then, this story has been told over and over and over again in Quaker circles, and very, very, very few Quakers have served in any position in State government since then. There is a very strong antiwar feeling among Quakers, among Mennonites, among other members of the so-called peace churches, and people there go to extraordinary lengths to avoid being complicit in any war-making activity.

And this whole exercise is just silly. There is no draft in this country. There has not been a draft since 1973. There is no candidate for President who is proposing to resume a draft. When some people close to the Bush administration started hinting in 2004 that maybe someday there ought to be a draft and a Congressman introduced a bill for a draft, the Republican leadership of Congress promptly called up the draft bill, and virtually every member of the House of Representatives voted against the draft bill. There is no support in Congress for a draft.

The SPEAKER. The gentleman will suspend.

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

Mr. METCALFE. Mr. Speaker, if you could ask the gentleman to confine his remarks to the legislation before us. This is not about the draft. This is about complying with Federal law to make sure that you are registered as you are supposed to be. It is not about any draft, Mr. Speaker, or Presidential candidates or the Bush administration or on and on and on. My voice is not going to last much longer, so I will let you carry on from there. Thank you, Mr. Speaker.

The SPEAKER. The Speaker appreciates the gentleman's comments and would ask the gentleman to confine his remarks to the specifics of this legislation and not other broader subjects.

Mr. COHEN. Mr. Speaker, the point of my digression into Federal policy is that there is no draft now and there is no reasonable likelihood at any time in the life of any Pennsylvanian that there is going to be a draft.

Now, Congress should have the guts to simply repeal this draft registration law. It is merely a series of booby traps for people with very delicate consciences about war, and there is no rational purpose for us having draft registration, and there is no rational purpose for us seeking to enforce a law that has no rational purpose.

Now, it is true, as Mr. Saylor says, that there are penalties in law for students, but it is not up to us to enforce this law. It is not our duty to enforce the law. Sooner or later one would think that Congress will come to its senses and get rid of this law. Nobody has been prosecuted for violating this law in years, and so for us to feel that we have to be super law enforcers and enforce the law that the U.S. Justice Department has for many administrations declined to enforce, that we have to give to the U.S. government a list of everybody who does not want to be registered for the draft, and then in return for us giving the U.S. Justice Department information about who has technically committed a crime that is of such minor significance that nobody is prosecuted for this crime, in return for us giving this meaningless information to the Federal government, they may, if they choose, decide to pay us for this totally worthless information.

Mr. Speaker, there is a lot of anger at government around this country. We see some of that anger manifested on the steps of the Main Capitol Building with the people who are occupying Harrisburg. We see that anger in the Tea Party. We see a lot of anger—

The SPEAKER. Will the gentleman suspend.

Would he kindly keep his remarks confined to the merits of the legislation that is before us.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, because we see so much anger, we ought to be thinking about whether we want to encourage that anger or not. Do you think, do we think, cumulatively, that people will be less angry at us if we start collecting information about violations of nominal Federal laws and hand it over to the Federal government and say, go prosecute our citizens, here is the information? That is not what our role is. Our role is not to encourage the Federal government to prosecute our citizens. The Federal law that this bill seeks to help us enforce has no real purpose. It is totally anachronistic. It ought to be repealed. All the penalties ought to be repealed and we ought to not be harassing our citizens by creating obstacles for them to get on with their lives.

I strongly urge a "no" vote on this legislation, and I strongly urge that we show respect for our citizens and not act as their oppressors. We ought to be about supporting our citizens and not about trying to make their lives miserable.

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

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Miccarelli.

Mr. MICCARELLI. Thank you, Mr. Speaker.

This legislation is a bookkeeping piece of legislation and nothing more. The gentleman from York, our whip, has drafted a good piece of legislation. It is going to do better for people that are going to sign up. It is going to help them with Federal

programs. It has nothing to do with the draft, and unless the whip has spoken with the President or the Speaker of the House or the Senate majority leader about repealing a draft, I really do not believe that that has anything at all to do with the legislation in front of us.

Vote "yes." Thank you.

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

On that question, the Speaker recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, if you do not want to hear me speak, do not put up bills like this.

The SPEAKER. The lady will suspend. The lady will suspend.

The lady is recognized to provide arguments for or against the legislation that is before us, and I would ask the lady to confine her remarks to that subject.

You may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like to ask you for some order.

If I may proceed?

The SPEAKER. The lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

If the gentleman, the maker of this bill, will submit, I have a short interrogation.

The SPEAKER. The gentleman indicates he will stand for interrogation. The lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

As I understand your bill, Mr. Speaker, as you are filling out the application to get either a learner's permit or a driver's license or a nondriver's license, you have an opportunity to check a box that says, do not send. I am not interested in the draft. Is that correct?

Mr. SAYLOR. That is correct. Just like motor-voter.

Ms. JOSEPHS. Okay. Suppose you check that box, does your name, address, personal information go to the Federal government anyway?

Mr. SAYLOR. No.

Ms. JOSEPHS. Is there something in the memorandum of understanding in all the other States that you cited to us that says that Federal government does not get this information?

I am looking – before you answer that question, sir, I am looking at section (e)(1), where it says that if you check that box, the information goes electronically to the Federal government.

Mr. SAYLOR. If you sign and do not check the box that you do not want to be registered with the Federal government for Selective Service purposes, it is not then transferred for selective purposes.

Ms. JOSEPHS. "If the applicant fails to consent to registration, the department shall forward, in electronic format to the Selective Service System, the necessary personal information along with a notation that..." the applicant had "...declined."

So I am sorry to have asked the question. I should have known the answer to it. I beg your pardon, because it is in the legislation. So thank you, Mr. Speaker, for consenting, and I would not have asked if I had read it more carefully.

It appears that by the terms of the bill that we are—

Thank you. My interrogation is over, and if I may speak to the bill, I would appreciate it.

The SPEAKER. The lady may proceed on the bill.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The bill itself says that if you check the box that says, "I do not wish to be registered," your information will be sent to the Federal government. I am just astounded at the members on both sides of the aisle who seem to like this, but more, really, more to the other side of the aisle who keep talking about privacy and trying to keep our personal information, our biometrics, all that stuff, out of the hands of the Federal government.

Now, we are looking towards a situation, for instance, in which every student in this State might, if HB 934 passes – heaven forbid if that would pass – then every student in this State would have to get some kind of driver's or nondriver's identification in order to vote. So in order to vote in this State, if you do not have already a driver's license or a passport or some kind of thing that is a photo ID that is issued by the Federal or the State government, you are going to end up having your name and personal information sent to the Federal government. Why? Why?

Yesterday the State Senate, every single one of them – every Republican, every Democrat – turned down REAL ID because they said, we do not want all the personal information of our citizens going to the Federal government. Now we are going to do it through learner's permits, through nondriver's ID, through driver's licenses? You want to vote and you have to fill out a form that says if you do not do this right, you might be subjected to a felony? That is what we want to do, and then all your information goes to the Feds? Oh, boy; I am not voting for this. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the prime sponsor?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Ms. MUNDY. Mr. Speaker, I am looking at the fiscal note, and the fiscal note indicates that for our State agencies to collect and remit this information, there is no cost to the Commonwealth. Could you explain that to me?

Mr. SAYLOR. Sure; because it is simply, as with other States, the Federal government comes in, signs an agreement of understanding, and none of this takes place until there is an agreement of understanding. The Federal government picks up the total cost of this program, as they do in other States.

Ms. MUNDY. Because as I read in the analysis, you are going to seek a memorandum of understanding. Is there some kind of a guarantee that we are going to get paid to do this?

Mr. SAYLOR. As I said earlier today, that will be negotiated once this bill becomes an act. That is what the Federal government has done with all the other States, and it is what we will do. We will not incur any costs until such time as we have an agreement. Why would the State of Pennsylvania enter into a cost agreement or not into a cost agreement to cover the costs when the other States of this nation have such an agreement? So no; we would not spend any dollars, and that is what we have talked with the Department of Transportation with and the Governor that, no, this bill will not move forward or this act will not be forwarded, if it becomes law, until such an agreement is signed by the Federal government.

Ms. MUNDY. And that is part of the bill?

Mr. SAYLOR. It is a part of our understanding, yes, and the bill.

Ms. MUNDY. Where is it in the bill that it says that this will not move forward until or unless we have a memorandum of understanding with the Feds to pay for it?

Mr. SAYLOR. If you would look to page 3, all of page 3 addresses that very issue, the memorandum of understanding.

Ms. MUNDY. Well, I am seeing that it is a reimbursement and that we front the cost.

Mr. SAYLOR. Are you suggesting that we bill the Department of Transportation in Washington or Selective Service before we incur the cost?

Ms. MUNDY. Honestly, I am suggesting that this is not a function of State government and that we should not be incurring any cost to do this. We should not be subjecting our citizens to a felony conviction. I do not see this as a core function of State government. I just do not. And this, along with illegal immigration, I believe is a Federal responsibility. They should do it and they should pay for it.

I am sorry; I believe I am finished with my interrogation. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—170

Adolph	Dunbar	Killion	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Bear	Everett	Lawrence	Reichley
Benninghoff	Farry	Longietti	Roae
Bloom	Fleck	Maher	Rock
Boback	Frankel	Mahoney	Ross
Boyd	Freeman	Major	Sabatina
Boyle, B.	Gabler	Maloney	Saccone
Boyle, K.	Geist	Mann	Sainato
Bradford	George	Markosek	Samuelson
Brennan	Gerber	Marshall	Santarsiero
Briggs	Gergely	Marsico	Santoni
Brooks	Gibbons	Masser	Saylor
Brown, R.	Gillen	Matzie	Scavello
Burns	Gillespie	McGeehan	Schroder
Buxton	Gingrich	Metcalfe	Shapiro
Caltagirone	Godshall	Metzgar	Simmons
Carroll	Goodman	Miccarelli	Smith, K.
Causar	Grell	Micozzie	Smith, M.
Christiana	Grove	Millard	Sonney
Clymer	Hackett	Miller	Staback
Conklin	Hahn	Milne	Stephens
Costa, D.	Hanna	Mirabito	Stern
Costa, P.	Harhai	Mullery	Stevenson
Cox	Harper	Murt	Sturla
Creighton	Harris	Mustio	Swanger
Culver	Heffley	Neuman	Tallman
Curry	Helm	O'Brien, D.	Taylor
Cutler	Hennessey	O'Neill	Thomas
Daley	Hess	Oberlander	Tobash
Davis	Hickernell	Pashinski	Toepel
Day	Hornaman	Payne	Toohil
Deasy	Hutchinson	Peifer	Turzai
Delozier	Johnson	Perry	Vereb

DeLuca	Kampf	Petrarca	Vulakovich
Denlinger	Kauffman	Pickett	Wheatley
DePasquale	Kavulich	Preston	White
Dermody	Keller, F.	Pyle	
DeWeese	Keller, M.K.	Quigley	Smith, S.,
DiGirolamo	Keller, W.	Quinn	Speaker

NAYS—26

Bishop	Donatucci	Mundy	Roebuck
Brown, V.	Evans, D.	Murphy	Truitt
Brownlee	Fabrizio	Myers	Vitali
Cohen	Haluska	O'Brien, M.	Waters
Cruz	Harkins	Parker	Williams
Davidson	Josephs	Payton	Youngblood
DeLissio	Kirkland		

NOT VOTING—0

EXCUSED—7

Galloway	Kotik	Petri	Watson
Harhart	Moul	Wagner	

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

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

* * *

The House proceeded to third consideration of **HB 1399, PN 1660**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "motorcycle."

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Donatucci	Kirkland	Rapp
Aument	Dunbar	Knowles	Ravenstahl
Baker	Ellis	Kortz	Readshaw
Barbin	Emrick	Krieger	Reed
Barrar	Evankovich	Kula	Reese
Bear	Evans, D.	Lawrence	Reichley
Benninghoff	Evans, J.	Longietti	Roae
Bishop	Everett	Maher	Rock
Bloom	Fabrizio	Mahoney	Roebuck
Boback	Farry	Major	Ross
Boyd	Fleck	Maloney	Sabatina

Boyle, B.	Frankel	Mann	Saccone
Boyle, K.	Freeman	Markosek	Sainato
Bradford	Gabler	Marshall	Samuelson
Brennan	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.
Carroll	Goodman	Miller	Sonney
Causer	Grell	Milne	Staback
Christiana	Grove	Mirabito	Stephens
Clymer	Hackett	Mullery	Stern
Cohen	Hahn	Mundy	Stevenson
Conklin	Haluska	Murphy	Sturla
Costa, D.	Hanna	Murt	Swanger
Costa, P.	Harhai	Mustio	Tallman
Cox	Harkins	Myers	Taylor
Creighton	Harper	Neuman	Thomas
Cruz	Harris	O'Brien, D.	Tobash
Culver	Heffley	O'Brien, M.	Toepel
Curry	Helm	O'Neill	Toohil
Cutler	Hennessey	Oberlander	Truitt
Daley	Hess	Parker	Turzai
Davidson	Hickernell	Pashinski	Vereb
Davis	Hornaman	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Wheatley
Delozier	Kampf	Petrarca	White
DeLuca	Kauffman	Pickett	Williams
Denlinger	Kavulich	Preston	Youngblood
DePasquale	Keller, F.	Pyle	
Dermody	Keller, M.K.	Quigley	Smith, S.,
DeWeese	Keller, W.	Quinn	Speaker
DiGirolamo	Killion		

NAYS—0

NOT VOTING—0

EXCUSED—7

Galloway	Kotik	Petri	Watson
Harhart	Moul	Wagner	

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

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

The SPEAKER. For the information of the members, there will be no more votes.

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the followings bills be recommitted to the Committee on Appropriations:

- HB 1603;
- SB 282;
- SB 285;
- SB 286;

SB 290;
 SB 292;
 SB 295; and
 SB 296.

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

BILLS REMOVED FROM TABLE

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

HB 1091;
 HB 1827;
 HB 1862; and
 HB 1893.

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

STATEMENT BY MR. DeWEESE

The SPEAKER. Is the gentleman, Mr. DeWeese, seeking to speak under unanimous consent? The gentleman is recognized under unanimous consent.

Mr. DeWEESE. Mr. Speaker, thank you very much, and I thank my colleagues for unanimous consent.

I will abbreviate my remarks to just under 5 minutes, and I think that a reverberative tone of my commentary can ring from 230 years ago this afternoon, when Colonial troops in Yorktown in the Virginia Capes accepted the surrender of George Cornwallis, and this American experience was guaranteed.

Out of the crucible of our Revolutionary experience, our Constitution was developed in the later years of the decade, and our Pennsylvania experience, off and running at that point, was further crystallized by constitutional enactments and the statutory enforcement that this General Assembly has put into all of our deliberations over the past several hundred years.

The fact is, Mr. Speaker, that on this floor, especially with our Judiciary chairmen and our Judiciary Committees, we discuss an innumerable series of Criminal Code and Civil Code ideas, and as we are on this floor this afternoon, 25 men and women in this chamber have been subject to very aggressive scrutiny and overview by the executive branch Office of the Attorney General. And among those 25 members of our community, our brothers and sisters – former members, current members, former staff and current staff – three items come to mind: theft of services, theft by unlawful taking, and theft by deception. So many of the scores and scores and scores of counts during this unprecedented national investigation, investigated 5 years – it is an unprecedented national phenomenon, I should say, not national investigation. But in the history of our experience from coast to coast, this is the only time that we can find where we will be approaching 6 years of the Office of the Attorney General investigating us.

Now, apart from my own special dynamics, we have a situation that I asked about and I wrote a letter to our Attorney General, Linda Kelly, on August 5. And then subsequently, Mr. Speaker, when she did not show me – and I think virtually you as brothers and sisters of mine in this institutional setting – I corresponded with General Kelly on the 16th of September, and 2 weeks ago today I entreated with her again to at least show me the courtesy, to not disrespect me and us and our institution. So we are approaching the third month that I will have been without the courtesy, the respect of a response.

And the reason I engendered these letters is because some of us – former House member Stetler, myself, and other staff – are still subject to a very, very vexing and foggy definition of "theft of services, theft by unlawful taking, and theft by deception." And I wanted very politely, again and again I have asked for help in understanding these statutes, and we developed these statutes, but the definition has an element of the arbitrary, especially in the prosecutorial zeal that is potential in any kind of courtroom setting. The quarter of a million dollars that we pay, approximately, our Attorney General and the young and respected legislative liaison, David Sumner, is enough money for them to probably craft a letter of response. I think it is an institutional element of disrespect, as well as one that is more keenly personal.

I will conclude my comments today – and again I thank the members of the chamber for their indulgence – by saying that if the Attorney General of this State is not willing to communicate with a member of this chamber who was a former Judiciary chairman, who, other than Mr. George and Mr. Cohen, is third in seniority on this floor, if she cannot give me the respect and the courtesy, then she should at least give it to this institutional body, to this chamber. And I politely, respectfully, and without inflammatory dialectic, request once more from this public microphone that Linda L. Kelly, Attorney General of 12.6 million Pennsylvanians, respect not only me and the fact that I waged a successful effort to come here in the spring of '010 and the fall of '010, but all of us; it is not too much to ask, Mr. Speaker, to get a letter in return.

Thank you so very much for your indulgence.

The SPEAKER. The Speaker thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Seeing no further business before this House, the Speaker recognizes the gentleman, Mr. Dunbar, from Westmoreland County, who moves that this House do adjourn until Monday, October 24, 2011, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

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

Motion was agreed to, and at 2:32 p.m., e.d.t., the House adjourned.

HOUSE RECALLED

The House was recalled at 3:45 p.m., e.d.t.

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

The SPEAKER. Pursuant to the adjournment motion adopted today, October 19, 2011, I have notified the members of the House that I am recalling the House into session on October 19, 2011, at 3:45, and I am submitting that recall notice for the record.

**RECALL NOTICE
SUBMITTED FOR THE RECORD**

The SPEAKER submitted the following recall notice for the Legislative Journal:

From: Debbie Parobek [Dparobek@pahousegop.com]
Sent: Wednesday, October 19, 2011 3:26 PM
To: All House Members
Subject: MESSAGE FROM THE SPEAKER – SESSION 3:45 TODAY

Pursuant to the adjournment motion adopted adjourning the House until Monday, October 24, 2011, unless sooner recalled by the Speaker, I am hereby recalling the House into session at 3:45 today for the sole purpose of signing Senate Bill 1151.

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:

SB 1151, PN 1665

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for purpose and legislative intent; providing for fiscal emergencies in third class cities and for receivership for third class cities; and making editorial changes.

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

ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the gentleman, Mr. Lawrence, from Chester County, who moves that the House do adjourn until Monday, October 24, 2011, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

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

Motion was agreed to, and at 3:52 p.m., e.d.t., the House adjourned.