

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 20, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 88

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. This morning the prayer will be offered by Rabbi Eric Cytryn, Beth El Temple, Harrisburg.

RABBI ERIC CYTRYN, Guest Chaplain of the House of Representatives, offered the following prayer:

Good morning.

Dear God, creator of all, who created all humanity in Your image to continue Your holy work on earth, our hearts are filled with gratitude and joy as we participate in the democratic process of governing the people of this great Commonwealth.

We invoke Your name, God, and ask for Your blessing over our elected officials and their staffs, all citizens of our great Commonwealth and our great country. You have given us this great gift of democracy so we can institutionalize the belief that all people are created in Your image, and therefore, absolutely equal of infinite worth and nearly infinite potential.

You have created this world with diverse life, diverse ideas, and diverse faiths. We pray today that You will guide us toward more sensitivity towards these diversities. Teach us to protect and defend each other's right to live, each person's right to express their thoughts, each person's right to joyfully live their faith in our great land.

Each of us is sensitive to the time of year we gather today. During the coming days many of us will celebrate Your presence in our lives. We pray that You will empower us to feel joy when our neighbors feel joy and sadness when our neighbors are sad. We pray that You will enable us, through our actions, to teach the world tolerance and kindness, justice and compassion.

You have taught us justice: "Justice shall you pursue that you may long live on the land I am giving to you." And You have also taught us to love your neighbor as yourself and love the stranger. Through these lessons, You help us understand that justice and love should not be in opposition but rather part and parcel of a truly democratic and divinely blessed legal system. Continue to challenge us, God, to protect the interests of the marginalized: the minorities, the orphan, the widow, and the poor.

Remind us today, dear God, that we cannot merely pray to You on behalf of our fellow citizens. Bless us, please, with strength, determination, and willpower to do instead of merely to pray for Your sake and ours speedily and soon that our land and world may be safe and that our lives may be blessed.

Blessed are You, God of all creation, who blesses the members of this House of Representatives with the wisdom to govern. 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 Monday, December 19, 2011, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1988 By Representatives ROSS, BOYD, SAYLOR, SWANGER, TALLMAN, MICOZZIE and MURT

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, defining "arbitration settlement."

Referred to Committee on URBAN AFFAIRS, December 20, 2011.

No. 2024 By Representatives MURT, CREIGHTON, DALEY, DONATUCCI, HARKINS, HORNAMAN, JOSEPHS, KILLION, KOTIK, MAHONEY, PICKETT, RAPP, READSHAW, SCHRODER, STEVENSON, STURLA, THOMAS, VULAKOVICH and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for acquired brain injury disclosure.

Referred to Committee on INSURANCE, December 20, 2011.

No. 2087 By Representatives MAJOR, BAKER, BOBACK, CALTAGIRONE, CLYMER, DAVIDSON, DONATUCCI, EVERETT, FARRY, FLECK, GINGRICH, GOODMAN,

M. K. KELLER, MARSHALL, MASSER, MILLARD, MURT, MUSTIO, O'NEILL, PEIFER, PICKETT, READSHAW, CULVER, SONNEY, STURLA, SWANGER and YOUNGBLOOD

An Act amending the act of December 15, 1955 (P.L.865, No.256), entitled "An act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land," further providing for title of act; providing for short title and for definitions; further providing for the Oil and Gas Lease Fund and for use of fund; and making editorial changes.

Referred to Committee on FINANCE, December 20, 2011.

No. 2098 By Representatives DePASQUALE, FARRY, BRENNAN, CALTAGIRONE, DALEY, FABRIZIO, FLECK, GEIST, GEORGE, HALUSKA, HARKINS, HENNESSEY, JOSEPHS, KULA, McGEEHAN, MILLARD, MILLER, MIRABITO, MUNDY, MURT, STURLA, SWANGER, THOMAS and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for issuance and content of driver's license; and providing for emergency contact database.

Referred to Committee on TRANSPORTATION, December 20, 2011.

No. 2099 By Representative HANNA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for fees; providing for penalties for violations of traffic-control devices; and further providing for surcharges and for the definition and determination of "average wholesale price."

Referred to Committee on TRANSPORTATION, December 20, 2011.

No. 2101 By Representative HANNA

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for intermodal transportation; further providing for definitions, for registration periods, for display of registration plates, for driver's license examinations, for expiration and renewal of drivers' licenses, for required financial responsibility, for speed timing devices, for inspection certificate violations, for display of unauthorized material and for surcharges; and making a related repeal.

Referred to Committee on TRANSPORTATION, December 20, 2011.

No. 2102 By Representatives STABACK, CALTAGIRONE, COHEN, P. COSTA, DALEY, DeLUCA, DeWEESE, J. EVANS, EVERETT, GEIST, GEORGE, GIBBONS, GOODMAN, HALUSKA, HARHAI, HENNESSEY, HESS, JOSEPHS, KOTIK, KULA, MAHONEY, MOUL, MURT, PETRARCA and K. SMITH

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in retirement for State employees and officers, further defining "enforcement officer."

Referred to Committee on STATE GOVERNMENT, December 20, 2011.

No. 2103 By Representative FRANKEL

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for department authorization, for fund, for application and approval process, for coordination, for asset improvement program and for programs of Statewide significance; and making repeals.

Referred to Committee on APPROPRIATIONS, December 20, 2011.

No. 2140 By Representatives WHEATLEY, CALTAGIRONE, HORNAMAN, PAYTON and YOUNGBLOOD

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for authority to waive employee limit, for alternative certification, for contractor performance and general conditions, for mentor-protégé program and for small business reserve program; establishing a surety bond guarantee program; and further providing for contractors' and subcontractors' payment obligations.

Referred to Committee on LOCAL GOVERNMENT, December 20, 2011.

ANNOUNCEMENT BY MR. GEIST

The SPEAKER. For what purpose does the gentleman from Blair County, Mr. Geist, rise?

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

I would like to call the members' attention to the plastic bag with the lump of coal. They have all been naughty. And there is also a nice little candy bar in there, and that is from Representative Tobash, because none of us could read his signature. So I wanted to inform the House what a kind gesture that was, and merry Christmas to everyone from Representative Tobash.

The SPEAKER. The Speaker thanks the gentleman.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the lady, Ms. MUNDY, from Luzerne County for the day, and the lady, Ms. WAGNER, from Allegheny County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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

ANNOUNCEMENT BY MR. CONKLIN

The SPEAKER. For what purpose does the gentleman from Centre County, Mr. Conklin, rise?

Mr. CONKLIN. Just personal privilege to make a quick announcement, if the Chair would so allow me.

The SPEAKER. I am sorry; I could not hear you.

Mr. CONKLIN. Just for personal privilege to make a quick announcement.

The SPEAKER. The gentleman may make an announcement.

Mr. CONKLIN. As we are celebrating birthdays this week, Mr. Speaker, I think it is important that our august body understands that there are two other birthdays. One would be State Representative Pat Harkins. But along with that, our longest-serving member in the State House, our only World War II veteran's birthday will also be this week, Representative Bud George's birthday. Happy birthday, Bud.

GUEST INTRODUCED

The SPEAKER. If we could have the members' attention. I want to introduce one guest that is with us today. The son of Representative Fred Keller, Freddie Keller, is with us over here to the left of the Speaker. Stand; welcome to the hall of the House.

ANNOUNCEMENT BY MR. CRUZ

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Cruz, rise?

Mr. CRUZ. Personal privilege, Mr. Speaker.

The SPEAKER. Are you seeking recognition under unanimous consent, perhaps?

Mr. CRUZ. Yes, Mr. Speaker.

The SPEAKER. Personal privilege is somewhat a different level.

Mr. CRUZ. That is fine, Mr. Speaker. Yes.

The SPEAKER. Thank you. The gentleman— The House will please come to order a little bit.

The gentleman from Philadelphia, Mr. Cruz, is recognized under unanimous consent.

Mr. CRUZ. Thank you, Mr. Speaker.

I just wanted to take the opportunity to thank and wish a happy birthday to two special ladies. That is my mom – today is her birthday – but also for Representative Youngblood, my second mom here in Harrisburg. Today is her birthday also, Mr. Speaker.

APPROPRIATIONS AND RULES COMMITTEE MEETINGS

The SPEAKER. The gentleman from Delaware County, Mr. Adolph, is recognized for the purpose of an announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I have two meetings that I am going to announce. The first one is going to be an immediate meeting of the House Appropriations Committee in the majority caucus room at the break, immediately at the break.

Then at 11:50 there will be a Rules Committee meeting in the Appropriations conference room – at 11:50. Thank you.

The SPEAKER. Just to repeat that, the Appropriations Committee will meet immediately, and the Rules Committee will meet at 11:45.

The House will be at ease for the duration of those meetings.

The House will come to order.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1399, PN 2891 By Rep. TURZAI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "motorcycle"; and further providing for automated red light enforcement systems in first class cities.

RULES.

HB 1950, PN 2837 By Rep. TURZAI

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, consolidating the Oil and Gas Act with modifications relating to definitions, well permits, well location restrictions, protection of water supplies, well reporting requirements, bonding, enforcement orders, penalties, civil penalties and local ordinances; providing for containment, for transportation regulations, for emergency response information, for notification to public drinking water systems, for corrosion control requirements, for gathering lines and for model ordinance; providing for local ordinances relating to oil and gas operations; and making a related repeal.

RULES.

BILLS REREPORTED FROM COMMITTEE

HB 1000, PN 2878 By Rep. ADOLPH

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

APPROPRIATIONS.

HB 1907, PN 2921 By Rep. ADOLPH

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for punitive damages.

APPROPRIATIONS.

HB 2027, PN 2776 By Rep. ADOLPH

An Act designating State Route 422, from its intersection with State Route 724 in the Borough of Sinking Spring, Berks County, to the west end of the Borough of Robesonia, Berks County, as the Kyle D. Pagerly Memorial Highway.

APPROPRIATIONS.

HB 2036, PN 2836 By Rep. ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for judicial review and for cancellation of driver's license; and in commercial drivers, further providing for definitions; providing for type of driving certification requirements, for medical certification and for noncompliance with certification requirements; and further providing for commercial driver's license and for disqualification.

APPROPRIATIONS.

SB 1249, PN 1869

By Rep. ADOLPH

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1249, PN 1869**, entitled:

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

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?

Is the gentleman from Delaware County, Mr. Vitali, seeking recognition on final passage?

Mr. VITALI. Yes, Mr. Speaker.

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

Mr. VITALI. I rise in opposition to this bill. Much has been said about it. I understand politics and I understand you may have the votes, but passing such a terrible bill like this should not be easy. This is a victory of political self-interest over good public policy.

This bill will increase people's cynicism about government and their elected officials, because clearly the passage of this bill will be sending a signal to the people we represent, that we mainly care about, we politicians in Harrisburg and in Washington care more about ourselves and our jobs than we do about the people we represent. And I think that as people, as people in this legislature vote on this terrible, terrible bill, they ought to be aware of how people, how this is affecting people in their district.

I predict that the shape of the Seventh Congressional District will become the poster child for what is wrong with government today. It has been aptly described by one of my colleagues as resembling carnival spin art.

Mr. Speaker, this bill violates almost every standard by which congressional districts should be measured. Mr. Speaker, by all accounts, communities of interest should be kept together. This bill, with regard to the Seventh District, puts the inner-ring suburb and residents of Upper Darby with the Amish farmer of

Lancaster County. That is obscene. That is a joke. How can anyone voting for this bill truly believe that this is keeping communities of interest together?

Mr. Speaker, this district, the Seventh Congressional District, has had a character for as long as I can remember as a suburban Philadelphia district. By stretching this deep into Berks County, by stretching it out into Lancaster County, you are destroying that character and separating communities of interest.

Mr. Speaker, another standard by which districts should be measured is compactness, and frankly, the Seventh Congressional District was relatively compact prior in its current configuration. Now you have a sprawling, multiheaded configuration, and it will take a Congressman a good hour and a half to drive from one end of a district to the other, as well as a constituent to drive to the main district office of a Congressman. This sprawls and unnecessarily delves into five different counties, all in an effort to cherry-pick Republican districts and make the Seventh Congressional District more safe for the incumbent.

This sprawl will cause the Congressman, whomever it might be, to be less efficient in his job and to expend more money. By forcing a Congressman based in Delaware County to drive to town meetings in Paradise, Lancaster County, you are causing time to be wasted, precious time that should be dealing with the issues of the day, by causing him to— And what makes this all the more absurd is, for the Congressman of the Seventh District to get back and forth through his district, he has to repeatedly drive through the Sixth District, a large portion of which is enveloped by the Seventh District. This makes the Congressman's job less efficient.

It also makes the constituents more alienated. Constituents want to know their Congressman. They want to know that they are like them. They grew up around them. They have shared life experiences. If you are in rural Lancaster or Berks County, what sort of alienation are you going to feel from someone who grew up in Upper Darby or other parts of Delaware County? You are alienating, this bill serves to alienate, alienate citizens from their Congressmen.

Mr. Speaker, this also, by protecting incumbents, and frankly, it protects Democratic and Republican incumbents. I have heard from many of my colleagues that Congressmen from Philadelphia, for example, are calling for support of this because it makes them more secure, them personally in their own jobs more secure. And what is the result when the Democrats feel they cannot lose and the Republicans feel they cannot lose? It is Congressmen who are less willing to compromise; Congressmen who are less willing to listen to the center; Congressmen who are more willing to appeal to the ideological extremes of their base, and that is a formula for gridlock in Washington today. That is why we cannot get budgets passed. That is why we cannot get payroll tax extensions passed, unemployment benefits extended. That is why people's approval of their Congressmen is in the teens now, because of congressional gridlock, which is going to be made worse by this.

Mr. Speaker, people need to pay attention to this. This is inside baseball to many of us, but I will say this to the people of Pennsylvania: If you do not like the government you have, wake up. Wake up, you know? It is your fault. People of Pennsylvania, it is your fault. If you do not react to the votes that your State legislators are making today, if you, people of Pennsylvania, do not wake up to what the people you represent

in the State House are doing today, it is your own fault for the government you get. People of Pennsylvania, you are responsible for the government you get, and your elected Representatives are about to act in their own self-interests, and they are about to make the problems you complain about all the worse. And if you, the people of Pennsylvania, do not react to this, do not call the elected officials you represent on this, you deserve the government you get and you have no one to blame but yourselves.

So, people of Pennsylvania, pay attention. It is an extremely bad bill. It is about to be approved by this legislature. It is a shameless act of self-interest, and if you do not call the people who have voted for this, if you do not call them on this and you do not react to this the next election, you deserve the government you get today and for the next 10 years.

I urge a "no" vote.

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

On that question, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I stand to voice my strong opposition to SB 1249. This vote today will determine whether you are a supporter of the people of Pennsylvania or the politicians of Pennsylvania. SB 1249 creates cherry-picked, gerrymandered districts throughout our Commonwealth. It breaks up communities of interest and will reduce the voice of millions of Pennsylvanians in Washington.

Regionally, much of Pennsylvania is negatively affected by this map. The Lehigh Valley will be divided for the first time in decades. Let me repeat that: The Lehigh Valley will be divided for the first time in decades. Central Pennsylvania will see eight counties with similar historical, social, and economic relationships split into eight different congressional districts. Montgomery, Chester, and Berks Counties all face a decade of disunity under SB 1249. There are countless other instances of reapportionment treason under this bill, but I am sure you are all aware of the other travesties. This vote will affect your region for a decade and will determine your legacy as either a public servant or just another politician.

Regional organizations such as the Lehigh Valley Chamber of Commerce are opposed to this bill. Common Cause is opposed to this bill. The League of Women Voters is opposed to this bill. Regional newspapers have also voiced their displeasure. The Reading Eagle called this proposal an "appalling job." The Doylestown Intelligencer stated that in redistricting, "logic, fairness and what's best for the voters don't figure in the decision."

For areas negatively affected by this terrible map, residents will see a reduction of attention by Washington. Federal funding for community projects and infrastructure improvements will dry up. Invitations to community events will go unnoticed because your Congressman lives 180 miles away.

Voting is the only way citizens can hold their government accountable. Unfortunately, voters will stop in your office because they do not know who represents them in Washington. Even worse, members of Congress will not know who they represent half the time in these disjointed communities. Anyone claiming to be a reformer should be ashamed of SB 1249. This is politics at its worst and a backwards movement in transparency and reform. We should make certain that every person's vote counts, putting the interests of citizens first, not politicians.

Unfortunately, based on what we have seen so far in this process, redistricting has become a game which cripples competitive elections and ensures incumbency protection. A "no" vote to SB 1249 will give the game of redistricting back to the people of Pennsylvania. It will allow this body the opportunity to review and revise this map to better represent our Commonwealth. It will also allow for public hearings to be held so voters can express the needs of their communities.

Redistricting can be done in an open and transparent manner this January. Instead of claiming to be reformers, let us act like reformers. Please vote "no" on SB 1249.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 1249. SB 1249 contains the worst case of gerrymandering in Pennsylvania in living memory. Surely in the 30 years that I have been here in Harrisburg, the 25 years as a member of this House, it is most definitely the worst case of gerrymandering I have ever seen.

A look at the configuration of the congressional district map of 1249 reveals twisted and distorted districts that were drawn purely for political advantage, with no consideration for compactness of districts or communities of interest. Under this plan, the Seventh District is a scattered jumble of pieces emanating out of Delaware County, with tentacles that reach into four other counties in search of safe Republican voters.

Erie County is split between the Third and the Fifth Congressional Districts. The 12th Congressional District stretches from the Ohio border to Johnstown in Cambria County. The 11th District stretches from Wyoming County in the northeast to Cumberland County in south-central Pennsylvania. Lancaster, Chester, Montgomery, Berks, Lebanon, and Dauphin Counties are all split up and split up in an irrational way. And my own Lehigh Valley region is terribly disfigured by this plan, splitting 48 percent of Northampton County's population away from the 15th Congressional District that has been the Lehigh Valley-based district for 40 years and giving it to the 17th Congressional District.

As I noted, Mr. Speaker, for the past 40 years, the Lehigh Valley region has had its own congressional district, enabling our area to protect its needs and interests through a Congressman whose commitment was to the Lehigh Valley. Splitting the Lehigh Valley in two will dilute the ability of our region to have a champion for the Lehigh Valley. Lumping parts of the Lehigh Valley with communities outside of our region means that the Congressmen representing these new districts will have to choose between competing regions within their districts as they seek to address the needs of their constituents rather than looking out specifically for the Lehigh Valley.

Again, a look at the map of these proposed districts reveals the absurdity of this plan. The Slate Belt – Easton area, Nazareth area, Bethlehem Township, Freemansburg Borough, and one ward in Bethlehem, the city of Bethlehem – would be placed in the Schuylkill-, Scranton-, Wilkes-Barre-based 17th District. The remnant of Northampton County, along with Lehigh County, would be lumped in with the northern part of Berks, as the 15th District will stretch through Berks, taking up large chunks of Lebanon and Dauphin Counties.

The newly configured 15th Congressional District would stretch from Williams Township, Williams Township along the Delaware River in the east, to Londonderry Township in Dauphin County along the Susquehanna River in the west. That is a distance of over 100 miles. As I mentioned to this House yesterday when we were talking about the Hanna amendment, the Lehigh Valley was known at one time as the A-B-E area, for Allentown-Bethlehem-Easton. Well, my hometown, which makes up the "E" in the A-B-E area, is a mere 10 miles away from the city of Bethlehem, and it will be yanked out of the Lehigh Valley district. The Lehigh Valley is the third-largest metropolitan region in our State and has continued to grow in population over the years. We deserve our own congressional district. We have come a long way in establishing a cohesive identity in the span of the past 40 years. We have evolved from the A-B-E area to the universally recognized Lehigh Valley region. The plan to split our region will only serve to undermine the progress made in establishing a cohesive regional identity, a region that can work together to the benefit of its people.

SB 1249 is crass political maneuvering at its very worst, with a total disregard for doing what is right for the people of Pennsylvania in drawing congressional district lines. With this plan, with the plan contained in SB 1249, it is not the voters who will pick the Congressmen, because the leadership of this legislature on the Republican side has created a plan which enables the Congressmen to pick their voters. No wonder the public has grown cynical and distrustful of government. This reapportionment plan contributes to that distrust of government. Those who support this plan today contribute to that disillusionment of our citizens with their government. No one voting for SB 1249 in its current form can honestly claim the mantle of reform when what they are enacting today is politics as usual here in Harrisburg.

Those who vote for this plan today cannot in any way distance themselves from this travesty as well. They cannot blame their leaders. They cannot chalk it up to the process. They cannot say that this needed to be done. For a "yes" vote for this horrible plan is a vote to take ownership of this horrible plan. If you vote for this plan, it is your plan. You are the one who made it happen, and you will have to answer to the voters of your districts for letting them down. We are better to go back to the drawing board and get reapportionment right than to allow for this outrageous proposal to lock our State into a distorted congressional map that condemns the Lehigh Valley and many other regions of this State to being split up for the next 10 years. I ask the House to please vote "no" on SB 1249.

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

On that question, the Speaker recognizes the gentleman from Monroe County, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I was not planning to speak. I do not have any prepared remarks, but I just, you know, the gentleman from Northampton expressed the concern about a split in Northampton County, and a little bit of history in Monroe County. The last 10 years we have had 6 Senators and 4 State Reps for 138,000 in population. But if you go back to the eighties and the nineties, we had two Congressmen in the eighties; it was Congressman Musto and then it was Congressman Kanjorski, and we had Congressman McDade. So we had one from both sides of the aisle. In the nineties, we had Congressman Kanjorski, McDade, and then Sherwood. We had one from both sides of the aisle and the

county was evenly split. In the 2000s, however, we went to one Congressman. I have to tell you as a county commissioner what a pleasure it was to have both sides of the aisle in Washington representing Monroe County and the help that we were able to get from both of the Congressmen. So I do not see it as a negative when you have both sides of the aisle represented in a particular county. I saw it as a positive, and I think that the Lehigh Valley will see that because of the amount – if it was just one or two municipalities, I would be concerned, but when you have a significant amount of population, you will see both of those Congressmen and they will be visible. And the best of it, you will have the best of both worlds, because regardless of what party you are in, a Republican or a Democrat, there are some times you are not going to agree with the Congressman on a particular issue, and you can go to the other Congressman and it actually works very well. Thank God we are going back to that, two Congressmen back into Monroe County. There will be two Congressmen. It will be almost equally split; one will get 9 municipalities, the other one gets 11. It will work to our advantage within Monroe, and you will find that it will work to your advantage in Northampton County. Thank you, Mr. Speaker.

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

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

Mr. PAYTON. Thank you, Mr. Speaker.

I rise to object to SB 1249, and I will speak specifically about the First Congressional District in Philadelphia. It strikes me how the Republican plan for north Philadelphia under SB 1249 pushes the First Congressional District from Bensalem to Swarthmore. For those folks not familiar with that area, that is about a 38-mile difference. It is confusing to me why, in the most densely populated area of the State, you would stretch a congressional district over 38 miles, in the most densely populated area of the State, considering that Philadelphia did not lose population; we actually gained population. And in this plan, neighborhoods were split and cut without regard to keeping communities of interest together.

This plan I would call an abomination for a number of reasons. One of the more striking figures in this plan is that the current makeup of the district is about 67-percent minority. Under this new plan, that number shrinks to about 50 percent. So I, for one, am not going to stand up here and divide communities of color and divide minority communities and communities of interest. And those folks who are going to vote for this plan will be doing that and will also create one of the most gerrymandered districts in the State, the Seventh Congressional District, which stretches far longer than the First Congressional District. But it just confuses me that in the most densely populated area of the State, you stretch a district over 38 miles when there are areas adjacent that can be picked up. This is classic politicians picking their voters rather than the voters picking their politicians, and I, for one, will not support that. Thank you very much.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I have listened to my colleagues talk about the substance of the plan, and I agree with them wholeheartedly. This is really a travesty. I will not talk about the substance, though, because all

of them have been much more eloquent and specific than I will be. I want to talk about the procedure that brought us this plan, because I had to be a witness to it – not part of it; I would never be part of a procedure like this – but I was witness to it. This is nothing more except the same Republican lack of openness, opacity instead of – if that is a word – instead of transparency, an absolute end to fairness, and a complete disingenuousness – I do not like to call anybody in this House a liar, so I will say disingenuous – about what the public got to see in the weeks, in the months before this dreadful, really ridiculous plan was drawn up and presented to us. There were hearings, and my Republican counterpart, the individual from Butler County, has talked about them, how open they were, how unprecedented they were. Well, I will tell you they were unprecedented. I have never seen a hearing in this legislature on a blank bill – never. There were no maps. There were no verbal descriptions at any of the hearings that were the only exercises open to the public, not one map, not one description. You could not tell, looking at the bill or looking for a map, what the heck the Republicans had in mind, and believe me, the citizens had no idea. They came in – I was not able to be at all of the hearings – they came in and they asked sincerely. The people before us seemed to actually believe that the majority party was going to respond to them. It was astounding. They said, "Please do not tear apart my municipality." They said, "Please do not change this river valley," whether it was the Lehigh or another one. They said, "Please give us districts that are compact. Please give us districts that do not stack or fracture cultural, racial, or national minorities. Please do not do that. Please do not give us districts that tear apart communities of interest. Please do not give us districts that are going to exacerbate the partisan divide in Washington." They said all these things. I thank them for saying it, but nobody who has the power to draw this map, vote for this map, cared one whit what they said – not one whit. And had these citizens had the map this summer, there would have been an outcry that would have deafened us all, and that is why these citizens were not given the maps or the verbal descriptions.

The bill that they saw, the bill that we saw, up until last week – I believe it was last week, perhaps even fewer days – we had a bill that said the First Congressional District in the Commonwealth of Pennsylvania is composed of part of the Commonwealth of Pennsylvania. I am paraphrasing. That is real helpful. That is what people want to see. That helped the press. The press really was ready to just grab those up and eat them, yeah. Oh yeah.

Let me ask you something, Mr. Speaker. You go into a supermarket. You buy a carton. It says such and such cereal on it. You get it home, you open it up, you pour it into your bowl, and there is nothing in that box – nothing. You get a big, fancy Christmas present. It is all full of ribbons and sparkles and fancy wrapping paper. And you open it up, and when you open it up, you see there is nothing whatsoever in the box. It is empty. Those are the kinds of things you want to buy in the supermarket? Our voters know better than that. That is the kind of gift you want to give, that has nothing in it? That is the bill we had to deal with. That is the bill that was foisted on the citizens. I hope this speech and the speech of my good Democratic comrades who spoke before me will go viral, will go on the Internet. There will not be a soul in Pennsylvania who is online who does not know the dirty trick that was foisted on them since this summer, since this summer, with all kinds of

words about how open we are, how unprecedented. Well, it certainly was unprecedented; I have never seen a bill that had no content whatsoever have a first reading and then a second reading.

As a matter of fact, I just e-mailed my staff. I want to do legislation, a House rule amendment, and maybe both, that says that before a bill can have a first reading, before a bill can have a second reading, it has to have content, and the content has to be understandable by a person of ordinary intelligence, regular reading skills, and average knowledge of the English language. These bills did not have content. That is shameful. In the last 4 to 6 years we made strides to being more open. We have a right-to-know bill. We have an office underfunded by the current majority Republicans, but we have an office. We have lobbyist disclosure, a bipartisan effort. This Republican majority is taking back all of the transparency, all of the fairness, all of the openness, and we are getting nothing but garbage, garbage, garbage. Garbage in, garbage out.

I agree with my Democratic colleagues who spoke before. The people of Pennsylvania deserve much better than this procedure, much better than this map. But I believe that they are not going to put up with it, and I believe that every Pennsylvanian will remember what went down here today, and they will remember in November.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to final passage of SB 1249. You know, if you had the opportunity to take the people of Pennsylvania up in a helicopter and fly over these congressional districts and they looked down on these districts, I think they would see, they would be appalled by the configuration.

You know, the notion that these are compact and take in communities of interest does not even meet the laugh test. If you showed this map to anyone from a 3-year-old to a 93-year-old and said, "Does this look like a simple configuration of congressional districts?" I think they would look at you with crossed eyes and say, "What are you talking about?"

We could have changed all of that yesterday. There was an opportunity for a few amendments that had been hastily drawn, admittedly, because we had actually only seen a final product several hours before, but there was an opportunity to vote for those potential changes, and then Representative Samuelson also tried to postpone the vote so that we had a couple days to put together some different plans. And many people voted not to allow that short delay to happen. And so as was pointed out by one of the other speakers: If you vote "yes" today, you own this. You cannot claim this was someone else's plan. You did not really like it; you kind of held your nose and voted for it. There was opportunity after opportunity after opportunity given to change this plan, and those who intend to vote for this voted "no" to those changes every time.

PARLIAMENTARY INQUIRY

Mr. STURLA. Mr. Speaker, if I could, a parliamentary inquiry?

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. STURLA. Mr. Speaker, if a member of the House has talked to anyone about running for Congress and perhaps benefiting from a result of this plan, would they have to recuse themselves from this vote?

The SPEAKER. No. No.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

Mr. Speaker, in summation, I guess I would just point out that this particular congressional redistricting plan, when it was looked at by experts, said it contained one of if not the most gerrymandered districts in the entire nation. And we have heard from member after member in the very short debate that we have had about how this dismantles communities of interest. And while in some cases it follows imaginary lines drawn hundreds of years ago that established counties in this State, it really does not reflect communities of interest in this State. It really does not represent the people of Pennsylvania in this State. It really does not represent an opportunity for fair and balanced debate within these congressional districts, but it does represent partisan politics at its worst. I would encourage a "no" vote. Thank you.

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

On that question, the gentleman from Allegheny County, Mr. Dermody, is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

You know, Mr. Speaker, the way our system is supposed to work is that the voters are supposed to pick the politicians. With this map, the politicians pick the voters. This map sets up districts that are gerrymandered beyond recognition. District No. 7, I believe, has received an award, a prize, for the most gerrymandered district in the country. It breaks up communities of interest and will reduce the voice – remove the voice – of millions of Pennsylvanians. This map should not be passed, Mr. Speaker. We can do better than this. We need to do better than this for the people of Pennsylvania. I urge a "no" vote on SB 1249. Thank you.

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

On that question, the Speaker recognizes the gentleman from Greene County, Mr. DeWeese.

Mr. DEWEESE. In the early 19th century, the swashbuckling brigades of Napoleon Bonaparte landed in the northern section of Egypt and dominated the Mediterranean.

The SPEAKER. The gentleman will suspend.

Were they doing reapportionment in the Mediterranean? The gentleman may proceed on the bill.

Mr. DEWEESE. The chair appreciates the Speaker's poignant sense of humor at the commencement of my metaphor.

It took French intellectuals – I see a few of their descendants over there – that were traveling with Napoleon's battalions to uncover the secret mysteries of the pyramids, and the Rosetta stone was deciphered. Egyptian hieroglyphics became well-known to the modern era. My view is, Mr. Speaker, that this map is the metaphor of hieroglyphics. Now, I have heard the gentleman from Lehigh say, "preposterous;" I have heard the gentleman from Philadelphia say, "an abomination," and even my comfortable association with a slender margin of the decalogue and the lexicon leave me almost speechless, but the mental metaphor I have is one of hieroglyphics. And as the honorable gentleman who preceded me at the microphone said,

District No. 7 is preeminent in the United States of America. From San Diego to Bar Harbor, Maine, from the Puget Sound to Sarasota, Florida, Pennsylvania has the ignominy – you heard me use that word before – of having the most contorted, twisted, vexatious of all 435 districts. That is not something to be proud of.

Second point, and I only have three points. There is a young girl in Lippincott, PA, hard by the north fork of the Ten Mile Creek in Morgan Township, Pennsylvania. She is a stellar athlete and her academic credentials are nonpareil. She goes to Jefferson-Morgan High School. One of her classmates lives near another fork of Ten Mile Creek down near Chartiers Bottom. One of the many reasons I love my district is because of all of those colloquial settings, those wonderfully memorable names. So the Chartiers Bottom family has another little girl. They both want to go to West Point. The little girl from the hills of Lippincott has to make her way 40 miles north now under this new map, to Mount Lebanon. Lovely setting, Mount Lebanon, but it has as much to do with our native hills in Greene County as Mechanicsburg does to Manhattan; there is a complete differentiation. But that is the close one. The little girl who is a great athlete and a strong student who wants to go to West Point, to go see her Congressman, if she lives on the other side of the school district – not the county, the school district – she has to make her way over the crimson ramparts of the Allegheny Mountain range all the way to Bedford to see my good friend, Bill Shuster. It just does not comport. It just does not make sense. Someday eighth grade students all the way through the Ph.D. ranks will study this map, will study this process, the supererogation of power invested in the Republican majority.

And as I close, Mr. Speaker, and I have been a part of some rough-and-tumble gerrymandering myself in 1991 and 2001, so I do not come to this microphone with complete, complete sense of the ingenue. But I did not campaign in the 2010 cycle like so many of you wholesome lads and young people, you young women, and, especially, I did not, for a variety of reasons, make a speech on swearing-in day like my honorable colleague from the north hills of Pittsburgh who currently leads the majority. I did not stress transparency. I did not stress to the same level as my honorable colleague the wholesome nature of our future. This, Mr. Speaker, is the business that we used to do. This is what we were trying to get away from – the pell-mell, helter-skelter, damn-the-torpedoes process and result; to paraphrase my good friend, Shakespeare, stink in the nostrils of heaven.

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

You know, the State of Pennsylvania has a history of political moderation in its elections, in its style of government. Historically we have seen majorities shift in the legislature. We just had one. We have seen our Governors switch back and forth from Republican to Democrat. We have seen our congressional delegation go from a majority Republican to Democrat, back to majority Republican, and we have seen our State as a Presidential battleground year after Presidential election year. That is all about to change here with respect to a State that really is pretty evenly divided politically. But what is taking place here today, in my view, is a very cynical attempt to institutionalize a Republican majority of congressional seats in

Pennsylvania. Anybody looking at the way this has been gerrymandered can see that today, if we pass this, there is only going to be 1 truly swing congressional seat out of 18, and that is not good for our State. That is not good for our politics. That is not good for the style of government that we are now becoming accustomed to in Washington and Harrisburg: a polarized environment which will just reinforce the most extreme positions of the political spectrum. This is not the way we ought to be governing; to overreach, to go through contortions to create districts that are safe for a majority of Republican members of Congress is not good public policy. We ought to reject this. This is not good government; this is a very cynical way to do government. Please vote "no." Thank you.

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

On that question, the Speaker recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

This morning I dropped my son off at school a mile and a half from my house, and guess what? My journey took me through two congressional districts, if the Republican plan before us today becomes law. You see, I live in Bethlehem and the high school is in Bethlehem Township. According to the redistricting plan that is before us, Bethlehem Township would be in the same congressional district as Scranton, but not in the same congressional district as Bethlehem. Easton would be in the same congressional district as Wilkes-Barre, but not in the same district as Allentown. Bethlehem Township is in the heart of the Lehigh Valley, but under this proposal, it would be in the 17th Congressional District, which would stretch west to Schuylkill County and north to Wilkes-Barre and Scranton. Now, do not get me wrong: We in the Lehigh Valley, we in Northampton County, love to watch The Office, but we never would have imagined that Michael Scott or Dwight Schrute could take a leave of absence from Dunder Mifflin and run for Congress in the Lehigh Valley. This proposed map removes 48 percent of Northampton County from the Lehigh Valley congressional district, and it would be devastating to our region.

Furthermore, this proposal goes against decades of regional endeavors in the Lehigh Valley. We have a regional airport, a regional bus service, a regional United Way. The Lehigh Valley has a regional economic development organization and a regional tourism authority. We have a regional Lehigh Valley Chamber of Commerce, which has come out against this proposed redistricting plan. In 2008 when the AAA Phillies affiliate moved to our area, the team was not called the Allentown Iron Pigs; but the team reflected our region and took the name, the Lehigh Valley Iron Pigs. And for 40 years we have had a Lehigh Valley congressional district. We have a very proud history in the Lehigh Valley, and our citizens celebrate our strong regional identity. This plan defies all of those regional efforts.

Last night when I got home, my 16-year-old son made the mistake of asking me how things went at work yesterday, so we ended up talking about the redistricting debate we held yesterday afternoon. I expressed my frustration that the plan splits the Lehigh Valley for the first time in 40 years in two, and removes 48 percent of Northampton County from the 15th Congressional District. In turn, the 15th District would stretch from Bethlehem all the way to Hershey. At one point I said, "The people of Hershey do not view themselves as part of the Lehigh Valley, yet they would find themselves in the Lehigh Valley's congressional district." My discerning son

responded, "Dad, it is not the Lehigh Valley congressional district anymore; it is just a congressional district that happens to include a part of the Lehigh Valley." I thought about it, and he is absolutely right. Our State Constitution states that we are supposed to respect communities of interest when drawing these maps, and here we are presented with a map that stretches – for the 15th District – that stretches from Northampton to Lehigh to Berks to Lebanon to Dauphin – 100 miles from one end to the other. And there are districts on this proposed map that stretch even further, joining counties that are 50, 75, 100, 125 miles apart.

We in the House of Representatives, when drawing congressional districts, should respect communities of interest as required by our Constitution. We should approve a plan that has compact congressional districts as required by our Constitution, and we should insist that when we are talking about congressional districts, we use an open process which has adequate public input. And as we know, this proposed redistricting plan has not had that adequate public input. The Lehigh Valley, if you look in the phone book, has more than 300 organizations and businesses that use the words "Lehigh Valley" in their title. Our community, our region, has been building that strong regional identity, and I urge each of my colleagues to reject this plan which splits the Lehigh Valley in two. We can do better, and we should keep the Lehigh Valley united in the 15th Congressional District. I urge a "no" vote on SB 1249, and I thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise to oppose the congressional reapportionment map because a process which limits public participation to 14 hours is not worthy of the greatest republic the world has ever known. This bill allows politicians to choose their voters instead of people choosing their Representatives, and I oppose it.

REMARKS SUBMITTED FOR THE RECORD

Mr. BARBIN. Mr. Speaker, I would like to submit the remainder of my remarks for the record.

The SPEAKER. The gentleman will deliver them to the clerk, and they will be noted in the record. Thank you.

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

Mr. Speaker, I rise to oppose the congressional reapportionment map because a process which limits public participation to 14 hours is not worthy of the greatest republic the world has ever known.

Under Article I, section 5, of the Pennsylvania Constitution, "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." Today this Assembly has closed off any input from the public that would require the boundaries for elections to be determined on the basis of citizens' interests in their own communities and regions.

All of the legislative dirty tricks were used: hiding language identifying the districts from the people until the bill was voted on second consideration in the Senate, striking amendments in committee, and restricting amendments on the floor on constitutional grounds. These processes created gerrymandered districts that will long stand as a low-water mark of partisan politics. These civil interferences with the right to vote are no less onerous than poll taxes outlawed in

Pennsylvania in the 1960s, and should not be countenanced by members from either party on utilitarian grounds; i.e., that the ends justify the means. To do so is to weaken democracy.

The majority will doubtless assert that the districts prepared and the methods employed are above reproach; however, I believe they are better understood in light of a quote from Lewis Carroll:

"If I had a world of my own, everything would be nonsense. Nothing would be what it is, because everything would be what it isn't. And contrary wise, what is, it wouldn't be. And what it wouldn't be, it would. You see?"

Today the Mad Hatter has won the day. This bill allows politicians to choose their voters, instead of the people choosing their Representatives. For these reasons, I oppose SB 1249.

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

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

We in the General Assembly get the honor once every decade to cast a vote on congressional redistricting. It is one of the most significant responsibilities before us as members of this august body, and it goes back in history to the founding of this country. For me, and I hope for each and every one of you, this historic opportunity and responsibility has made you think not only about our obligations here, but about a system of federalism that has been set up in the United States by the great founders of this country. I know I, for one, am excited and proud to be able to vote "yes" for this once-in-a-decade plan, and I think this plan clearly meets constitutional and statutory obligations to reflect one person, one vote, and to send our congressional Representatives to Washington, DC.

I have heard mention of some parochial interests such as the Lehigh Valley. And I understand that one of the factors is communities of interest, but to indicate that a particular region is not still a particular region because of congressional lines is missing the point. The fact of the matter is, the Lehigh Valley is still the Lehigh Valley. And the fact that it can have two congressional Representatives to make mention of the importance of issues is important as well. All areas of this State, geographically, have to be covered by a congressional district, and it has to be down to one person, one vote, as set forth by the United States Constitution and as modified by the 14th Amendment and as interpreted under the United States Supreme Court case of *Vieth*.

Now, how does this particular map meet our constitutional and statutory duty in sending 18 Representatives to the United States Congress? In the first instance, the population of the Commonwealth is now 12,702,379 individuals, based on the U.S. Census. And while this reflects a population growth of approximately 3.43 percent in the last 10 years, Pennsylvania did not grow as fast as a number of other States. As a result, unfortunately, during this congressional reapportionment, the Commonwealth lost a congressional seat, and we are going from 19 to 18 to cover those 12,702,379 citizens in 67 counties. In addition to the increase in population, which did not keep pace with other States, there has been a significant shift of the population center overall from west to the east. And this growth and shift has substantially reconfigured the concentration of population in the Commonwealth. In drawing new maps, we had to reflect the loss of a seat and the population shifts.

Now by region – and I am from the southwest – by region, the southwest lost a minus 3 percent in population. The northwest lost a minus 2 percent in population, and the other

four of six regions gained in population. Thus, some of those seats by definition have to be reconfigured to meet the population shifts. The reduction of the seat or the loss of the seat came from the southwest, because in fact that is where the population loss, on a percentage basis, occurred at a most significant number. One of the Congressmen in fact sent a letter to House Democrats – an incumbent, where the seat has been combined – and said that he wanted to make clear that he believes that "...all the western Pennsylvania districts, including the new 12th, are drawn in a fair and contiguous way. Now, at the conclusion of such a long and contentious process, the public has a right to know what their final district will look like. I see no benefit to the public of further delay in the process. Therefore, I respectfully ask for your support" – of the House members – "of the new map as drawn," quote, unquote.

The fact of the matter is, this map is absolutely one person, one vote; 705,687 in 5 districts, and 705,688 in 13 districts. It is compliant with the United States Constitution, Article I, section 2; the 14th Amendment; and the standards set by the United States Supreme Court in the *Vieth* case, which was a case looking at a Pennsylvania map. In addition, this particular map clearly represented the population shifts that occurred over the last decade, both in terms of where the lost seat came from and in terms of reconfiguring other seats to reflect new population growth or population loss. It is clearly in compliance with the Voting Rights Act, and that was certainly a test that was taken when looking at all of the seats across the State of Pennsylvania. It is clear that it could support a majority-minority seat in the southeast, and that that majority-minority seat needed to stay intact.

In terms of splits, this particular map only splits 29 counties versus the 39-percent increase under the amendment offered by our good colleague from Clinton County. It also had less municipal splits, and it passed a number of compactness tests over the competing version offered by the good gentleman on the other side of the aisle from Clinton County. Let us be clear also: Politics may be taken into account as a factor, although not the controlling factor, and it is clear that we need to look at communities of interest; compactness; contiguity; Voting Rights Act; population shifts, first and foremost; one person, one vote. Every single one of those factors was taken into account when drawing the 18 congressional districts in this map for our State. And we do have an obligation, all of us, to look at the macro map for the State, in addition to checking in on the local area. But in looking at this map and in deciding to vote affirmatively, as I would suggest, you cannot merely look at this parochially. You must absolutely look at the map as a whole, because that is your obligation. It is your duty, and it is part of the opportunity to participate in history, to know that you as a legislator speak to the entire State and have a responsibility to the entire State in this process, in addition to any local concerns that might come up. You must understand that each of the issues and standards that have been set forth by the Supreme Court in previous decisions have been taken into account, and that we have delivered a constitutional statutory map that absolutely respects the principle of one person, one vote.

I would ask each and every one of you to recognize those obligations. I would ask you to understand that by voting "yes," in particular, you are saying that you have participated in making into law what our Founding Fathers gave us the opportunity to do. Please vote "yes."

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

Is the gentleman from Delaware County, Mr. Vitali, seeking recognition for the second time?

Mr. VITALI. I do, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I want to speak now to the citizens of Pennsylvania as opposed to those who are promoting this bill, because those people have stopped listening to the people of Pennsylvania and stopped listening to their own consciences. In fact, they have chosen not to listen to the citizens of Pennsylvania at all. This bill was fast-tracked in violation of the spirit of the Constitution, which requires bills to be considered on three separate days in each chamber, and be considered by committee. This bill was not considered in Senate committee; in fact, it was unveiled on a Wednesday, passed out of the Senate Wednesday night, and considered by the House State Government Committee Wednesday morning. It was never considered by the Senate on three separate days, and in fact now it is being fast-tracked before citizens have a chance to give their input.

No input was solicited from the citizens of Pennsylvania and they need to know that, because we did not want to know what you think. We had a charade of hearings this summer with an empty bill, with no content. We pretended to listen to you, but we were not listening to you. We were creating the illusion we were listening to you, but we were not, because we did not want to know what you think. People of Pennsylvania, listen to me. We do not care what you think. We do not care what you think. We are going to do what is best for us, despite what you think. What are you going to do about it, citizens of Pennsylvania? We are not listening to you.

Mr. Speaker, the previous speaker, the gentleman from Allegheny County, asserted this is entirely constitutional, and he cites the *Vieth* case. That very well may be true, it is constitutional, but I think the gentleman fails to admit one important point. In the *Vieth* case, it was clear, the courts saying we are not dealing with political gerrymandering at all. We are just not dealing with it. We are setting no standards. There are no manageable standards. We have no criteria. So to say this complies with the *Vieth* case is saying you are complying with a court who has totally washed their hands from the issue of political gerrymandering. They have set no standards, so we have to set standards ourselves, and those who would promote this have refused to set standards.

Mr. Speaker, one of the problems here, and we all know, we all know that municipalities have to be split sometimes, that is just part of the mathematics of this, but the reality is, what we are doing here, there is no necessity to do this. There is no necessity to put the citizens of Upper Darby in the same congressional district as the farmers of Amish country. There is no necessity to do that. There is no necessity to break up the Seventh Congressional District into five different counties. There is no necessity to do that. We are not doing this out of necessity. We are not doing this because we need to do it. We are doing it to protect incumbents. We are doing this to serve political interests, Mr. Speaker.

Mr. Speaker, again, at the risk of repeating myself, I lay a challenge to the citizens of Pennsylvania. By voting for this bill, we are ignoring you. We are saying we do not care what you want. We are doing what is best for us as politicians. We do not care what you as citizens of Pennsylvania want. What are you going to do about it?

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—136

Adolph	Everett	Lawrence	Reese
Baker	Farry	Maher	Reichley
Barrar	Fleck	Major	Roae
Bear	Gabler	Maloney	Rock
Benninghoff	Galloway	Marshall	Roebuck
Bishop	Geist	Marsico	Ross
Bloom	Gerber	Masser	Sabatina
Boback	Gergely	Metcalfe	Saylor
Brooks	Gillespie	Metzgar	Scavello
Brown, R.	Gingrich	Miccarelli	Schroder
Brown, V.	Godshall	Micozzie	Smith, K.
Brownlee	Goodman	Millard	Sonney
Carroll	Grell	Miller	Staback
Causer	Grove	Milne	Stephens
Christiana	Hackett	Moul	Stern
Clymer	Harhart	Murt	Stevenson
Cohen	Harper	Mustio	Swanger
Costa, D.	Harris	Myers	Tallman
Costa, P.	Helm	O'Neill	Taylor
Cox	Hennessey	Oberlander	Thomas
Creighton	Hess	Parker	Tobash
Cruz	Hutchinson	Payne	Toepel
Culver	Johnson	Peifer	Toohil
Davidson	Kampf	Perry	Truitt
Day	Kauffman	Petri	Turzai
Deasy	Kavulich	Pickett	Vereb
Delozier	Keller, F.	Preston	Vulakovich
DeLuca	Keller, M.K.	Pyle	Waters
Denlinger	Keller, W.	Quigley	Watson
DePasquale	Killion	Quinn	Williams
DiGirolamo	Kirkland	Rapp	Youngblood
Donatucci	Knowles	Ravenstahl	
Dunbar	Kortz	Readshaw	Smith, S.,
Ellis	Kotik	Reed	Speaker
Evankovich	Krieger		

NAYS—61

Aument	Dermody	Heffley	O'Brien, M.
Barbin	DeWeese	Hickernell	Pashinski
Boyd	Emrick	Hornaman	Payton
Boyle, B.	Evans, D.	Josephs	Petrarca
Boyle, K.	Fabrizio	Kula	Sainato
Bradford	Frankel	Longietti	Samuelson
Brennan	Freeman	Mahoney	Santarsiero
Briggs	George	Mann	Santoni
Burns	Gibbons	Markosek	Shapiro
Buxton	Gillen	Matzie	Simmons
Caltagirone	Hahn	McGeehan	Smith, M.
Conklin	Haluska	Mirabito	Sturla
Curry	Hanna	Mullery	Vitali
Daley	Harhai	Murphy	Wheatley
Davis	Harkins	Neuman	White
DeLissio			

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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

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

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 1249, PN 1869

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

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

SUPPLEMENTAL CALENDAR B

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1399, PN 2891**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "motorcycle"; and further providing for automated red light enforcement systems in first class cities.

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

The SPEAKER. Moved by the gentleman, Mr. Geist, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the gentleman, Mr. Geist, for a brief description of the Senate amendments. A brief description of the Senate amendments.

Mr. GEIST. Thank you, Mr. Speaker.

I would urge a "yes" vote. The only thing that was changed in this bill was a 6-month extension for the Philadelphia red light program, and I would urge a "yes" vote.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentleman stand for brief interrogation?

Mr. GEIST. I would be delighted.

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

Mr. VITALI. Thank you, Mr. Speaker.

I am not expert at this, but I am looking at a recent newspaper article, and the Inquirer reported recently that police data at crashes at intersections monitored by red light cameras

showed a number of crashes had increased at most intersections. Can you comment on that? Do you know, do you agree with that? Do you disagree with that?

Mr. GEIST. Mr. Speaker, what is the question?

The SPEAKER. Will the gentleman restate the question?

Mr. VITALI. Okay. A recent Inquirer article reported that Philadelphia data on crashes at intersections monitored by red light cameras show that the number of crashes had increased at most of the intersections. Do you agree with that?

Mr. GEIST. No, I do not, Mr. Speaker. We have had an extensive hearing and report with the committee, and at one intersection they did increase, but at that intersection there was a huge amount of development that took place since the red light cameras went in. And based upon average daily movements, accidents went down as the amount of traffic went up. So I would dispute the tower of truth's article about that.

Mr. VITALI. Okay. And there is another piece in that same article that said that the parking authority zone analysis, and this was October of this year, showed that at three red light camera intersections on Roosevelt Boulevard, found accidents were down 8.5 percent, but injury accidents were up by 8 percent. So they are saying that the red light camera at Roosevelt Boulevard actually, injuries were up 8 percent according to parking authority data. Would you agree with that, disagree with that?

Mr. GEIST. I would not agree with that at all. We had extensive reporting that was done, and I would suggest that if you would see the expert staff on the House Democratic Transportation Committee, they could provide that information for you, but accidents are down.

Mr. VITALI. Another article that was brought to my attention by staff showed that Houston and Los Angeles this year discontinued the red light camera program. I do not know why. Do you know why Houston and Los Angeles discontinued their red light camera programs?

Mr. GEIST. I believe the answer is that we in Pennsylvania developed this program for safety, not for revenue. In communities where they have used it for revenue enhancements, they have done some things that are not exactly scrupulous, and those red light programs were ended. In Philadelphia, from all the reports and studies that we have seen, it has been done right. And I would urge a "yes" vote so that we can continue for at least 6 more months. Otherwise the program in Philadelphia—

Mr. VITALI. Excuse me; this is interrogation, not argument.

The question that I have asked is, do you know why Houston and Los Angeles discontinued their program?

Mr. GEIST. Yeah; the answer was for revenue enhancement in changing the yellow light dwell time.

Mr. VITALI. They discontinued their program for revenue enhancement? I am not sure I understand. Why did they discontinue their program for revenue enhancement? Could you explain that to me?

Mr. GEIST. Some communities have used red light cameras as revenue enhancement. The term is a "rolling tollbooth," and the courts, some of the courts have stricken them down and communities have removed them.

Philadelphia—

Mr. VITALI. So you are saying that— Let me ask you this: Are you saying that Los Angeles and Houston discontinued these programs so they would not be money-makers? Is that what you are saying? To prevent them from being money-makers?

Mr. GEIST. I would think you would have to call Los Angeles and ask them yourself. I have no idea.

Mr. VITALI. Okay. If that is the answer, I mean, that would be fine. If your answer to the question, "Why have those two cities discontinued?" – if your answer is no idea, I accept that. Is that your answer?

The SPEAKER. The gentleman has answered the question.

Mr. VITALI. Thank you. That concludes my interrogation.

The SPEAKER. Do you seek recognition on the bill?

Mr. VITALI. I do.

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

Mr. VITALI. I honestly have not fairly researched this. I have been involved in debates over the years. I will note, according to this Inquirer article, that the red light camera program so far has raised about \$41 million in revenue; \$41 million in revenue, which is an enormous sum of money and certainly helps us. But I am just wondering, I personally, although I am not expert, am just a bit uncomfortable with this program. I think the accident figures are mixed. I think that there is this allegation at least that it does cause more accidents in some regards and prevents accidents in others, but I am very concerned about this being a money-maker. That has always been my concern. I do not think I will be supporting this. I just have concerns about this bill.

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

On that question, the Speaker recognizes the gentleman from York County, Mr. Perry.

Mr. PERRY. Thank you, Mr. Speaker.

As many of you know, I supported the original bill, HB 1399; as a matter of fact, I was the prime sponsor. The bill allows for PENNDOT to modify its definition of a "motorcycle" to keep up with technology, to allow individuals that may be disabled to continue to ride a motorcycle or to begin riding a motorcycle by having stabilization wheels, and also allows for the inspection and licensing of the motorcycle with those wheels on, and is really just an administrative change to allow people to continue to ride. And in doing that, I want to thank the members of ABATE (Alliance of Bikers Aimed Toward Education) and ABATE, in particular, for their support and help in getting the amount of cosponsors on this and getting the bill to where it is at this point, as well as the members here. Now, the Senate amendment that was placed on it is where it lost my support and I withdrew my name as the prime sponsor, and I now oppose this bill for the following reason, which is that I do not think the administrative changes are worth the cost of the lost liberty.

Americans and Pennsylvanians should believe that justice is blind, and I think we do, or we hope to. But I do not know how blind justice is when profits are involved. And so we have this – in many cases and in this case – an out-of-State company, a contractor, and I am a privatization guy, running this business for the city of Philadelphia and collecting the fines. The city gets a cut, the contractor gets a cut, and I guess everybody is happy except for me. But I do not know how blind justice is when profits are involved. And as much as I am a privatization guy, I draw the line when it comes to our judicial system. Sure, what is a change in the dwell time on the yellow a little bit? Your safety goes up and your profits go up.

Also in this system, you are guilty until proven innocent, which flies in the face of our judicial system. You receive your ticket, and then you have to prove that you did not do anything

wrong. Your car received a ticket. The car went through the light. They got that license plate number, took a picture of it. If you own the car and lent it to your buddy, well, I guess that is up to you to work out. It is time out of your schedule to prove that you did not do anything wrong; again, you are guilty until proven innocent. To me, this stands squarely on the slippery slope of tyranny. And it will be coming to your town, large or small, soon, because the pilot program is going to validate over time that these red light cameras work. The longer they stay there – good, bad, or indifferent – it is going to be a validation, and then folks in here are going to say, well, that was the first step; let us move it on to some other places. It will be red light cameras and then speed cameras and then who knows what else.

Budgets are strained. And listen, who is going to advocate, these are criminals, right? These are people that broke the law. Nobody is going to advocate for them. You have to have these red light cameras, and then it will be speed cameras, and then it will be some device on your cell phone that tells if you are using it while you are driving your car and some device in your home that says if you are smoking in your home around your children, and away we go. It is easy in times of strained budgets where everybody needs money to administer these kinds of things and enact them.

Now, there are going to be a lot of statistics. You have already heard some to support this, and you are going to be asked to support it based on the statistics. What will come out of that is its increased expansion across the State over time, but I can tell you that for as many statistics that are going to be enumerated today for it, there are just as many opposed to it. There are just as many opposed to it. You are also going to be told that you should extend for 6 months to give the city time to adjust their budget because they are counting on this revenue. They are counting on it. It is about safety, right? It is about safety, but they are counting on the revenue. So to that I would say, well, if you are going to vote for it – and that is your prerogative, certainly – I will see you again in 6 months when they have had time, and I will just let them know now that I will have amendments to whatever bill is running to extend it in perpetuity at that time to end it forever. They will have had time to know and adjust their budget because it is not about revenue, right? It is about safety.

I appreciate your indulgence. I would ask that you do what I do: I will be voting for liberty and I will be voting "no." Thank you, Mr. Speaker.

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

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

Mr. McGEEHAN. Thank you, Mr. Speaker.

I want to join with the majority chairman of the Transportation Committee in supporting the concurrence of HB 1399. I understand some of the skepticism and cynicism. I was here in 2002 when we first debated the installation of red light cameras in Philadelphia, and in fact, I voted "no" at that time because of many of the observations that the members had brought up. Since that time, though, Mr. Speaker, I have seen the direct results in my county. We had identified along the Roosevelt Boulevard in Philadelphia, a 12-lane highway, 2, 2 of the most dangerous intersections of 12 in America; two of the most dangerous in America. Since that time, since the

installation of red light cameras, we have seen a dramatic decrease. As a matter of fact – they are not my statistics, they are not the Philadelphia Police statistics; PENNDOT's statistics – the incidents of crashes at those intersections have gone down 25 percent.

Mr. Speaker, I join the majority chairman in strongly opposing any measure that would simply be installed to generate revenue. It is about public safety. Believe me, as a cynic who voted against red light cameras 10 years ago, I have seen the direct results in Philadelphia. This program is working. We should not disable them in Philadelphia. We should allow the safety enhancements that we have instituted a decade ago to continue in Philadelphia, and I would strongly urge an affirmative vote for the concurrence of the amendments in HB 1399.

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

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

Mr. PAYTON. Thank you, Mr. Speaker.

I rise to oppose concurrence on HB 1399, and I oppose this for several reasons. First, I think we are rushing the extension of the red light camera program without proper vetting. Second, I think that we are having an intellectually dishonest debate about what this is. Is this about safety or is this about money? If it is about safety, all of their own reports show that the aggregate number of crashes has increased; the aggregate number of crashes has increased. Now they use an accounting trick to say that it has decreased. Or is this about money? It is no secret that there are 21 active intersections in Philadelphia that generate a significant number of revenue. So if we are going to do this in the name of safety, we should be able to show cause for each intersection that we deploy red light cameras on, that there is a significant safety risk and that the rollout and implementation of red light cameras will significantly reduce that.

And right now there is no process. There is no formalized process with either the residents, the motorists, or anyone for that matter, about how they deploy red light cameras in Philadelphia. It is very haphazard and without process. I would suggest that we reject this measure until we have this issue on the ballot in Philadelphia. I would rather have the voters of the city of Philadelphia decide what we are going to do with the deployment of red light cameras.

REMARKS SUBMITTED FOR THE RECORD

Mr. PAYTON. It is known to everyone here, or should be known, that they increase rear-ending accidents, and there are a number of other issues, and I will submit the rest of my remarks for the record. I would just ask for a negative vote on concurrence. Thank you.

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

HB 1399 is bad policy. I do not think we should continue with the red light camera program until the issue comes before the voters of Philadelphia in a referendum. And I also think that the way the program was originally sold to us was disingenuous. It was billed as a

safety measure when in fact after 5 years of the program the raw number of accidents has increased and people think that it is more about money than safety. That is why I recommend that it goes before the people of Philadelphia in a referendum. So I recommend that all my colleagues reject this bill until we hear the will of the people.

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would join with Representative Payton and Representative Vitali and Representative Perry in opposing this bill. There is no clear drop in accidents or fatalities as a result of the red light cameras. There are varying statistics, but the statistics are inconsistent based on locations, based on time period. One thing that is clear the red light cameras do is they discourage people from driving on the streets in which the red light cameras are. If people have a choice between driving on streets with red light cameras and a choice of driving on streets without red light cameras, people often drive on the streets without red light cameras, creating more traffic congestion. In the areas without red light cameras, I have gotten complaints in my district and outside the district of the sudden increase in traffic congestion over the past decade. And I think red light cameras are a major cause of the increased traffic congestion on side streets. We certainly make money off red light cameras, but the question is, where does this stop? Are there going to be red light cameras on every block? Are there going to be 41 red light cameras in the city of Philadelphia? Are we going to have 100, 200, 300? Certainly we will make more revenue. Certainly we will drive more people to take mass transit. Certainly we will drive more people to drive on side streets.

I think this is preeminently a revenue-raising measure. It has, in certain areas at certain times one can say there are less accidents at this particular location, but at other times there are more accidents in particular locations. There is certainly more traffic on side streets; there are more accidents on side streets, and unless you include side streets in the statistics, you are not really measuring it. I am not sure it is some great achievement to take people off main streets and drive them into side streets. There is a reason why we constructed streets for a lot of cars in Philadelphia and why they are constructed in a lot of areas. We want to speed up traffic. We do not want to congest residential neighborhoods. We do not want people driving on side streets. But this bill creates, this program creates incentives for people to drive on side streets and increase traffic congestion and the risk of accidents there.

I think the safest course of action is to decline to pass this legislation. Let us see what happens. Let us have an experiment. We have had red light cameras in Philadelphia now for some time. Let us see what happens if we have six months without the red light cameras. Let us see if accidents go down. Let us see if there are increases in speeding. My guess is there is not going to be an increase in accidents over the next 6 months to a year. What there will be is a decrease in revenue, and I think an increase in personal freedom.

I strongly agree with the remarks of Mr. Vitali and Mr. Payton. I would say that I welcome Mr. Perry's remarks also. I think Mr. Perry gets very, very clearly that this is an issue of personal freedom as well as an issue of tax revenues and driver safety. I urge a "no" vote.

The SPEAKER. The Speaker would remind the members to refrain from using other members' names in the context of debate. This is a matter of proper debate.

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

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

Mr. J. TAYLOR. Thank you, Mr. Speaker.

I think it is interesting that the gentleman from Philadelphia and the gentleman from York agree and are concerned about personal freedom. I can tell you that the last argument with regard to people taking different roads to get away from red light cameras in Philadelphia is ridiculous, because these cameras are originally situated on Roosevelt Boulevard, which as the chairman talked about earlier, is not just dangerous; it almost led the country in deaths – deaths – not rear-end collisions. Those statistics have been greatly reduced, and I can tell you that I am on Roosevelt Boulevard every single day. And you, if you drive that, you are very aware of those cameras, and you decide to stop at the red light. And I can tell you that they work, because coming from one of my kid's football games – and he is a very passionate kid and he happened to get thrown out of a football game that afternoon. I do not know how you get thrown out of a football game, but he managed to do that. But on the way home, I was screaming at him so much that at Mascher and Roosevelt Boulevard, a very dangerous intersection, everybody stops; I do not. I go through the light.

When you see what that camera does, there is no arguing that you may have not gone through that light. And the best traffic lawyers in Philadelphia will tell you that there is not much you can say. You went through the light. It is very, very clear. So I would argue, if you are going to talk liberty, I would like the liberty for all of you to come to Philadelphia and not get run over in the middle of an intersection. That is very, very important. That is another piece of liberty.

I would ask you to concur with this amendment so that we can extend those cameras. We think that safety is the issue here, that it has worked, and I would ask for your support on concurrence.

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

On that question, the Speaker recognizes the lady from Philadelphia, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask my colleagues to concur with HB 1399. I think that the majority and minority chairs of the Transportation Committee have eloquently stated the importance of this issue as it relates to safety and driving in the city of Philadelphia, and particularly on the Roosevelt Boulevard, as the minority chair talked about. It is sort of, you know, relatively sort of a high number of accidents that have occurred resulting in fatalities. I do want to note for the record, Mr. Speaker, that the city of Philadelphia, the Nutter administration is 1000 percent supportive of the extension, although we would have liked for the extension to not be simply for 6 months. We would like to have seen the extension much longer than that, Mr. Speaker. We must support what is in front of us now.

In addition, Mr. Speaker, I wanted to note for the record, because I heard one of the previous speakers who talked about the amount of revenue that was generated by this program and sort of the individual company administering the program gets

its cut and then the city of Philadelphia gets it cut. I sort of wanted to clarify for the record first and foremost that all of the revenue generated from this program, Mr. Speaker, must go through the Motor License Fund. The city of Philadelphia cannot and does not use any portion of the revenue generated from the red light camera enforcement to balance its budget. In addition to that, Mr. Speaker, the city of Philadelphia must apply, Mr. Speaker, for the funds that are generated that will be spent in the city of Philadelphia.

And furthermore, Mr. Speaker, I must note for the record, I want to just list all of the counties that have benefited, not because the sort of revenue generated is simply important to the Commonwealth financially. We definitely always want to make sure that we put safety first. But I want to talk about the financial benefit that this is having, not on Philadelphia but on other counties throughout the Commonwealth: Adams County, Allegheny County, Armstrong County, Beaver County, Berks County, Blair County, Bucks County, Butler County, Cambria County, Carbon County, Centre County, Chester County, Clarion County, Columbia County, Crawford County, Cumberland County, Dauphin County, Delaware County, Elk County, Fayette County, Huntingdon County, Indiana County, Jefferson County, Lackawanna County, Lancaster County, Lehigh County, Lycoming County, Mercer County, Montgomery County, Montour County, Northampton County, Perry County, Schuylkill County, Westmoreland County, and York County, Mr. Speaker.

So I just wanted us to note, Mr. Speaker, for the record that revenues generated from this program do not simply benefit the city of Philadelphia, although they are generated within the city because of those people that break the laws associated with the enforcement. The revenue generated benefits the entire Commonwealth of Pennsylvania. And I want to say to my colleagues on both sides of the aisle, please support concurrence on HB 1399, because, after all, Philadelphia knows how to share. Thank you.

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

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

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

I could not follow the other Representative from Philly? I had to follow her?

The Representative from Philadelphia said a lot. But actually, I was not going to get up to speak, but I felt compelled when the gentleman from York County mentioned about somebody borrowing your car. And he was correct that if someone borrows your car and they run a red light, unfortunately you are responsible, just as if you would let somebody borrow your car and they park illegally and they would get a ticket or it would get towed. It is the owner of the car's responsibility. So I just wanted to clear that up. It has nothing to do with liberty. It has to do with responsibility.

As everyone knows, I am a huge advocate of the red light camera program. I like it so much I am trying to spread it to all of your communities, and hopefully in 6 months I will get that opportunity.

I support the concurrence of this bill. Thank you.

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

On that question, the Speaker recognizes the gentleman from Mercer County, Mr. Stevenson.

Mr. STEVENSON. Thank you, Mr. Speaker.

In all the debate this afternoon on this bill, I think it is important that we not forget the underlying bill, which has nothing to do with red light cameras. The underlying bill is a bill which provides for the legal registration of three-wheeled motorcycles, and I think that is an important issue all across this Commonwealth. I have many constituents who have bought some of the newer motorcycles which have three wheels or bought add-on kits to their motorcycles which make them more stable, safer to ride, particularly as the older generation of Pennsylvanians chooses to ride motorcycles.

This is the bill that was originally introduced by the Representative from York County. I think it is a very good bill. It is one that ABATE is strongly supporting and feels that we do need to pass, and they are asking for concurrence in this legislation.

As far as the red light cameras go, that is an add-on at the end. All they are asking for is a 6-month extension, at which time we will get to reevaluate that program in full, and hopefully at that time it will not be added to another bill or another piece of legislation.

But I just wanted to mention that the important part of this legislation, in my view, is for increased safety for motorcyclists in Pennsylvania who right now have no way to register these motorcycles. Motorcycles are defined as a two-wheeled vehicle currently under Pennsylvania registration. Anyone with a three-wheeled motorcycle or one with additional add-ons is going to have difficulty getting that motorcycle registered and getting it inspected.

So I think with all the reservations, which I certainly understand, about the red light camera addition, it is important that we pass this on to the Governor so that the motorcyclists in Pennsylvania can register their three-wheeled motorcycles.

Thank you very much, Mr. Speaker.

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

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of the concurrence for HB 1399.

I believe many of you are aware that at one time in my career I used to be an employee of the Philadelphia Parking Authority. And as an employee there, I remember people complaining about getting a ticket, but I also remember people complaining when they were parked legally and somebody was parked next to them illegally, double-parked, and they could not leave their parking space, and people would argue, "Where are the police when you need them?" I remember people complaining when somebody parked on their sidewalk illegally and asked – and even though some people were upset about getting a ticket, people wanted to know, well, where was the ticket writer now when somebody was bothering what they were concerned about?

If we want to talk about the fact that people are getting a ticket for running through a red light, getting tickets for running through a red light is nothing new. People are getting tickets for running through red lights anyway, especially if a cop is around to be a witness. These cameras are now the witness.

Roosevelt Boulevard – and I heard my colleagues talk about this – at one time was so dangerous that many of us wanted to avoid Roosevelt Boulevard. When we talk about avoiding a street because red light cameras are there; before they got the red light cameras, people wanted to avoid Roosevelt Boulevard.

Roosevelt Boulevard has improved their reputation, and the accidents have gone down as a result of the fact that the people know – and there are signs up, too, so it is not just like a red light camera that is hidden somewhere in the lurch that you do not know about it. There are signs up, too, that let you know that these areas are patrolled with red light cameras, and that in and of itself helps to deter bad driving on Roosevelt Boulevard.

So if we are about, and we are about in this government protecting the citizens and protecting children and protecting people who otherwise will be left in harm's way, then we should support enforcing the safe behavior of motorists, and the red light camera has had proven results to that regard.

And in terms of the criminal action that someone mentioned earlier, the action that will be taken against the motorist who runs the red light is a civic answer. It is not criminal. And as a matter of fact, there are no points that go against your driver's license if you are convicted of going through a red light.

The other part of it is that the money goes to PENNDOT, and as my colleague from Philadelphia said earlier, in Philadelphia this money goes to all, where all of the people rely on PENNDOT and their motor vehicles. They all benefit from the money that comes into there and the money from the red light cameras, and that is exactly where it goes.

So what I wanted to say is that if we can create better highways, safer highways for people to be able to travel along with themselves or with their family or with their children so they are not hit with the t-bone accidents, if we can create a better highway for that, and that is what the red light camera so far has produced, then I would say that we should at least consider extending this for another 6 months. And even after we come back with our findings, maybe some other legislators here might figure out, I would like to have safer streets in my neighborhoods too. I would like to have safer streets in my district too. I would like to save more lives and prevent more accidents in my district too.

So I stand in support of HB 1399. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I had not planned on speaking on this, like I think many sitting here were looking forward to celebrating Christmas with the family and getting out of town here at the conclusion of business. But the lady from Philadelphia that wanted to list the whole litany of counties from around the State that are supposedly benefiting from this, well, Mr. Speaker, I would like to bring up a concern that is related to this, and that is the constituents that I have heard from that have received tickets from Philadelphia when they have never been in Philadelphia, Mr. Speaker.

And, Mr. Speaker, if we are going to now allow for and continue this program of the red light cameras, I know many of my constituents do not trust the corrupt bureaucracy that has generated those tickets in the past, Mr. Speaker, and they do not

trust red light cameras if somebody is not sitting there monitoring to say you are guilty because you have done this. You should be innocent until proven guilty, Mr. Speaker.

I agree with the gentleman from York County on opposing this legislation. My constituents, many of which have come to me because they have gotten tickets from Philadelphia that they did not deserve. Talking to a couple of my colleagues here, they have had the same occurrences, Mr. Speaker, and I know if we ask for a show of hands, you would see many, and I do not think it is just Republicans, Mr. Speaker.

Mr. Speaker, we have got a problem with bureaucracy that by the nature of its own growth becomes corrupt and does these sorts of things. I do not trust giving them more power with this continued red light camera, Mr. Speaker, and I would ask for opposition to this legislation that just promotes more big nanny government, Mr. Speaker.

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

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

The following roll call was recorded:

YEAS—149

Adolph	DiGirolamo	Keller, M.K.	Pyle
Aument	Donatucci	Keller, W.	Quigley
Baker	Ellis	Killion	Quinn
Barbin	Emrick	Kirkland	Ravenstahl
Bear	Evans, D.	Kortz	Readshaw
Bishop	Everett	Kula	Reed
Boback	Fabrizio	Lawrence	Reichley
Boyd	Farry	Longietti	Rock
Boyle, B.	Frankel	Maher	Ross
Boyle, K.	Galloway	Mahoney	Sabatina
Bradford	Geist	Major	Santarsiero
Briggs	George	Mann	Santoni
Brown, R.	Gerber	Markosek	Saylor
Brown, V.	Gergely	Marshall	Scavello
Brownlee	Gibbons	Marsico	Shapiro
Burns	Gingrich	Masser	Smith, M.
Buxton	Godshall	Matzie	Sonney
Caltagirone	Goodman	McGeehan	Staback
Carroll	Grove	Miccarelli	Stephens
Christiana	Hackett	Micozzie	Stevenson
Clymer	Hahn	Millard	Sturla
Conklin	Haluska	Miller	Swanger
Costa, D.	Hanna	Milne	Taylor
Costa, P.	Harhai	Mirabito	Thomas
Cruz	Harhart	Moul	Tobash
Culver	Harkins	Murt	Toepel
Curry	Harper	Myers	Toohil
Daley	Harris	Neuman	Turzai
Davidson	Heffley	O'Brien, M.	Vereb
Davis	Helm	O'Neill	Vulakovich
Day	Hennessey	Oberlander	Waters
Deasy	Hess	Parker	Watson
DeLissio	Hickernell	Pashinski	White
DeLuca	Hornaman	Payne	Williams
Denlinger	Johnson	Peifer	
DePasquale	Kampf	Petri	Smith, S.,
Dermody	Kauffman	Pickett	Speaker
DeWeese	Kavulich	Preston	

NAYS—48

Barrar	Fleck	Maloney	Roebuck
Benninghoff	Freeman	Metcalfe	Sainato
Bloom	Gabler	Metzgar	Samuelson

Brennan	Gillen	Mullery	Schroder
Brooks	Gillespie	Murphy	Simmons
Causser	Grell	Mustio	Smith, K.
Cohen	Hutchinson	Payton	Stern
Cox	Josephs	Perry	Tallman
Creighton	Keller, F.	Petrarca	Truitt
Delozier	Knowles	Rapp	Vitali
Dunbar	Kotik	Reese	Wheatley
Evankovich	Krieger	Roae	Youngblood

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1950, PN 2837**, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, consolidating the Oil and Gas Act with modifications relating to definitions, well permits, well location restrictions, protection of water supplies, well reporting requirements, bonding, enforcement orders, penalties, civil penalties and local ordinances; providing for containment, for transportation regulations, for emergency response information, for notification to public drinking water systems, for corrosion control requirements, for gathering lines and for model ordinance; providing for local ordinances relating to oil and gas operations; and making a related repeal.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Ellis, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Ellis, for a brief description of Senate amendments.

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

The legislation that we have before us now, HB 1950, essentially represents SB 1100. What was done in a process, our language that this House had passed last month was gutted and replaced with SB 1100. And as it is, while we are moving the process forward on this, I do not believe this is the direction that we should be heading, and I am encouraging a "no" vote on concurrence.

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

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

The good gentleman from Butler County offered a comprehensive proposal that passed this House with bipartisan support to address the growth of the Marcellus Shale opportunities in the State, and he had a threefold approach to how we deal with the growth, and he had two objectives: A, to allow for job opportunities for Pennsylvania citizens to flourish while balancing it with protections and safeguards for our

citizens and the environment. The three component parts dealt with the impact fee, to truly address what impacts were including a county option; second, environmental safeguards and citizen safeguards; and then, developed with our good friend from Indiana County, taking royalty moneys to the State from the Oil and Gas Lease Fund and putting them in environmental protection programs. It was a winner – win, win, win. What was brought back is our good friends from across the Capitol, their proposal.

We need to move the process forward. We have HB 1950 back. We do not agree with the complete Senate package, not that we do not think that there are some appropriate aspects to it. And as the sponsor of HB 1950 has indicated, we should nonconcur because we need to move this to a conference committee. We need to be able to reconcile the two proposals, and in large part, we want to make sure that the original proposal, as set forth by our good friend from Butler County, that it has a strong hearing in front of the conference committee.

I might state that his proposal is quite consistent with what the Governor outlined earlier this year when the Governor, too, was seeking to show that job opportunities needed to flourish – jobs, jobs, jobs for Pennsylvania citizens, family-sustaining jobs – and citizen protections and environmental protections.

Please vote to nonconcur.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

I, arm in arm, would join with my colleague on the other side of the aisle from Allegheny County and also urge a nonconcurrence vote, but for actually very different reasons. I think that this bill in its current configuration does not go far enough for the people of Pennsylvania, although an improvement from the original HB 1950, and I would like to take a few minutes to explain why.

The effective tax rate that we are looking at in HB 1950 is about 2.2 percent. That figure is woefully low, and I hope that when the conference committee convenes, if it convenes, it sets a tax rate much higher, commensurate with other States. I will just remind the members of this chamber that Texas has a 7.5-percent rate on gas drilling; Wyoming has a 6-percent rate; Oklahoma, a 7-percent rate, on and on and on; Arkansas, 5 percent. So at 2.2 percent, this is really way too low, and the original Ellis bill is only about 1 percent. So the rate is much too low here.

The distribution, I believe, of this bill also, although better than the original HB 1950, also falls short. This bill would only yield, for example, about \$25 million for conservation-type programs, whereas other legislation, HB 33, for example, in the year 2012 would yield \$145 million to conservation programs where the bill before you would only yield about \$25 million in 2012. The distribution is inadequate. It does not provide Pennsylvania with the money it needs for basic education, higher education, health care, and so forth.

Mr. Speaker, I do not think this bill as currently constituted nor the original HB 1950 really does enough as far as environmental protection goes.

And with regard to setback of well pads from drinking water supplies, sources of water, this bill as well as the original HB 1950 only requires setbacks of well pads of 1,000 feet.

Environmental groups and others hold that this should be 3,000 feet, because that is the extent contamination can extend if you have a well improperly constructed and begins to leak. So the setback requirements, I am hoping that when we go to conference committee, we can extend this from the 1,000 feet to at least 2500 feet that has been in previous legislation.

The local zoning I think is also problematic in this bill. Mr. Speaker, I would suggest that current zoning with regard to drilling is the way we should leave it. We should not be impinging upon the rights of local municipalities to engage in some reasonable regulation of drilling activity. Right now zoning has to be done in a reasonable way, and there are appeal rights. And right now zoning can exclude drillers from drilling, but they do have a right, local communities do have a right to regulate with regard to noise, with regard to light, with regard to location, and they should do that. So when the conference committee ultimately decides on what they want, I believe that they ought to leave the local zoning intact.

Mr. Speaker, this bill does not deal adequately with Marcellus air issues. Mr. Speaker, pollution from the many compressor engines and other engines used in the drilling process emits NOx (nitrogen oxide), SOx (sulfur oxide), particulate matter, volatile organic compounds, methane, and other pollutants. This bill nor the Ellis bill did not adequately deal with the air pollution from Marcellus drilling.

We need to do at least three things in legislation that this bill fails to do. This bill fails in three respects. One, it does not require air pollution data from Marcellus drilling to be collected and published. That is a failure of this bill.

Two, this bill does not require air pollution permits for Marcellus drilling wellhead activity. That is a failure of this amendment. We ought to require air pollution permits for drilling and wellhead activity.

And three, what this bill fails to do, it fails to adequately charge for Marcellus permits so we can adequately fund, adequately fund Pennsylvania's air pollution control program. This bill fails to provide money so that we can hire permitters and inspectors and monitors so we can make sure all laws are being complied with.

Mr. Speaker, the civil penalties in this bill are inadequate. Although on the surface a maximum civil penalty of \$25,000 seems like a lot of money, if you have a company like Anadarko that has over \$9 billion in revenue a year, which they did in 2010, that is not a deterrent. We need stronger civil penalties.

Mr. Speaker, this bill has a lot of shortcomings, and my hope is that we can address these as this process moves forward. But because of all these shortcomings, I would ask for a vote of nonconcurrency. Thank you.

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

On that question, the Speaker recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to urge nonconcurrency in HB 1950. Mr. Speaker, from what we have seen so far from Governor Corbett and the Republicans on Marcellus Shale, the proposals have an embarrassingly low effective tax rate or fee, and would be among the lowest of any natural gas-producing State in the nation. Mr. Speaker, it does not have to be that way.

In fact, on this House floor we wanted the opportunity to offer meaningful amendments which would have put into place an effective tax rate that made much more sense, far more reasonable, would have addressed many of the environmental concerns across this Commonwealth.

Mr. Speaker, again today we tried to change this bill. As our rules provide, we have the opportunity to offer amendments in the Rules Committee. The gentleman, our chairman, Mr. George, offered an amendment in Rules today, as did I. My amendment would have increased the setbacks for water and building to be measured from the edge of the well pad instead of from the well bore, thereby increasing the distance. It also would have increased the setbacks between shale wells and public drinking well water intakes from 1,000 to 1200 feet. That was rejected in the Rules Committee on a party-line vote.

My amendment also removed the one-size-fits-all for local zoning that is currently in the bill, and my amendment would have restored local control of zoning decisions. That was rejected on a party-line vote. Let me repeat that. I think that is an important point for all of us to consider. My amendment would have removed the one-size-fits-all for local zoning that is currently in the bill, and it would have restored local control for zoning decisions. That was rejected in the Rules Committee today on a party-line vote.

In addition, my amendment would have increased the fee to \$75,000 per well instead of the \$50,000 that is currently in the bill. The revenue that would have been raised would have gone up to \$150 million instead of \$94 million as in the current bill. Once again, in the Rules Committee today, my amendment was rejected on a party-line vote.

Mr. Speaker, this is an industry giveaway, pure and simple. Even worse, it is a reckless abandonment of our responsibility to protect and defend the welfare of this Commonwealth. A fair and reasonable severance tax is the best, fairest, and most equitable approach. HB 1950 is neither fair nor reasonable. Only by enacting a real severance tax will we be able to ensure natural gas drilling companies are paying their fair share, and ensure that every Pennsylvanian can benefit from development of the Marcellus Shale. Only by enacting a real severance tax will we be able to use this revenue to address some of the most pressing issues in our Commonwealth including environmental protection, hazardous sites cleanup programs, affordable housing, education, transportation infrastructure, and human services.

Mr. Speaker, this is a twisted proposal that gives responsibility and work to a municipal government but takes away all local voice and control. If this were adopted, we will end up with a tax that is still far too small to do what we will likely be required to do down the road. Our kids and grandchildren – at least of the working class, that is – once again will pay the debt of the past generations. That cycle must stop.

Mr. Speaker, in the words of Secretary John Quigley, once again we would be privatizing the profits and socializing the costs, just like we did with timber and coal. We would be privatizing the profits for the companies, socializing the costs, and putting those costs on the working class. Mr. Speaker, that is why we must not concur in HB 1950.

I thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, there are many of us that have been here for many a day and we watched things happen, whether we have been responsible for them or not. We believe there are times when, justifiably, we take a position that is in the best interest of those that we serve.

In the 38 years that I have been here, I now am facing, as many of you are, a piece of legislation that in no way is proper to what will unfold in the next 30 or 40 years for Pennsylvania, and that is gas drilling.

We have heard many times about the benefits, and I can agree that there will be benefits in that there are jobs, but I also insist that we cannot do the type of work that is insisted upon in regard to the drilling, in regard to the fracking material and the storage of the fracking material, that all of us will not hear sooner than later that there is harm, and the legislation that we have before us will not do anything to reconcile or remove that harm.

There is no argument about it. The resource that we call water is the only resource that there is – the society and the communities know well that we cannot survive much less thrive without it. And it must be in the condition that is acceptable, because the Constitution gives us that right to clean water and pure air. And yet I do not understand it in that there are several gas companies that have said to me that the bills and the amendments I have proposed they would be willing to accept, because they want to be good community people. We are supplying them the area, supplying the land, making them part of our communities, and they have an obligation to protect all that is valued and important as we who live here do.

I would hope that if it would have gone over to the Governor that the Governor would veto this, in that there is no way that these two bills, apart or together, can take care of the counties like they were supposed to and take care of the environment as they must. And so I say that if we fail with the conference committee, and all things are possible anymore, but I believe we ought to vote down this bill, and hopefully both sides will start for once to agree that in no way is this political and in no way is the city any different than the local governments in that water runs downhill, and that we do in every way lack the luster and the integrity to do what is important to each and every one of us and those we serve if we do not do something in this measure or some other measure to protect the most important resource we have.

So until now, the only thing I can see is that we nonconcur, and hopefully, when a justification comes forth, if it is acceptable, that we support it, and if it is not, we continue to debate, because debating any length of time is not irresponsible for the protection that you and I want, not only for ourselves, but for those that we represent. So I would urge you to vote "no." Thank you.

MOTION TO SUSPEND RULES

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

Is the gentleman from Luzerne County, Mr. Pashinski, seeking recognition on the bill?

Mr. PASHINSKI. Yes, sir, I am, Mr. Speaker.

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

Mr. PASHINSKI. Thank you, sir.

The more noise, the longer I will speak.

Mr. Speaker, on the bill, I move for suspension. I would like to introduce some very important amendments that were unable to be presented during the debate of HB 1950.

The SPEAKER. Did you state the specific amendment? We normally suspend the rules or seek a suspension of the rules for the consideration of a specific amendment or a specific action, not a generic bunch of amendments. Would you state an amendment that you are seeking suspension for.

Mr. PASHINSKI. Mr. Speaker, I request suspension for A07960. It is the distribution of dollars for the State Police of Pennsylvania, and I think that all of us in—

The SPEAKER. The gentleman will suspend a minute.

The gentleman from Luzerne, Mr. Pashinski, has moved for a suspension of the rules for the consideration of amendment A07960.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension, the gentleman from Luzerne County, Mr. Pashinski, is recognized.

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

I would like to applaud the efforts of everyone here in trying to develop a Marcellus Shale gas tax that is reasonable, that will protect the people of Pennsylvania. And I know that this discussion has gone on for quite a long time; as a matter of fact, 3 years.

The honorable gentleman from Clearfield said it beautifully when he talked about all of our concerns for the people of Pennsylvania, not only from the financial standpoint, the environmental standpoint, but from the healthy standpoint.

And what I would like to bring forth to this august body here today is the fact that our State Police do an incredible job, and I think that all of us here today recognize the fact that our Pennsylvania State Police is one of the finest law enforcement units—

The SPEAKER. Will the gentleman suspend.

Mr. PASHINSKI. Yes, sir.

The SPEAKER. The debate on whether to suspend the rules allows for you to give a brief description of what your amendment will do, but it is not a debate on the amendment itself.

Mr. PASHINSKI. Thank you, sir. I appreciate that. I was leading up to that. I was simply complimenting our Pennsylvania State Police as being one of the best units not only in the State, but in the country and in the world.

Our State Police are overworked. They do not have the kind of resources that they need to have in order to allow for sufficient impact teams to inspect the Marcellus Shale fracking trucks which work 24/7. Our State Police impact teams are undermanned. So while the industry works 24/7, our impact teams can only work in 8- to 10-hour shifts, so 8 to 10 hours our Pennsylvania State impact—

The SPEAKER. Will the gentleman suspend.

Mr. PASHINSKI. Yes, sir.

The SPEAKER. The debate before the House is whether or not to suspend the rules. It does not involve a prolonged debate

on the substance of the amendment. It is just limited to a description of the amendment and why or why not we should suspend, but not a debate on the amendment.

Mr. PASHINSKI. Thank you, Mr. Speaker.

I believe we need to suspend the rules because of the fact that we do not have enough impact teams to be able to inspect the fracking trucks on a 24/7 basis. That is what this amendment does. It takes \$1 million and provides that to the Pennsylvania State Police to put more troopers, more inspectors on the ground 24/7 to make sure that those vehicles are safe from a traffic standpoint in brakes, lights, turn signals, tires, as well as from leaks of fracking material, and also the drivers.

And I would ask this august body to please consider suspending the rules for this particular amendment that, if passed, will make HB 1950 a better bill. Thank you, Mr. Speaker.

The SPEAKER. On the question of suspension, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you.

Please vote "no."

Mr. PASHINSKI. Mr. Speaker? Mr. Speaker?

Just a question.

The SPEAKER. Will the gentleman suspend.

The gentleman is not in order to be recognized on the motion for a second time. It is limited to the initial making of the motion and then the two floor leaders.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—87

Barbin	Deasy	Johnson	Preston
Bishop	DeLissio	Josephs	Ravenstahl
Boyle, B.	DeLuca	Kavulich	Readshaw
Boyle, K.	DePasquale	Keller, W.	Roebuck
Bradford	Dermody	Kirkland	Sabatina
Brennan	DeWeese	Kortz	Sainato
Briggs	Donatucci	Kotik	Samuelson
Brown, V.	Evans, D.	Kula	Santarsiero
Brownlee	Fabrizio	Longietti	Santoni
Burns	Frankel	Mahoney	Shapiro
Buxton	Freeman	Mann	Smith, K.
Caltagirone	Galloway	Markosek	Smith, M.
Carroll	George	Matzie	Staback
Cohen	Gerber	McGeehan	Sturla
Conklin	Gergely	Mirabito	Thomas
Costa, D.	Gibbons	Murphy	Vitali
Costa, P.	Goodman	Myers	Waters
Cruz	Haluska	Neuman	Wheatley
Curry	Hanna	O'Brien, M.	White
Daley	Harhai	Parker	Williams
Davidson	Harkins	Pashinski	Youngblood
Davis	Hornaman	Payton	

NAYS—110

Adolph	Gabler	Major	Reed
Aument	Geist	Maloney	Reese
Baker	Gillen	Marshall	Reichley
Barrar	Gillespie	Marsico	Roae
Bear	Gingrich	Masser	Rock
Benninghoff	Godshall	Metcalfe	Ross
Bloom	Grell	Metzgar	Saylor
Boback	Grove	Miccarelli	Scavello
Boyd	Hackett	Micozzie	Schroder
Brooks	Hahn	Millard	Simmons

Brown, R.	Harhart	Miller	Sonney
Causer	Harper	Milne	Stephens
Christiana	Harris	Moul	Stern
Clymer	Heffley	Mullery	Stevenson
Cox	Helm	Murt	Swanger
Creighton	Hennessey	Mustio	Tallman
Culver	Hess	O'Neill	Taylor
Day	Hickernell	Oberlander	Tobash
Delozier	Hutchinson	Payne	Toepel
Denlinger	Kampf	Peifer	Toohil
DiGirolamo	Kauffman	Perry	Truitt
Dunbar	Keller, F.	Petrarca	Turzai
Ellis	Keller, M.K.	Petri	Vereb
Emrick	Killion	Pickett	Vulakovich
Evankovich	Knowles	Pyle	Watson
Everett	Krieger	Quigley	
Farry	Lawrence	Quinn	Smith, S.,
Fleck	Maher	Rapp	Speaker

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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

On the question recurring,

Will the House concur in Senate amendments?

MOTION TO SUSPEND RULES

The SPEAKER. On the question of concurrence in Senate amendments, the gentleman, Mr. Pashinski, is still recognized.

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

I rise to suspend the rules for amendment A07961.

The SPEAKER. The gentleman from Luzerne County, Mr. Pashinski, has moved for a suspension of the rules for immediate consideration of amendment A07961.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the gentleman, Mr. Pashinski, is recognized for a brief description of the amendment.

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

This amendment requires the quality board to establish a process by regulation which DEP (Department of Environmental Protection) grants a variance or a waiver from the distance restrictions relating to a well location. At the present time we have been talking only about distance and setting forth a mandate. This would allow for a waiver based upon the geological structure of the State of Pennsylvania. In the western part of the State, the geology is quite different than the eastern part of the State, and a setback would be appropriate that would be greater in the western part than on the eastern part. This amendment sets aside the opportunity for an independent hydrologist to determine what the safe distance should be between our water source and the well site.

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. Ellis, is recognized.

Mr. ELLIS. Thank you very much, Mr. Speaker.
I am against this. Please vote "no."

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

The following roll call was recorded:

YEAS—88

Barbin	Deasy	Johnson	Preston
Bishop	DeLissio	Kavulich	Quinn
Boyle, B.	DeLuca	Keller, W.	Ravenstahl
Boyle, K.	DePasquale	Kirkland	Readshaw
Bradford	Dermody	Kortz	Roebuck
Brennan	DeWeese	Kotik	Sabatina
Briggs	Donatucci	Kula	Sainato
Brown, V.	Evans, D.	Longietti	Samuelson
Brownlee	Fabrizio	Mahoney	Santarsiero
Burns	Frankel	Mann	Santoni
Buxton	Freeman	Markosek	Shapiro
Caltagirone	Galloway	Matzie	Smith, K.
Carroll	George	McGeehan	Smith, M.
Cohen	Gerber	Mirabito	Staback
Conklin	Gergely	Murphy	Sturla
Costa, D.	Gibbons	Myers	Thomas
Costa, P.	Goodman	Neuman	Vitali
Cruz	Haluska	O'Brien, M.	Waters
Curry	Hanna	Parker	Wheatley
Daley	Harhai	Pashinski	White
Davidson	Harkins	Payton	Williams
Davis	Hornaman	Petri	Youngblood

NAYS—109

Adolph	Gabler	Maher	Reese
Aument	Geist	Major	Reichley
Baker	Gillen	Maloney	Roae
Barrar	Gillespie	Marshall	Rock
Bear	Gingrich	Marsico	Ross
Benninghoff	Godshall	Masser	Saylor
Bloom	Grell	Metcalfe	Scavello
Boback	Grove	Metzgar	Schroder
Boyd	Hackett	Miccarelli	Simmons
Brooks	Hahn	Micozzie	Sonney
Brown, R.	Harhart	Millard	Stephens
Causar	Harper	Miller	Stern
Christiana	Harris	Milne	Stevenson
Clymer	Heffley	Moul	Swanger
Cox	Helm	Mullery	Tallman
Creighton	Hennessey	Murt	Taylor
Culver	Hess	Mustio	Tobash
Day	Hickernell	O'Neill	Toepel
Delozier	Hutchinson	Oberlander	Toohil
Denlinger	Josephs	Payne	Truitt
DiGirolamo	Kampf	Peifer	Turzai
Dunbar	Kauffman	Perry	Vereb
Ellis	Keller, F.	Petrarca	Vulakovich
Emrick	Keller, M.K.	Pickett	Watson
Evankovich	Killion	Pyle	
Everett	Knowles	Quigley	Smith, S., Speaker
Farry	Krieger	Rapp	
Fleck	Lawrence	Reed	

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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

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

MOTION TO SUSPEND RULES

The SPEAKER. Is the gentleman, Mr. Pashinski, going to continue down this road?

Mr. PASHINSKI. Thank you, Mr. Speaker.

I have faith in this group. It is the Christmas season. It is the time of giving, and I hope I am going to get something today.

Frankly, at the end of this I wish all of you a very merry Christmas, a happy new year, sincerely, and wish the same to your families as well.

I rise to suspend the rules for amendment A07963.

The SPEAKER. The gentleman from Luzerne County, Mr. Pashinski, has moved for a suspension of the rules for the immediate consideration of amendment A07963.

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

The SPEAKER. On that question, the gentleman from Luzerne County, Mr. Pashinski, is recognized.

Mr. PASHINSKI. Thank you very much, Mr. Speaker. I do appreciate it.

This amendment that I rise for today to support is to provide a tax rate of 5 percent at the wellhead, with 4.6 cents per 1,000 cubic feet.

We all heard why we need to have additional dollars here in Pennsylvania. Five percent would allow us to provide more to the people of Pennsylvania, whether it be in property tax rebates, whether it be in increased funding for public education, whether it be for our State Police, whether it be for our DEP.

I encourage all of you to reconsider the suspension of the rules to allow for an enhanced extraction tax of 5 percent, allowing all of us the opportunity to then provide more to the people of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. On the question of suspension, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Merry Christmas to the good gentleman, but please vote "no."

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

The following roll call was recorded:

YEAS—84

Barbin	Deasy	Johnson	Petri
Bishop	DeLissio	Josephs	Preston
Boyle, B.	DeLuca	Kavulich	Ravenstahl
Boyle, K.	DePasquale	Keller, W.	Readshaw
Bradford	Dermody	Kirkland	Roebuck
Brennan	DeWeese	Kotik	Sabatina

Briggs	Donatucci	Kula	Samuelson
Brown, V.	Evans, D.	Longietti	Santarsiero
Brownlee	Fabrizio	Mahoney	Santoni
Buxton	Frankel	Mann	Shapiro
Caltagirone	Freeman	Markosek	Smith, K.
Carroll	Galloway	Matzie	Smith, M.
Cohen	George	McGeehan	Staback
Conklin	Gerber	Mirabito	Sturla
Costa, D.	Gergely	Murphy	Thomas
Costa, P.	Gibbons	Myers	Vitali
Cruz	Goodman	Neuman	Waters
Curry	Hanna	O'Brien, M.	Wheatley
Daley	Harhai	Parker	White
Davidson	Harkins	Pashinski	Williams
Davis	Hornaman	Payton	Youngblood

NAYS—113

Adolph	Gabler	Maher	Reese
Aument	Geist	Major	Reichley
Baker	Gillen	Maloney	Roe
Barrar	Gillespie	Marshall	Rock
Bear	Gingrich	Marsico	Ross
Benninghoff	Godshall	Masser	Sainato
Bloom	Grell	Metcalfe	Saylor
Boback	Grove	Metzgar	Scavello
Boyd	Hackett	Miccarelli	Schroder
Brooks	Hahn	Micozzie	Simmons
Brown, R.	Haluska	Millard	Sonney
Burns	Harhart	Miller	Stephens
Causar	Harper	Milne	Stern
Christiana	Harris	Moul	Stevenson
Clymer	Heffley	Mullery	Swanger
Cox	Helm	Murt	Tallman
Creighton	Hennessey	Mustio	Taylor
Culver	Hess	O'Neill	Tobash
Day	Hickernell	Oberlander	Toepel
Delozier	Hutchinson	Payne	Toohil
Denlinger	Kampf	Peifer	Truitt
DiGirolamo	Kauffman	Perry	Turzai
Dunbar	Keller, F.	Petrarca	Vereb
Ellis	Keller, M.K.	Pickett	Vulakovich
Emrick	Killion	Pyle	Watson
Evankovich	Knowles	Quigley	
Everett	Kortz	Quinn	Smith, S., Speaker
Farry	Krieger	Rapp	
Fleck	Lawrence	Reed	

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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

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

MOTION TO SUSPEND RULES

The SPEAKER. Is the gentleman seeking further recognition?

Mr. PASHINSKI. Yes, Mr. Speaker. I have one more. This is the best one.

The SPEAKER. The gentleman, Mr. Pashinski, moves for a suspension of the rules for immediate consideration of amendment A07968.

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

The SPEAKER. On that question, the gentleman, Mr. Pashinski, is in order.

Mr. PASHINSKI. Thank you very much, Mr. Speaker, and I sincerely appreciate everyone's patience.

This sincerely is the most important one because it is about water. This study, offered by amendment A07968, is a study of water in Pennsylvania to set up a baseline. We do not have a baseline of water quality in Pennsylvania. Now, what does that mean? That means that whenever we have a mishap, we have nothing to compare it to.

What this amendment is suggesting to do is that we provide \$1.5 million to our Pennsylvania institutions of higher learning that are providing the kind of geological hydrology that is necessary to create the baseline. This baseline of water testing is absolutely critical to determine what is happening before fracking, what is happening during the process of fracking, and what happens after the well has been fracked. It is vital to the people of Pennsylvania to know the condition of their water, and the only way that we can accurately determine that is to have all our water totally and completely tested to verify the condition of that water throughout Pennsylvania. This will save countless dollars in litigation if and when a mishap occurs.

This also provides—

The SPEAKER. The gentleman will abide by a brief description of the amendment, please.

Mr. PASHINSKI. It has been one of my problems here today, Mr. Speaker.

The most important thing about this is simply that this does provide a baseline of water testing. It is not in the bill of HB 1950 or SB 1100. It is critical for the safety of the people of Pennsylvania, and I would humbly ask that you consider suspending the rules so that we can put this in to make HB 1950 a much better bill.

Thank you, Mr. Speaker.

The SPEAKER. On the question of suspension, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Very briefly. As with all the motions to suspend for these amendments, they defeat the purpose of having the opportunity to nonconcur and to send the bill to a conference committee to seek reconciled versions.

I am not convinced that the good gentleman would necessarily be voting for the underlying proposal even if the amendments went in, but the point is, there is no reason to suspend. We need to move to nonconcurrency to get this to conference committee to reconcile between the Senate and the House and to address the Marcellus Shale growth in this State.

Please vote "no."

The SPEAKER. For what purpose does the gentleman from Allegheny County, Mr. Maher, rise?

Mr. MAHER. On the question of concurrence.

The SPEAKER. The question before the House is whether to suspend the rules, and you would not be in order to debate that. That is confined to — actually, it is confined to the maker of the motion, the maker of the underlying bill, and the two floor leaders.

Mr. MAHER. Thank you, Mr. Speaker.
Perhaps I might have a moment under unanimous consent, very brief. I hear some noes, so I will accept that.

The SPEAKER. Once this motion to suspend is dealt with—
Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. —you would be in order on the concurrence motion, on the actual legislation. You would still be in order on that, if you would choose.

Mr. MAHER. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—84

Barbin	Davis	Harkins	Pashinski
Bishop	Deasy	Hornaman	Preston
Boyle, B.	DeLissio	Johnson	Ravenstahl
Boyle, K.	DeLuca	Josephs	Readshaw
Bradford	DePasquale	Kavulich	Roebuck
Brennan	Dermody	Keller, W.	Sabatina
Briggs	DeWeese	Kirkland	Sainato
Brown, V.	Donatucci	Kortz	Samuelson
Brownlee	Evans, D.	Kotik	Santarsiero
Burns	Fabrizio	Kula	Santoni
Buxton	Frankel	Longietti	Shapiro
Caltagirone	Freeman	Mahoney	Smith, K.
Carroll	Galloway	Mann	Smith, M.
Cohen	George	Markosek	Staback
Conklin	Gerber	Matzie	Sturla
Costa, D.	Gergely	McGeehan	Thomas
Costa, P.	Gibbons	Mirabito	Vitali
Cruz	Goodman	Murphy	Waters
Curry	Haluska	Neuman	Wheatley
Daley	Hanna	O'Brien, M.	White
Davidson	Harhai	Parker	Youngblood

NAYS—113

Adolph	Geist	Marshall	Reese
Aument	Gillen	Marsico	Reichley
Baker	Gillespie	Masser	Roae
Barrar	Gingrich	Metcalfe	Rock
Bear	Godshall	Metzgar	Ross
Benninghoff	Grell	Miccarelli	Saylor
Bloom	Grove	Micozzie	Scavello
Boback	Hackett	Millard	Schroder
Boyd	Hahn	Miller	Simmons
Brooks	Harhart	Milne	Sonney
Brown, R.	Harper	Moul	Stephens
Causar	Harris	Mullery	Stern
Christiana	Heffley	Murt	Stevenson
Clymer	Helm	Mustio	Swanger
Cox	Hennessey	Myers	Tallman
Creighton	Hess	O'Neill	Taylor
Culver	Hickernell	Oberlander	Tobash
Day	Hutchinson	Payne	Toepel
Delozier	Kampf	Payton	Toohil
Denlinger	Kauffman	Peifer	Truitt
DiGirolamo	Keller, F.	Perry	Turzai
Dunbar	Keller, M.K.	Petrarca	Vereb
Ellis	Killion	Petri	Vulakovich
Emrick	Knowles	Pickett	Watson
Evankovich	Krieger	Pyle	Williams
Everett	Lawrence	Quigley	
Farry	Maher	Quinn	Smith, S.,
Fleck	Major	Rapp	Speaker
Gabler	Maloney	Reed	

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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

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

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

The following roll call was recorded:

YEAS—0

NAYS—197

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

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 970, PN 2890**, entitled:

An Act providing for the validity of electronic documents; authorizing county recorders of deeds to receive electronic documents as a means for recording real property; granting powers and duties to the county recorders of deeds; establishing the Electronic Recording Commission; and prescribing standards of uniformity.

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—197

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Kotik	Reed
Barrar	Evans, D.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longietti	Rock
Bloom	Fleck	Maher	Roebuck
Boback	Frankel	Mahoney	Ross
Boyd	Freeman	Major	Sabatina
Boyle, B.	Gabler	Maloney	Sainato
Boyle, K.	Galloway	Mann	Samuelson
Bradford	Geist	Markosek	Santarsiero
Brennan	George	Marshall	Santoni
Briggs	Gerber	Marsico	Saylor
Brooks	Gergely	Masser	Scavello
Brown, R.	Gibbons	Matzie	Schroder
Brown, V.	Gillen	McGeehan	Shapiro
Brownlee	Gillespie	Metcalfe	Simmons
Burns	Gingrich	Metzgar	Smith, K.
Buxton	Godshall	Miccarelli	Smith, M.
Caltagirone	Goodman	Micozzie	Sonney
Carroll	Grell	Millard	Staback
Causar	Grove	Miller	Stephens
Christiana	Hackett	Milne	Stern
Clymer	Hahn	Mirabito	Stevenson

Cohen	Haluska	Moul	Sturla
Conklin	Hanna	Mullery	Swanger
Costa, D.	Harhai	Murphy	Tallman
Costa, P.	Harhart	Murt	Taylor
Cox	Harkins	Mustio	Thomas
Creighton	Harper	Myers	Tobash
Cruz	Harris	Neuman	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Daley	Hennessey	Oberlander	Turzai
Davidson	Hess	Parker	Vereb
Davis	Hickernell	Pashinski	Vitali
Day	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Waters
DeLissio	Johnson	Peifer	Watson
DeLozier	Josephs	Perry	Wheatley
DeLuca	Kampf	Petrarca	White
Denlinger	Kauffman	Petri	Williams
DePasquale	Kavulich	Pickett	Youngblood
Dermody	Keller, F.	Preston	
DeWeese	Keller, M.K.	Pyle	Smith, S., Speaker
DiGirolamo	Keller, W.	Quigley	
Donatucci	Killion	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1000, PN 2878**, entitled:

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

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 Cambria County, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, I happened to be reading an article in the State Legislatures magazine, and it seems like 21 other States have gone the opposite direction of what this bill wants to do. This bill wants to lower the threshold from \$2,000 to \$1,000, and

make it from a misdemeanor to a felony, third degree. Obviously, this would mean that there would be more jail time involved if you were accused of this and found guilty. So what other States are doing and what the Governor said today in part of his press conference was, we really have to do something about our prison system. The budget is just getting out of hand. This obviously would have an effect to actually put more people in prison. And you have to remember now for a retail theft of just over \$1,000, if some youth were to, say, steal something worth a little over \$1,000 out of a store, now he has a felony conviction. The further he goes into his career, if he does straighten his life out, this is going to follow him along. He is going to have a felony conviction, and it is going to be much harder for that person to get a job. As we know, the background checks in a lot of jobs today, you have to go back, and if you have a felony conviction, it makes it a lot harder for you to get a job.

So I just think that we are going in the wrong direction with this bill. I think it is going to put more people in our prisons. There is no alternative sentencing.

And a part of this bill also says, if a firearm is involved, no matter how much the firearm is worth – if it is \$100; if it is an old rusty .22 or something – you fall under this no matter what the value of that firearm is. So I just see a lot of problems with this bill, and I will be voting in the "no." Thank you.

The SPEAKER. 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.

Will the maker of the bill stand for brief interrogation?

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

Mr. VITALI. I truly do not know the answer to this, but what is the penalty for an F3? What is the maximum term of incarceration and the maximum fine for a felony of the third degree?

Mr. STEPHENS. It is 3 1/2 to 7 years is the maximum period of incarceration, and you know what? The actual amount of the fine escapes me. It might be \$15,000, but I am not 100 percent sure on the amount.

Mr. VITALI. Three and a half to 7. And I kind of do know the answer to this, but it is a first offense – that would apply to a first offense, too, right?

Mr. STEPHENS. Well, yes. But I think it is important to note, just about nobody gets – I cannot imagine anybody getting the maximum sentence for a first offense. There are sentencing guidelines in Pennsylvania, and what is important to note is that the sentencing guidelines for this offense start at probation. So on your first offense, the sentencing guidelines would still recommend a probationary sentence. So frankly, on your first offense, I would defy you to find anybody who has received the maximum penalty for a first offense for retail theft anywhere in the Commonwealth currently or previously, frankly.

Mr. VITALI. Help me out here. Why do we want to make a first offense theft of— Why do we want to make this an F3? Why do we want to put this into the same retail theft of, let us say, an expensive piece of jewelry, in the same category? I am assuming things like aggravated assault and burglarizing a house are also in this same category. Is that about right?

Mr. STEPHENS. No, that is not true. Aggravated assault can be either a felony of the first degree or a felony of the second

degree. Burglary would be a felony of the first degree in some instances, a felony of the second degree in some instances. Again, this would be a felony of the third degree.

And to answer your question, the reason is, all of our surrounding States have a lower threshold. The threshold in Maryland is \$1,000 for a felony, New York is \$1,000 for a felony, New Jersey is \$1,000 for a felony, Ohio is \$1,000 for a felony. So in the end, our surrounding States classify theft of more than \$1,000 as a felony.

And the bottom line is, we want to deter retail theft organizations. This is not about an individual who just happens to walk into a store and walk off with \$1,000 of items. This is about the individuals who, just like happened in 11 counties in Pennsylvania, fraudulently created UPC (Universal Product Code) symbols. They go to the store with one can of baby formula in their pocket. They unload, say, 100 cans into a shopping cart, walk up to the clerk, hand them the one can that they had in their pocket with the fraudulent UPC symbol, and now ring up 100 cans of baby formula for maybe \$2 a can, and walk out of the store, and then resell that particular baby formula. This is about organized retail theft. This is not someone who walks into a store—

Mr. VITALI. Let me ask you a question.

Mr. STEPHENS. Mr. Speaker, if I could finish answering the question, please?

The SPEAKER. Both gentlemen will suspend.

Mr. VITALI. Well, it is kind of a simple question.

The SPEAKER. Both gentlemen will suspend.

Mr. VITALI. Okay.

The SPEAKER. While admittedly it is a long answer, it is in response to your question, and I would suggest that the gentleman from Montgomery County can conclude his answer.

Mr. STEPHENS. Thank you, Mr. Speaker.

The bottom line is, this is not about an individual who steals a candy bar. This is to deter criminal organizations as just occurred here in Pennsylvania from using Pennsylvania.

The key, and I will close on this, is the gentleman who was arrested in Montgomery County for this organized retail theft ring that spanned 11 counties was from New Jersey, and the reason he picked Pennsylvania is because we had lower penalties than our neighbors, and so it was more attractive for him to conduct his criminal enterprise here in Pennsylvania, and we need to deter that.

Mr. VITALI. Well, let me ask you a question, because I am reading this bill and it is very simple. It does not really talk about criminal organizations. Would there be a way to tailor this so if you were trying to get at criminal organizations, to just talk about criminal organizations, sort of define them and make it part of the statute?

Mr. STEPHENS. I think it is abundantly clear, as I said. The individual who just goes in and steals one item for \$1,000 I submit is pretty rare. In the end, this is not a candy bar, this is not a baseball, this is not a football. This is \$1,000. I mean, you do not rack up \$1,000 worth of stuff unless you are a part of a larger enterprise.

Mr. VITALI. Well, has any consideration been given to drafting this so it targets criminal organizations as opposed to also applying to the one-time-housewife-for-kicks-taking-a-piece-of-jewelry person?

Mr. STEPHENS. Well, I think that we did have ample discussion. This came out of the Judiciary Committee and had

broad bipartisan support, so I think that this bill does exactly what it is intended to do, and that is to deter criminal organizations from targeting Pennsylvania for their crimes.

Mr. VITALI. Okay. Someone had mentioned they were looking for a fiscal note. Could you tell me what the fiscal note says here?

Mr. STEPHENS. I do not know that we have a fiscal note on this bill. If you give me a second, I could double-check that.

Mr. VITALI. Okay. I think we need one.

Mr. STEPHENS. We do not have one.

The SPEAKER. The fiscal note is attached to the bill.

Mr. STEPHENS. Okay. Yes, we do have one.

Mr. VITALI. And could you tell me what that—

The SPEAKER. When a bill is reported out of Appropriations, that is the purpose for it. So it is attached.

Mr. VITALI. Could someone help me out? What does this fiscal note say here?

The SPEAKER. Is the gentleman still seeking interrogation of the gentleman from Montgomery County?

Mr. VITALI. Yes. I guess my question is, could you tell me what the fiscal note says?

The SPEAKER. The gentleman will suspend.

That question is improper. The fiscal note is provided to all members. To ask someone to read it to you is somewhat dilatory.

Mr. VITALI. Mr. Speaker, I am told by multiple sources that no fiscal note has been posted, so I would ask this be considered out of order because it lacks a fiscal note.

The SPEAKER. For what purpose does the gentleman, Mr. Adolph, seek recognition?

Mr. ADOLPH. On the question on the fiscal impact.

The SPEAKER. The gentleman, Mr. Adolph, is recognized to respond to the question posed by the gentleman, Mr. Vitali.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, it was impossible for the Appropriations Committee to come to an exact dollar amount because the data is incomplete. It is impossible to know how many individuals would be found guilty of this. We did a lot of detail, and as the gentleman from Delaware County knows, who is a member of the Appropriations Committee and was given this fiscal note in the Appropriations Committee earlier, the information was given prior to leaving the Appropriations meeting.

Thank you.

Mr. VITALI. Mr. Speaker?

The SPEAKER. Just suspend one second, please.

The gentleman, Mr. Vitali, is still recognized and in order on final passage of HB 1000.

Mr. VITALI. Okay. That concludes my interrogation. I would like to speak a bit on the bill, and then I am going to make a motion.

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

Mr. VITALI. First of all, I would like to congratulate the gentleman, Mr. Stephens, because I think this is – you are really tackling an important problem. Retail theft costs us all. It raises everyone's prices, and we need to, we need to crack down on it, so thank you for tackling this important problem. And I think you have also identified important aspects like organizational theft, which I think needs to be dealt with.

There are some concerns here. I think this good bill can be made better, maybe by a little tweaking, maybe by dealing with organizational theft, maybe by perhaps not making a first

offense an F3, because that is a serious crime that is going to preclude people from many forms of employment as well as other aspects of society.

MOTION TO RECOMMIT

Mr. VITALI. So I think let us do this right. Let us get this bill exactly where it should be to have all the positive effects without the negative unintended consequences. So maybe we need to get this back to Judiciary just to tweak it a little bit, and then bring it back and we can all be comfortable with it.

So I am going to move that this be rereferred to Judiciary to make it a little better so we can achieve its effected result. I so move.

The SPEAKER. Would the gentleman restate the motion; I am sorry. I just could not quite hear it.

Mr. VITALI. I move that we recommit this bill to the Judiciary Committee.

The SPEAKER. The gentleman from Delaware County, Mr. Vitali, has moved that HB 1000 be recommitted to the Judiciary Committee.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—83

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	Dermody	Kirkland	Ravenstahl
Boyle, K.	DeWeese	Kortz	Readshaw
Bradford	Donatucci	Kotik	Roebuck
Brennan	Evans, D.	Kula	Sabatina
Briggs	Fabrizio	Longietti	Sainato
Brown, V.	Frankel	Mahoney	Samuelson
Brownlee	Freeman	Mann	Santarsiero
Burns	Galloway	Markosek	Santoni
Carroll	George	Matzie	Smith, K.
Cohen	Gerber	McGeehan	Staback
Conklin	Gibbons	Mirabito	Sturla
Costa, D.	Goodman	Mullery	Thomas
Costa, P.	Haluska	Murphy	Vitali
Cruz	Hanna	Myers	Waters
Curry	Harhai	Neuman	Wheatley
Daley	Harkins	O'Brien, M.	White
Davidson	Hornaman	Parker	Williams
Davis	Johnson	Pashinski	Youngblood
Deasy	Josephs	Payton	

NAYS—114

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Maher	Reichley
Baker	Gabler	Major	Roae
Barrar	Geist	Maloney	Rock
Bear	Gergely	Marshall	Ross
Benninghoff	Gillen	Marsico	Saylor
Bloom	Gillespie	Masser	Scavello
Boback	Gingrich	Metcalfe	Schroder
Boyd	Godshall	Metzgar	Shapiro
Brooks	Grell	Miccarelli	Simmons
Brown, R.	Grove	Micozzie	Smith, M.
Buxton	Hackett	Millard	Sonney
Caltagirone	Hahn	Miller	Stephens
Causer	Harhart	Milne	Stern
Christiana	Harper	Moul	Stevenson
Clymer	Harris	Murt	Swanger

Cox	Heffley	Mustio	Tallman
Creighton	Helm	O'Neill	Taylor
Culver	Hennessey	Oberlander	Tobash
Day	Hess	Payne	Toepel
Delozier	Hickernell	Peifer	Toohil
Denlinger	Hutchinson	Perry	Truitt
DePasquale	Kampf	Petri	Turzai
DiGirolamo	Kauffman	Pickett	Vereb
Dunbar	Keller, F.	Pyle	Vulakovich
Ellis	Keller, M.K.	Quigley	Watson
Emrick	Killion	Quinn	
Evankovich	Knowles	Rapp	Smith, S.,
Everett	Krieger	Reed	Speaker

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. I rise to support the other member from Cambria County. The issue of prison overcrowding is a serious problem except when we decide to make additional felonies from matters that really should be misdemeanors.

While we have decided now that this will not go back to committee, the one problem in this bill that nobody is willing to talk about is the fact that if somebody steals a car, under this bill it is a felony, and if it is a felony, that is 5 to 7 years. It is also a problem, if you have a felony, 90 percent of the jobs that you apply for you are not going to get.

So this bill, while it has a good purpose to try to come up with a reason to deal with organizational theft, has the bad unintended consequence of sticking people in jail that steal a car. That is silly. We have 51,000 people in our prisons. We do not need more.

For that reason, I urge a vote in opposition to this bill.

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

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask the prime sponsor of this legislation if he would stand for brief interrogation?

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

Mr. WATERS. Thank you. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to ask the gentleman if he would care to explain the reason why he felt as though, that the threshold for convicting people of a felony was reduced down to \$1,000.

Mr. STEPHENS. I am sorry; I am sorry. One of the issues I was having was maybe hearing a little bit.

Was the question why did I think it was necessary to reduce the threshold?

Mr. WATERS. Yes; that is correct, Mr. Speaker.

Mr. STEPHENS. Well, frankly, it is to deter these criminal organizations from targeting Pennsylvania. And when you look at not only our surrounding States but States across the country, you see that our threshold was out of whack. For instance, in the United States, Wisconsin has a threshold of \$2,500, Pennsylvania is at \$2,000, and all of these other States, all the other States in the nation have a lower threshold for felony retail theft, in addition to all our surrounding States. So frankly, these criminal organizations have just occurred in 11 counties in Pennsylvania. Those counties include – give me one second here – I do not know if they reached Armstrong County, but those counties included Lehigh, Bucks, Lackawanna, Lancaster, Luzerne, Northampton, and Philadelphia Counties, in addition to Montgomery County. That is the widespread criminal organization that was just arrested, just to give you an idea.

Again, the ringleader was from New Jersey. This whole organization targeted Pennsylvania, and we had the highest threshold of all our surrounding States. And so I think it is important that we lower our threshold to match our surrounding States so that these criminal organizations do not target us.

Mr. WATERS. Mr. Speaker, so what you are saying is that the people who will go out there and commit these thefts of \$1,000 were the ringleaders?

Mr. STEPHENS. The people that go out and commit the thefts for \$1,000 are the ringleaders.

Mr. WATERS. Yes; that is correct, Mr. Speaker.

Mr. STEPHENS. Well, I do not know, but they are only here — If they are acting at the behest of someone else, the reason they are in Pennsylvania is because the threshold is so high and they know they can get away with it. So in the end, whether or not the ringleader is the one walking into the store, walking into the Target or the Walmart or wherever it may be, the bottom line is, that organization is conducting its operation in Pennsylvania by virtue of our high threshold.

Mr. WATERS. Mr. Speaker, since this legislation does not necessarily target the ringleader but it will target the people that the ringleader recruits to carry out these acts, the people who are caught as a result of stealing – and we should not have theft, because it does impact all of us when we have theft – but the people who commit these crimes will be the ones that will be standing before the court waiting to hear the outcome of their conviction, waiting to hear if they were convicted of theft or not. Who would be the one standing in court, Mr. Speaker?

Mr. STEPHENS. Well, hopefully, frankly, if we have significant penalties that are associated with this crime, those individuals that are part of a larger organization will now feel a greater – they will be compelled to cooperate with the district attorney in the particular jurisdiction and offer evidence against that ringleader. I mean, frankly, these individuals are going to have a great opportunity presented to them to be a witness for the Commonwealth in going after the ringleader. So in the end, the idea here is to deter the criminal organization from coming to Pennsylvania, and if they are in Pennsylvania, to provide an incentive for those individuals to actually help the Commonwealth get to that ringleader that I think you are pointing to.

Mr. WATERS. Yes. And I would think that the legislation probably will be even more impactful if the ringleader or the ringleaders were the ones who were incarcerated or punished for their acts in leading on this criminal conduct.

And that is where I am kind of losing this, because I am trying, to me, Mr. Speaker, I am trying to figure out who are the true people that will be punished as a result of this. When you lower it down to \$1,000, is this only going to impact the ringleaders of retail theft, or anybody involved with retail theft will also suffer even if they are not a part of this, quote, unquote, "ring"?

Mr. STEPHENS. Well, I think it is important to note, the ringleader, if he is guilty of corrupt organizations, would be guilty of a felony of the first degree. So we are going to have a distinction between the ringleader and the individuals who are out there at the behest of the ringleader. But again, we do not get to the ringleader unless there is leverage for the prosecution against those individuals that are in the stores. So you have got to have that leverage, and you develop that leverage by saying, hey, look; this is what you are facing, and if you want to cooperate, if you want to earn some leniency as it relates to your particular sentence, you can do so by helping us get to the ringleader.

But I think it is also important to note, again, for the first offense, probation is still in the standard range of recommended sentences under the Pennsylvania sentencing guidelines that every judge must at least start with when imposing a sentence. So probation is still the likely sentence for a first offender, even with the increase in the grading.

Mr. WATERS. And, Mr. Speaker, you also spoke about a deterrent. So I believe many of the bills that we pass in terms of crimes are designed to act as a deterrent, because, of course, that would be the best public safety measure that we could take, is to stop the crime from happening in the first place.

But unfortunately for us in our Commonwealth, we have introduced many bills which include a lot of mandatory minimums, and it appears that we still have a very expensive prison population explosion occurring here in our Commonwealth. I say the strategy that has been used to try to act as a deterrent to crime does not seem to be working too well in terms of where we are when we look back on legislation. Did you have a chance to look at that, Mr. Speaker?

Mr. STEPHENS. Yes. And as a matter of fact, when you discussed the cost—

Mr. WATERS. I did not discuss cost.

Mr. STEPHENS. Well, you were discussing the cost of incarceration and these prison terms and things like that, and I think it is important to note that the National Retail Federation estimates that Pennsylvania lost \$60 million in sales tax revenue to retail theft alone in 1 year – \$60 million. One major retailer in Pennsylvania lost \$21 million in revenue in 2010 just to retail theft.

So, you know, we need to take steps to try to deter this crime, and frankly, as the costs go, if we could eliminate retail theft and put that \$60 million in sales tax back into the Commonwealth's coffers, we would easily foot the bill and people would get the message and they would stay out of Pennsylvania for their organized retail theft rings.

Mr. WATERS. And, Mr. Speaker, to that point, I believe also that we— And I agree, because the cost of retail theft is passed on to all of us. And to that point, the cost of incarceration is also passed on to all of us, too, and the costs for people going into the court systems are passed on to us, too.

And as I noticed, some district attorneys have decided that they do not even want to prosecute some crimes – well, things that have been listed as crimes or violations – because of the

cost on the short end and on the long end. Would you agree with the speaker that this is a nonviolent offense?

Mr. STEPHENS. Yes.

Mr. WATERS. This would be considered a nonviolent offense, Mr. Speaker?

Mr. STEPHENS. Yes.

Mr. WATERS. Thank you, Mr. Speaker, for your brief cooperation in this interrogation. Thank you.

To the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order, on the final passage of the bill.

Mr. WATERS. Mr. Speaker, I do not know if anybody had a chance to look at what happened in the Judiciary Committee. There was a vote that was cast, and I voted against it, and my vote against this legislation has nothing to do with the merit of how we reduce crime, how do we act as a deterrent to crime, or it has nothing to do with criminals. But what this has a lot to do with is that when we passed the budget this year, in June of this year, we passed a budget that had a lot of cuts in areas where services could be provided to people to help them.

I do believe that some people who commit retail theft are people who are trying to support habits that they may have. Some might be involved with a ring; some might. Some might be just involved with stealing to support a drug habit. Some people may have other reasons for stealing. But for the most part, the services that we have or had in place that will act to help these people in their struggles, we decided that those services were not important, so they were cut.

But at the same time, while those services were cut, from basic education to Weed and Seed to the drug rehabilitation services, where we had services that will help to keep a person on track and add quality to their life, those services were cut. But the only service – and I do believe that the criminal justice system also should be listed as a service, as well as the Department of Corrections, because taxpayers pay for this – that is one area, one service that we in this Commonwealth and in this General Assembly decided to increase; we decided to increase the result of people who fall out of line and people who do not have the help they need and end up in trouble. We decided to increase costs for handling that outcome.

While we are constantly increasing, or now decreasing, the threshold to lock people up, and also at the judge's discretion now, at the judge's discretion on how they will handle this, the Sentencing Commission has supplied us with information that people who go before the courts have crossed, many of the cases cross each other. So depending on how much money you were able to raise to hire a real good attorney could affect the way that you were handled in that court.

I see this bill – and not just this bill, to the gentleman – but I see this bill as another example of why we keep having a prison explosion and locking up more people, even though the prime sponsor of this bill said himself that this is a nonviolent offense. So while we are putting more nonviolent people in a position to be incarcerated, and once a person becomes incarcerated, I believe that they might go into the prison system nonviolent, but if they stay in there long enough, they will change. They will change, and many times they do not change for the better.

So what I would like to find out is, while we are trying to find a way to lock more people up and put felonies on their records, which will, even if a person changes, while we work to make it more difficult for them to get expungements— And

now a felony cannot be expunged, unless they get a pardon. So while we are working hard to show people that we want to act as a deterrent to crime, we are also placing them in the position where they are going to be blocked out for many opportunities even if they have changed, even if they have changed, which is what I believe that we should be trying to do. Rather than how do we fight crime, I think that we should be working on how we reduce crime. Rather than working on how we lock people up for committing crimes, we have to work on how we stop crime in the first place.

And once we start closing opportunities to people on the outside, we are not helping our society grow. Pennsylvania should not lead the nation, it should not lead the world in locking up its citizens. Pennsylvania should have the reputation for improving schools, improving outcomes with graduations. It should have more people entered into college. But right now we have a reputation for leading the nation and many industrial worlds by locking up our citizens. And this right here, in my opinion, will only increase that number.

So while we are about to build more prisons, when we pass legislation like this, no matter how well-intended it is, we better be prepared to build even more prisons. And I see the majority leader making a gesture to me, but what I want to say is that this is important. It is really important that we consider the impact of this, because to me, taxpayers ought to ask the question. You increase the punishment for people going to prison but at the cost of what we put out to pay for that, it comes out of our General Fund. If we are going to increase the amount of time that a person gets in prison, taxpayers should ask the question, who is going to pay for that? And we have to answer that question: You are going to pay for that, Mr. and Mrs. Taxpayer.

That is what I wanted to say about it. Thank you, Mr. Speaker, and thank you to the gentleman, the prime sponsor.

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

Is the gentleman from Monroe County, Mr. Scavello, still seeking recognition? The gentleman waives off. Thank you.

The question is, shall the bill pass finally? Is the gentleman from Philadelphia, Mr. Thomas, seeking recognition? The gentleman is in order.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I want to interrogate the maker of the bill following, following an outreach of happy holidays to each and every one of you here, to your families, children, grandchildren.

Would the maker stand for interrogation?

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

Mr. THOMAS. Mr. Speaker, is it correct that the path to relief from a felony applies to F1 and F3?

Mr. STEPHENS. You know, I do not have that section in front of me, and off the top of my head, I could not give you a detailed answer on that particular question, Mr. Speaker.

Mr. THOMAS. And maybe you can help me, because it is my understanding that in Pennsylvania, a Governor's pardon is the only relief to the label of a "felony," whether it is 1 or 3. Is that correct?

Mr. STEPHENS. Again, I do not have that in front of me. I could not answer that off the top of my head. I did not deal in the pardons section of the D.A.'s office; I was in the prosecution part.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, that is the end of my interrogation. I would just like to make a couple of comments.

The SPEAKER. The gentleman is in order, on final passage.

Mr. THOMAS. Thank you, Mr. Speaker.

As we close out this year, I would like to make sure that each and every one of us takes this as a teaching moment and comes face to face with some realities.

A little while ago I attended a reentry conference over at Widener Law School. The conference was sponsored by a retired judge and our Pennsylvania Department of Corrections. And during that reentry, I received a letter from the United States Attorney General acknowledging that every day in America, there are more than a million people going into jails. Over 700,000 people are coming back into our communities.

In Pennsylvania, in some communities, one out of every nine men is under supervision, either probation or incarceration. Some professors out of New Jersey and New York have classified these kinds of laws as a "reintegration of Jim Crow" in an effort to rather than educate people but incarcerate.

So we are facing a real dilemma in Pennsylvania and across the country, and as the maker of the bill indicated that he used to be a prosecutor, I ask each and every one of us, as we enjoy these holidays, that we come back next year with a commitment to reverse this very vicious cycle that we have set in motion around incarceration, reentry, lowering thresholds, that will have to increase incarceration and will aggravate the problem of reentry. And it touches on all of our communities in Pennsylvania; no community has been or will be spared by the number of people that are coming in contact with our juvenile and our criminal justice system.

And I only take this, as we close out this year, to put that information on the table, and I ask each and every one of you, touch base with the United States Attorney General, touch base with some of our retired judges, touch base with some of our public-sector law firms. We have a real problem on our hands, and while HB 1000 has a good goal, a good goal, but the unintended consequences of HB 1000 are going to wreak havoc on places like Montgomery County and other counties throughout Pennsylvania. So let us come back in 2012 with a commitment to reverse this vicious cycle that we are in.

Thank you.

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—149

Adolph	Dunbar	Knowles	Ravenstahl
Aument	Ellis	Kortz	Readshaw
Baker	Emrick	Krieger	Reed
Barrar	Evankovich	Lawrence	Reese
Bear	Everett	Longietti	Reichley
Benninghoff	Farry	Maher	Roae
Bloom	Fleck	Major	Rock
Boback	Freeman	Maloney	Ross
Boyd	Gabler	Mann	Sabatina

Boyle, B.	Galloway	Markosek	Sainato
Boyle, K.	Geist	Marshall	Samuelson
Brennan	Gergely	Marsico	Santarsiero
Brooks	Gibbons	Masser	Santoni
Brown, R.	Gillen	Matzie	Saylor
Burns	Gillespie	Metcalfe	Scavello
Buxton	Gingrich	Metzgar	Schroder
Caltagirone	Godshall	Miccarelli	Simmons
Causer	Goodman	Micozzie	Smith, M.
Christiana	Grell	Millard	Sonney
Clymer	Grove	Miller	Stephens
Conklin	Hackett	Milne	Stern
Costa, D.	Hahn	Moul	Stevenson
Costa, P.	Harhai	Mullery	Swanger
Cox	Harhart	Murt	Tallman
Creighton	Harper	Mustio	Taylor
Cruz	Harris	Neuman	Tobash
Culver	Heffley	O'Neill	Toepel
Daley	Helm	Oberlander	Toohil
Davidson	Hennessey	Payne	Truitt
Davis	Hess	Peifer	Turzai
Day	Hickernell	Perry	Vereb
Deasy	Hornaman	Petrarca	Vulakovich
Delozier	Hutchinson	Petri	Watson
DeLuca	Kampf	Pickett	White
Denlinger	Kauffman	Pyle	
DePasquale	Keller, F.	Quigley	Smith, S., Speaker
DiGirolo	Keller, M.K.	Quinn	
Donatucci	Killion	Rapp	

NAYS—48

Barbin	Evans, D.	Kirkland	Preston
Bishop	Fabrizio	Kotik	Roebuck
Bradford	Frankel	Kula	Shapiro
Briggs	George	Mahoney	Smith, K.
Brown, V.	Gerber	McGeehan	Staback
Brownlee	Haluska	Mirabito	Sturla
Carroll	Hanna	Murphy	Thomas
Cohen	Harkins	Myers	Vitali
Curry	Johnson	O'Brien, M.	Waters
DeLissio	Josephs	Parker	Wheatley
Dermody	Kavulich	Pashinski	Williams
DeWeese	Keller, W.	Payton	Youngblood

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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

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

BILL SIGNED BY SPEAKER

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

HB 1399, PN 2891

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "motorcycle"; and further providing for automated red light enforcement systems in first class cities.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2036, PN 2836**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for judicial review and for cancellation of driver's license; and in commercial drivers, further providing for definitions; providing for type of driving certification requirements, for medical certification and for noncompliance with certification requirements; and further providing for commercial driver's license and for disqualification.

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—197

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

Davis	Hickernell	Pashinski	Vitali
Day	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Waters
DeLissio	Johnson	Peifer	Watson
Delozier	Josephs	Perry	Wheatley
DeLuca	Kampf	Petrarca	White
Denlinger	Kauffman	Petri	Williams
DePasquale	Kavulich	Pickett	Youngblood
Dermody	Keller, F.	Preston	
DeWeese	Keller, M.K.	Pyle	Smith, S.,
DiGiroloamo	Keller, W.	Quigley	Speaker
Donatucci	Killion	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—6

Cutler	Mundy	Saccone	Wagner
Evans, J.	O'Brien, D.		

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.

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from Montgomery County, Mr. Shapiro, rise?

Mr. SHAPIRO. Just briefly to correct the record, Mr. Speaker.

The SPEAKER. The gentleman may state his correction.

Mr. SHAPIRO. On HB 1000, I was recorded in the negative. I should have been recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be noted for the record.

Mr. SHAPIRO. Thank you, Mr. Speaker.

STATEMENT BY SPEAKER

The SPEAKER. If the House would please come to order. We are about to conclude the business for this calendar year.

I want to wish everyone a very merry Christmas, happy Hanukkah, happy new year. I know some of the members are going to be going on to other things. A few of them have given farewell speeches; others were not able to work it into the schedule one way or another. But we want to wish all of those individuals Godspeed in their new endeavors, and when we come back after the first of the year, we are looking forward to getting back to work. But in the meantime, may you all have a safe and happy new year. God bless you all.

There will be no further votes.

STATEMENT BY MR. CRUZ

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Cruz, rise?

Mr. CRUZ. Unanimous consent, Mr. Speaker.

The SPEAKER. If members could hold the conversations down just a little wee bit, please. I apologize.

Will the gentleman restate his point?

Mr. CRUZ. Unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman is in order under unanimous consent.

If the members could kindly hold their conversations down just a little wee bit, please. Sorry; I gave him the green light. I apologize.

The gentleman may proceed.

Mr. CRUZ. Real quickly, Mr. Speaker.

I also wanted to wish everyone a happy, merry Christmas and a safe one, but I wanted to do it in Spanish. I want a feliz Navidad to everyone. You forgot that one, Mr. Speaker.

The SPEAKER. Thank you.

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 lady, Ms. Toohil, from Luzerne County, who moves that this House do adjourn until Tuesday, January 3, 2012, at 12 m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:38 p.m., e.s.t., the House adjourned.