

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 13, 2012

SESSION OF 2012

196TH OF THE GENERAL ASSEMBLY

No. 11

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. This afternoon the prayer will be offered by Rev. Albert J. Domines, Jr., Christ Evangelical Lutheran Church in Elizabethtown, PA.

REV. ALBERT J. DOMINES, JR., Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Loving God, creator of all things, author of all life, and giver of all grace, Your glory shines throughout the world. We commend our nation and this Commonwealth to Your merciful care, that we may live securely in peace and freedom and may be guided by Your providence. Bless those who hold office in the government of our State, that they may do their work in a spirit of wisdom, kindness, and justice. Grant us wisdom beyond ourselves, discernment that fulfills the cry of need, and strength for the challenges we face. Create in us Your will and way. Write Your perfect law upon our hearts so that we might serve You as we serve Your people. We invoke the recognition of Your sustaining and guiding presence at today's session and beyond. Accomplish in us the work of Your hands. May we be worthy of all that is entrusted to us this day. For You are good and holy now and forever. 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 Thursday, February 9, 2012, will be postponed until printed.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 569 By Representatives KRIEGER, BLOOM, BARRAR, CAUSER, AUMENT, SACCONI, KAUFFMAN,

GINGRICH, EVANKOVICH, TRUITT, BROOKS, CHRISTIANA, CUTLER, DENLINGER, DUNBAR, HUTCHINSON, METCALFE, RAPP, REESE, VULAKOVICH, ROAE, FLECK, BAKER, MUSTIO, STERN, GABLER, CLYMER, HENNESSEY, GIBBONS, HORNAMAN, SAINATO, STEVENSON, SAYLOR, SWANGER, ROCK, MALONEY, MARSHALL, HEFFLEY, KOTIK, HARPER, HELM, QUIGLEY, LAWRENCE, GRELL, TALLMAN and LONGIETTI

A Resolution memorializing the Congress of the United States to pass United States House Bill No. 1179 or United States Senate Bill No. 1467, the Respect for Rights of Conscience Act of 2011, and United States Senate Bill No. 2043, the Religious Freedom Restoration Act of 2012.

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 571 By Representatives V. BROWN, BRADFORD, BROWNLEE, CALTAGIRONE, COHEN, D. COSTA, DALEY, DAVIS, EVERETT, GOODMAN, JOSEPHS, KIRKLAND, KULA, MAHONEY, MANN, M. O'BRIEN, READSHAW, SANTONI, VEREB and YOUNGBLOOD

A Resolution expressing support for establishing a National Women's History Museum in Washington, DC.

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2160 By Representatives SACCONI, EVANKOVICH, AUMENT, CUTLER, DUNBAR, EVERETT, ROCK, SIMMONS, TRUITT, VULAKOVICH and MOUL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for terms of members.

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 2170 By Representatives SACCONI, MULLERY, ROCK, SWANGER, TRUITT and VULAKOVICH

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

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 2171 By Representatives SACCONI, ROCK, SWANGER, TRUITT, MIRABITO and MULLERY

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

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 2172 By Representatives SACCONI, ROCK, SWANGER, TRUITT and MULLERY

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

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 2173 By Representatives SACCONI, MULLERY, ROCK and TRUITT

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

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 2174 By Representatives SACCONI, BENNINGHOFF, CREIGHTON, MULLERY, ROCK, SIMMONS, SWANGER, TRUITT and VULAKOVICH

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, prohibiting certain gifts; and providing for exceptions.

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 2177 By Representatives SACCONI, BENNINGHOFF, CREIGHTON, MULLERY, ROCK, SIMMONS, SWANGER and TRUITT

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, prohibiting certain transportation, lodging and hospitality; and providing for exceptions.

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 2193 By Representatives B. BOYLE, BOYD, K. BOYLE, JOSEPHS, KORTZ, M. O'BRIEN and PASHINSKI

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for contributions or expenditures by national banks, corporations or unincorporated associations; providing limited campaign funding of Statewide judicial elections; establishing the Pennsylvania Fair Campaign Fund; limiting certain contributions; providing for powers

and duties of the Secretary of the Commonwealth and the Department of State; and imposing penalties.

Referred to Committee on STATE GOVERNMENT, February 13, 2012.

No. 2194 By Representatives ADOLPH, AUMENT, B. BOYLE, BRIGGS, CLYMER, D. COSTA, DALEY, DAVIDSON, DeLUCA, ELLIS, EVERETT, FLECK, FRANKEL, GINGRICH, GODSHALL, GOODMAN, GRELL, HARHART, HENNESSEY, HESS, HORNAMAN, M. K. KELLER, KILLION, MALONEY, MARSICO, MILLER, MILNE, MIRABITO, MURT, QUINN, RAPP, SWANGER, TAYLOR, TOOHIL, VEREB, VULAKOVICH, YOUNGBLOOD and DENLINGER

An Act establishing the State Military College Legislative Appointment Initiative Program.

Referred to Committee on EDUCATION, February 13, 2012.

No. 2195 By Representatives D. COSTA, BISHOP, K. BOYLE, BRADFORD, V. BROWN, CALTAGIRONE, DALEY, DAVIS, DEASY, DeLUCA, FABRIZIO, JOSEPHS, KORTZ, MAHONEY, MATZIE, McGEEHAN, MOUL, M. O'BRIEN, QUINN, READSHAW, STABACK, STURLA, VULAKOVICH and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the definition of "nonpublic school"; and further providing for policy relating to bullying.

Referred to Committee on EDUCATION, February 13, 2012.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. It is the Speaker's understanding that the Finance Committee is about to wrap up a meeting. Therefore, the Speaker gives the committee the okay to continue their meeting, and there will be no recorded votes on the floor of the House until they have closed that meeting out.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1754, PN 3093 (Amended) By Rep. MILLER

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions, for relief from charges and for ineligibility for compensation; and providing for applicability.

LABOR AND INDUSTRY.

HB 1852, PN 3094 (Amended) By Rep. MILLER

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions, for contributions to be liens and entry and enforcement thereof, for qualifications required to secure compensation, for false statements and representations to obtain or increase compensation, for false statements and representations to

prevent or reduce compensation and other offenses, for violation of act and rules and regulations and for recovery and recoupment of compensation.

LABOR AND INDUSTRY.

HB 2175, PN 3095 (Amended) By Rep. BENNINGHOFF

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for definitions, for legislative procedures and for appropriations and limitations on projects; providing for review of proposals; and further providing for funding and administration of projects.

FINANCE.

LEAVES OF ABSENCE

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

The minority whip indicates there are no requests for leaves of absence.

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—196

Adolph	Donatucci	Kirkland	Quigley
Aument	Dunbar	Knowles	Quinn
Baker	Ellis	Kortz	Rapp
Barbin	Emrick	Kotik	Ravenstahl
Barrar	Evans, D.	Krieger	Readshaw
Bear	Evans, J.	Kula	Reed
Benninghoff	Everett	Lawrence	Reese
Bishop	Fabrizio	Longietti	Roe
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Simmons
Buxton	Gingrich	Miccarelli	Smith, K.
Caltagirone	Godshall	Micozzie	Smith, M.
Carroll	Goodman	Millard	Sonney
Causar	Grell	Miller	Staback
Christiana	Grove	Milne	Stephens
Clymer	Hackett	Mirabito	Stern
Cohen	Hahn	Moul	Stevenson
Conklin	Haluska	Mullery	Sturla
Costa, D.	Hanna	Mundy	Swanger
Costa, P.	Harhai	Murphy	Tallman
Cox	Harhart	Murt	Taylor
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash

Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, M.	Toohil
Cutler	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	Josephs	Peifer	Watson
Delozier	Kampf	Perry	Wheatley
DeLuca	Kauffman	Petrarca	White
Denlinger	Kavulich	Petri	Youngblood
DePasquale	Keller, F.	Pickett	
Dermody	Keller, M.K.	Preston	Smith, S.,
DeWeese	Keller, W.	Pyle	Speaker
DiGirolamo	Killion		

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Evankovich

LEAVES ADDED—6

Barbin	Evans, J.	Maher	Smith, K.
Brooks	Fleck		

The SPEAKER. One hundred and ninety-six members having voted in the affirmative, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention. Kindly hold the conversations down. I would like to welcome some of the guests that are with us today.

Located to the left of the rostrum, we would like to welcome the Future Farmers of America, the State officers. They are here today as the guests of Representative Mark Keller. Our guests are Casey Hall, who is the president; vice president, Tyler Schaeffer; secretary, Sarabeth Royer; treasurer, Sarah Kessler; reporter, Jenna Moser; chaplain, Matthew Dodson; and sentinel, Tyler Claypool. They are here with their adviser, Michael Brammer. Will our guests please rise. Welcome to the hall of the House.

Also located to the left of the rostrum, we would like to welcome Lauren Beck. She is serving as an intern in Representative Todd Stephens's district office. Welcome to the hall of the House, Lauren.

We also have some guest pages with us. They are the guests of Representative Millard. Down here in the well of the House, we would like to welcome Shawn Daniels, Tiana Cefali, and Mary Emery. Welcome to the hall of the House.

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. M. KELLER called up **HR 568, PN 3074**, entitled:

A Resolution designating the week of February 20 through 26, 2012, as "FFA Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Evankovich

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

STATEMENT BY MR. M. KELLER

The SPEAKER. If I just could have the members' attention for a moment. I would like to recognize the gentleman from Perry County, Mr. Mark Keller, recognized under unanimous consent relative to the resolution which just passed and pertaining to some of the guests that I introduced a few minutes ago.

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

As you just said, HR 568 was passed unanimously, and of course, just to bring the attention that next week will be FFA (Future Farmers of America) Week here in Pennsylvania. And of course, Mr. Speaker, I do appreciate your recognizing the State officers that are with us today.

I just want to bring you to a point that the FFA creed expresses belief "...in the future of agriculture, with a faith born not of words but of deeds..."; and that members serve their chapters, communities, and country by cultivating friendship and planting new ideas and seeds of hope wherever they go. "Learning to Do, Doing to Learn, Earning to Live, and Living to Serve." Again, the State theme is "Desire...Acquire...Inspire." And the FFA national theme is "I Believe."

So as we proceed, these are our future leaders here in Pennsylvania, and I think whenever you see the blue jacket, of course that is outstanding, and we have some outstanding State officers with us today.

Thank you for your affirmative vote.

STATEMENT BY MR. DiGIROLAMO

The SPEAKER. The Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo, under unanimous consent.

If I could have the members' attention, please. Kindly hold the conversations down. I appreciate if you would give the gentleman your attention.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

If I could just have the attention of the members just for a couple of minutes, I would really appreciate it. Thank you.

This past weekend we lost one of the truly great American entertainers, probably of this generation, Whitney Houston, and what a tragedy. And if you have the time today sometime, go back and look at her rendition of the National Anthem at the 1991 Super Bowl. It is absolutely just terrific, very powerful and very, very compelling. And it is just a tragedy the way she died.

In her room this morning, I heard that they found not only traces of alcohol but three different prescription drugs that were found in her room. I certainly do not want to speculate on the way she died. The toxicology reports will be in in a couple weeks, but it would be no shock or surprise to find out if she did not pass away from a combination of alcohol and prescription drugs. Forty-eight years old. What a tragedy.

Down in my office, I have a picture of a young lady. I believe she was from Dauphin County. Her name was Jenn Heckert. I talked to Jenn's parents a number of times. Jenn also passed away from a prescription drug overdose. Jenn certainly did not get the notoriety of a Whitney Houston, but this is something, prescription drug overdoses and prescription drug

abuse, that is a problem that is epidemic in every one of our communities, not only across Pennsylvania but across the United States of America. And why do I bring it up today? I have a bill that Representative Matt Baker and I have been working on for a number of years. It is HB 1651. What it would do, simply, is create in Pennsylvania a prescription drug database. Our doctors, our psychiatrists, our emergency room physicians are crying out for being able to go on a database and see what prescriptions people are using when they come into their offices.

Again, HB 1651. I would hope when we come back after the budget hearings that it is a bill that we will be able to take up. I think it will cut back dramatically on the prescription drug abuse and the deaths that we are experiencing all across Pennsylvania. Mr. Speaker, I do not know if it would be appropriate if we could maybe have a moment of silence, not only on behalf of Whitney Houston and her family but all the families in Pennsylvania who have loved ones who struggle with abuse.

The SPEAKER. The Speaker will certainly respect the gentleman's request and would ask all members and guests to please rise in a moment of silence for individuals who have suffered from drug and alcohol addiction and their families.

(A moment of silence was observed.)

The SPEAKER. Thank you.
Mr. DiGIROLAMO. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce an immediate Republican caucus. I would ask our Republican members to please report to our caucus room immediately at the call of the recess, and we would be prepared to come back on the floor at 3 p.m.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 1:45; Democrats will caucus at 1:45, back on the floor at 3. Thank you.

RECESS

The SPEAKER. Seeing no further business at the moment, this House stands in recess until 3 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

LEAVE OF ABSENCE

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

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2059**, **PN 3049**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the purchase of agricultural conservation easements; and abrogating regulations.

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

* * *

The House proceeded to second consideration of **HB 2106**, **PN 3050**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the purchase of agricultural conservation easements.

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

* * *

The House proceeded to second consideration of **HB 2134**, **PN 2979**, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for definitions, for exemptions and for supplemental provisions and rules.

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

HOUSE BILL INTRODUCED AND REFERRED

No. 2201 By Representatives LAWRENCE, AUMENT, BAKER, BEAR, BLOOM, BOYD, CHRISTIANA, CUTLER, EMRICK, EVANKOVICH, GABLER, MAHER, MASSER, METCALFE, ROSS, SAYLOR, SIMMONS, STEPHENS, TOEPEL, TRUITT, VEREB and PERRY

An Act providing for performance audits of Commonwealth agencies and for the powers and duties of the Auditor General.

Referred to Committee on STATE GOVERNMENT,
February 13, 2012.

The SPEAKER. The House will come to order.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2021, PN 2775**, entitled:

An Act designating a portion of PA Route 191 in Washington Township, Northampton County, as the "World War II Homefront Heroes Highway."

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

The SPEAKER. On that question, there are several late-filed amendments. Is it the intention to seek— These amendments would require a suspension of the rules. They are all withdrawn. The Speaker thanks the gentleman.

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

* * *

The House proceeded to second consideration of **HB 2060, PN 2853**, entitled:

An Act designating a bridge carrying State Route 94 over Bermudian Creek in Latimore Township, Adams County, as the Sgt. Michael C. Weigand Memorial Bridge.

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

The SPEAKER. Again, there are several late-filed amendments to this, and it is the Speaker's understanding that those amendments are withdrawn, that they will not seek suspension of the rules.

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

* * *

The House proceeded to second consideration of **HB 2133, PN 2978**, entitled:

An Act designating the bridge that carries State Route 66/28 over Redbank Creek between the Borough of South Bethlehem, Armstrong County, and the Borough of New Bethlehem, Clarion County, as the Sergeant Joseph M. Garrison Memorial Bridge.

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

The SPEAKER. Again, there are several late-filed amendments to this, which would require a suspension of the rules. It is the Speaker's understanding that the amendments are withdrawn.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1617, PN 3058**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege for failure to respond to citation.

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—195

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Evankovich Maher

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.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1329, PN 2468**, entitled:

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, raising the threshold for applicability.

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

The SPEAKER. On that question, the gentleman from Delaware County, Mr. Barrar, has an amendment, which it is the Speaker's understanding that that amendment has been withdrawn. The gentleman indicates it has been.

The same goes for an amendment offered by the gentleman from York County, Mr. Perry; the gentleman from Delaware County, Mr. Marsico; the gentleman from Lancaster County, Mr. Bear; the gentleman from Cumberland County, Mr. Bloom; the gentleman from Chester County, Mr. Milne; the gentleman from York County, Mr. Grove; the gentleman from Tioga County, Mr. Baker; and the gentleman from Chester County, Mr. Kampf. It is the Speaker's understanding that each of those amendments have also been withdrawn.

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

Miss **PARKER** offered the following amendment No. **A07011**:

Amend Bill, page 1, line 5, by inserting after "applicability" ; and providing for protection of workmen
Amend Bill, page 3, by inserting between lines 11 and 12

Section 2. The act is amended by adding a section to read:
Section 13.1. Protection of Workmen.—(a) No contractor or subcontractor may discharge, threaten or otherwise discriminate or retaliate against a workman regarding the employe's compensation, terms, conditions, location or privileges of employment because the workman exercised his rights under section 11(b) or 13.

(b) No contractor or subcontractor may discharge, threaten or otherwise discriminate or retaliate against an employe regarding the employe's compensation, terms, conditions, location or privilege of employment because the employe is requested by the secretary to participate in an investigation, hearing or inquiry held by the secretary or in a court action.

(c) (1) A workman who alleges a violation of this act may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within one hundred eighty days after the occurrence of the alleged violation.

(2) It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.

(d) A court, in rendering a judgment in an action brought under this act, shall order, as the court considers appropriate, reinstatement of the employe, the payment of back wages, full reinstatement of fringe benefits and seniority rights, damages or a combination of the remedies. A court may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if the court determines that the award is appropriate.

Amend Bill, page 3, line 12, by striking out "2" where it occurs the first time and inserting

3

Amend Bill, page 3, line 15, by striking out "3" and inserting

4

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

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

Miss PARKER. Thank you, Mr. Speaker. Thank you for your patience.

Mr. Speaker, amendment A07011, I am proud to note, is an agreed-to amendment. This amendment simply adds antiretaliation language similar to that contained in our Whistleblower Act to the Pennsylvania Prevailing Wage Act. Mr. Speaker, it will definitely ensure that a worker seeking damages through bringing a civil action within 180 days of an alleged violation is not retaliated against. We worked extremely well. This amendment was supported in committee. And, Mr. Speaker, I ask my colleagues to vote in the affirmative. Thank you.

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

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

Mr. MILLER. Thank you, Mr. Speaker.

This is an agreed-to amendment. I would like to thank the lady for her amendment and the work that she did with both the minority chairman in the committee and myself to come to agreement on an amendment that is very good. I would appreciate a "yes" vote. Thank you.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Evankovich Maher

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

On the question,

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

Mr. **WHITE** offered the following amendment No. **A07012**:

Amend Bill, page 1, line 5, by inserting after "applicability"
; and further providing for specifications

Amend Bill, page 1, lines 8 through 10, by striking out all of said lines and inserting

Section 1. Sections 2 and 3 of the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, amended August 9, 1963 (P.L.653, No.342), are amended to read:

Amend Bill, page 3, by inserting between lines 11 and 12

Section 3. Specifications.—(a) The specifications for every contract for any public work to which any public body is a party, shall contain a provision stating the minimum wage rate that must be paid to the workmen employed in the performance of the contract.

(b) No person shall intentionally divide a construction project into multiple parts for the purposes of circumventing this act.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Washington County, Mr. White.

Mr. **WHITE**. Thank you, Mr. Speaker.

This amendment would add language to the Prevailing Wage Act to prohibit any employee of a public body or contractors or subcontractors from dividing a construction project or preparing bid documents in a way designed to evade the thresholds set forth in the act, and this amendment would not create any additional penalties.

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

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

Mr. **MILLER**. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	Donatucci	Killion	Quigley
Aument	Dunbar	Kirkland	Quinn
Baker	Ellis	Knowles	Rapp
Barbin	Emrick	Kortz	Ravenstahl
Barrar	Evans, D.	Kotik	Readshaw
Bear	Evans, J.	Krieger	Reed
Benninghoff	Everett	Kula	Reese
Bishop	Fabrizio	Lawrence	Roae
Bloom	Farry	Longietti	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Simmons
Buxton	Gingrich	Miccarelli	Smith, K.

Caltagirone	Godshall	Micozzie	Smith, M.
Carroll	Goodman	Millard	Sonney
Causser	Grell	Miller	Staback
Christiana	Grove	Milne	Stephens
Clymer	Hackett	Mirabito	Stern
Cohen	Hahn	Moul	Stevenson
Conklin	Haluska	Mullery	Sturla
Costa, D.	Hanna	Mundy	Swanger
Costa, P.	Harhai	Murphy	Tallman
Cox	Harhart	Murt	Taylor
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, M.	Toohil
Cutler	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	Josephs	Peifer	Watson
Delozier	Kampf	Perry	Wheatley
DeLuca	Kauffman	Petrarca	White
Denlinger	Kavulich	Petri	Youngblood
DePasquale	Keller, F.	Pickett	
Dermody	Keller, M.K.	Preston	Smith, S.,
DeWeese	Keller, W.	Pyle	Speaker
DiGiolamo			

NAYS—0

NOT VOTING—0

EXCUSED—2

Evankevich Maher

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

On the question recurring,

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

The SPEAKER. It is the Speaker's understanding that the gentleman from Washington County, Mr. White's other amendment has been withdrawn. The Speaker thanks the gentleman.

On the question recurring,

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

Mr. W. KELLER offered the following amendment No. A08528:

Amend Bill, page 1, line 5, by inserting after "applicability" and for duty of secretary

Amend Bill, page 1, lines 8 through 10, by striking out all of said lines and inserting

Section 1. Sections 2 and 7 of the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, amended August 9, 1963 (P.L.653, No.342), are amended to read:

Amend Bill, page 3, by inserting between lines 11 and 12

Section 7. Duty of Secretary.—(a) The secretary shall, after consultation with the advisory board, determine the general prevailing minimum wage rate in the locality in which the public work is to be

performed for each craft or classification of all workmen needed to perform public work contracts during the anticipated term thereof: Provided, however, That employer and employe contributions for employe benefits pursuant to a bona fide collective bargaining agreement shall be considered an integral part of the wage rate for the purpose of determining the minimum wage rate under this act. Nothing in this act, however, shall prohibit the payment of more than the general prevailing minimum wage rate to any workman employed on public work. The secretary shall forthwith give notice by mail of all determinations of general prevailing minimum wage rates made pursuant to this section to any representative of any craft, any employer or any representative of any group of employers, who shall in writing request the secretary so to do.

(b) The secretary shall provide written notice acknowledging receipt of materials submitted by any employer, labor organization or other association or organization representing a group of employers or employes for the purposes of inclusion in the calculation of the prevailing wage rate under subsection (a). If after review the secretary determines that the submitted material is incomplete or unacceptable for inclusion in the calculation of the prevailing wage rate, the secretary shall send a written statement by mail to the employer, labor organization or other association or organization representing a group of employers or employes providing the reasons the information cannot be used.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Keller.

Mr. W. KELLER. Thank you, Mr. Speaker.

During the summer, when everyone else was at recess, the majority chairman had us up here doing prevailing wage hearings, and one of the complaints was that some of the contractors were sending their data in and they thought that it was not being considered in the formulation of the prevailing wage. What this amendment does is, it would require the Secretary to provide to contractors a receipt when they submit their data, and it was also redrafted to ensure that the Secretary has adequate time to provide a separate response of why the data was not used. If they accepted the data and it was not used in the calculation, the Secretary has to respond why it was not used. Thank you, Mr. Speaker.

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

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

Mr. MILLER. Thank you, Mr. Speaker.

It is my pleasure to say that we agree to this amendment also. I ask for a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	Donatucci	Killion	Quigley
Aument	Dunbar	Kirkland	Quinn
Baker	Ellis	Knowles	Rapp
Barbin	Emrick	Kortz	Ravenstahl
Barrar	Evans, D.	Kotik	Readshaw
Bear	Evans, J.	Krieger	Reed
Benninghoff	Everett	Kula	Reese

Bishop	Fabrizio	Lawrence	Roae
Bloom	Farry	Longiotti	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Simmons
Buxton	Gingrich	Miccarelli	Smith, K.
Caltagirone	Godshall	Micozzie	Smith, M.
Carroll	Goodman	Millard	Sonney
Causar	Grell	Miller	Staback
Christiana	Grove	Milne	Stephens
Clymer	Hackett	Mirabito	Stern
Cohen	Hahn	Moul	Stevenson
Conklin	Haluska	Mullery	Sturla
Costa, D.	Hanna	Mundy	Swanger
Costa, P.	Harhai	Murphy	Tallman
Cox	Harhart	Murt	Taylor
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, M.	Toohil
Cutler	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	Josephs	Peifer	Watson
Delozier	Kampf	Perry	Wheatley
DeLuca	Kauffman	Petrarca	White
Denlinger	Kavulich	Petri	Youngblood
DePasquale	Keller, F.	Pickett	
Dermody	Keller, M.K.	Preston	Smith, S.,
DeWeese	Keller, W.	Pyle	Speaker
DiGirolamo			

NAYS—0

NOT VOTING—0

EXCUSED—2

Evankovich Maher

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

On the question recurring,

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

The SPEAKER. The gentleman from Philadelphia County, Mr. Keller, has several other amendments filed. It is the Speaker's understanding that those amendments are also withdrawn. The Speaker thanks the gentleman.

I believe there was also one amendment filed late by the gentleman from Philadelphia, Mr. Brendan Boyle. It is the Speaker's understanding that he will not be seeking a suspension of the rules for consideration of that amendment. That is the case. The Speaker thanks the member.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 3, PN 2754**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for public-private transportation partnerships; and making a related repeal.

On the question,

Will the House agree to the bill on second consideration?

Mr. **GEIST** offered the following amendment No. **A06661**:

Amend Bill, page 37, line 24, by striking out "9120. ADDITIONAL PROVISIONS." and inserting 9120. Applicability of other laws.

Amend Bill, page 40, line 16, by striking out ""PUBLIC ENTITY." THE COMMONWEALTH OR A MUNICIPAL AUTHORITY" and inserting

"Public entity." The Commonwealth, a municipal authority or an authority created by statute

Amend Bill, page 41, by inserting between lines 12 and 13 "Request for transportation projects." A solicited or unsolicited plan for a transportation project submitted to the board by a public entity.

Amend Bill, page 41, lines 21 and 22, by striking out all of said lines

Amend Bill, page 42, line 2, by inserting after "OPERATE" or related to the operation of

Amend Bill, page 43, line 10, by striking out "CITIZENS" and inserting residents

Amend Bill, page 44, line 23, by striking out "(1) THE RIGHT-TO-KNOW LAW." and inserting

(1) The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Amend Bill, page 45, line 23, by striking out "30" and inserting 20

Amend Bill, page 45, line 24, by striking out "12" and inserting 9

Amend Bill, page 47, line 4, by striking out "(A) SUBMISSION.—EXCEPT AS PROVIDED UNDER SUBSECTION (B), A" and inserting

A

Amend Bill, page 47, lines 8 through 10, by striking out all of said lines

Amend Bill, page 49, line 9, by striking out "HAS THE BEST VALUE FOR AND"

Amend Bill, page 50, lines 23 and 24, by striking out "THE BEST VALUE FOR" in line 23 and "AND" in line 24

Amend Bill, page 51, lines 22 through 30, by striking out all of said lines and inserting

(n) Resolution of controversies not involving the Commonwealth.—If a development entity is aggrieved by a selection under this section and the proprietary public entity in the contract is an entity other than the Commonwealth, a development entity may file a claim with the court of common pleas where the proprietary public entity is located. The processes for the

Amend Bill, page 56, line 10, by striking out "COLLECTED"

and inserting

imposed

Amend Bill, page 56, line 11, by inserting after "BE"

imposed and

Amend Bill, page 57, line 16, by striking out

"NOTWITHSTANDING THE RIGHT-TO-KNOW LAW, THE" and inserting

The

Amend Bill, page 58, lines 14 and 15, by striking out all of said lines and inserting

(4) The following information shall not be public:

Amend Bill, page 59, by inserting between lines 1 and 2

(v) Records prepared or utilized to evaluate a proposal.

Amend Bill, page 62, lines 24 through 30; page 63, lines 1 through 11, by striking out all of said lines on said pages and inserting § 9120. Applicability of other laws.

(a) General rule.—Except as provided under subsections (b) and (c), all provisions of existing law related to the development, operation or financing of a transportation project shall apply to a public-private transportation partnership agreement entered into between a proprietary public entity and a development entity to the extent they are applicable on the date the public-private transportation partnership agreement is fully executed.

(b) Limitation.—The following apply:

(1) If the public entity or the proprietary public entity is the Commonwealth, 62 Pa.C.S. (relating to procurement) shall apply only to the extent provided under paragraph (2).

(2) The following provisions shall apply if the public entity or the proprietary public entity is the Commonwealth:

(i) 62 Pa.C.S. § 107 (relating to reciprocal limitations).

(ii) 62 Pa.C.S. § 531 (relating to debarment or suspension).

(iii) 62 Pa.C.S. § 541 (relating to approval of account system).

(iv) 62 Pa.C.S. § 551 (relating to right to inspect plant).

(v) 62 Pa.C.S. § 552 (relating to right to audit records).

(vi) 62 Pa.C.S. § 563 (relating to retention of procurement records).

(vii) 62 Pa.C.S. § Ch 17 (relating to legal and contractual remedies).

(c) Exception.—This chapter shall not apply to a transportation project which a public entity is authorized under law to undertake on the effective date of this subsection.

Amend Bill, page 67, line 13, by striking out "HIGHWAY ADMINISTRATION" and inserting funding agencies

On the question,

Will the House agree to the amendment?

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

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

I would think this would be labeled almost as a supertechnical amendment. It goes through and cleans up some of the things that needed to be addressed, and I would ask for a "yes" vote.

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

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

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

Mr. Speaker, would the author of the amendment stand for brief interrogation?

The SPEAKER. The gentleman will stand for interrogation. Just give us one minute, please.

The gentleman indicates he will stand for interrogation. The gentleman, Mr. McGeehan, may proceed with interrogation.

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

Mr. Speaker, in the amendment, it shortens the timetable for the General Assembly to rescind a proposal from 30 to 20 calendar days or from 12 to 9 legislative days, whichever is longer, to rescind any P3 (public-private partnership) projects. Now, Mr. Speaker, when we are dealing potentially with billions and billions of dollars in public works projects, it would seem to me that the longer contemplative period would be preferable to the shorter one, and I am wondering if the speaker would elaborate his reasoning why that period is shortened?

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

For that to get back to us, these projects have been well vetted, well analyzed by both the department and the panel, and what this was to do was shorten the time period so we could get investment money on the job. The SPEAKER. Is the gentleman, Mr. McGeehan, seeking further interrogation?

Mr. McGEEHAN. Thank you, Mr. Speaker.

That ends my interrogation. I would like to speak on the amendment.

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

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I know the tremendous work that the majority chairman of the Transportation Committee has put into this bill. This language, in shortening the period for the rescission of any P3 project by the General Assembly, alarms me and should alarm any other members. Mr. Speaker, when we have difficulty passing noncontroversial amendments or noncontroversial resolutions some days in the legislative calendar, to be dealing with projects that are complicated, that are many times obligating the Commonwealth to billions of dollars in public works projects in conjunction with any private partner, it would seem to me that we would require more time to act as a body, not less time, and this change from the 30 to 20 calendar days and the 12 to 9 legislative days concerns me very much. It should concern every member who is worried about the prudent and transparent use of public dollars in conjunction with private dollars in any P3 project.

Mr. Speaker, I do not have a problem with the rest of this amendment. I think it has taken a lot of work by the speaker and his staff. This one portion of that amendment is troubling to me and should be troubling to other members, and I am going to be voting in the negative on the amendment.

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

On that question, the Speaker recognizes the gentleman from Blair County, Mr. Geist, for the second time.

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

The time that was put into this amendment was suggested by the administration and matches with the Senate. Later there will be an amendment offered by Representative Costa that will take the time to 30 days. Therefore, I would really recommend a "yes" vote on all of this amendment, and then we will deal with the Costa amendment when it comes up.

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

The following roll call was recorded:

YEAS—107

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

NAYS—88

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

NOT VOTING—0

EXCUSED—2

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

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

Mr. **CARROLL** offered the following amendment No. **A06467**:

Amend Bill, page 54, by inserting between lines 26 and 27
(21) An employee covered under a collective bargaining agreement affected by a public-private transportation partnership agreement shall be reassigned, without loss of seniority, to another equal to, but not less than, position within the same worksite where applicable or within a remaining proximate worksite of other transportation facilities. In the case of the department, this would mean a position held within the same county maintenance district or, in the case of regional transit authority, a position held within that regional transit authority as applicable. Nothing in this paragraph shall prevent an employee from choosing employment with the private entity.

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Luzerne, Mr. Carroll.

Mr. **CARROLL**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is an amendment crafted in an effort to try and preserve those State employees that might be displaced as a result of a P3 partnership.

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

On that question, the Speaker recognizes the gentleman from Blair County, Mr. Geist.

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

This is a very acceptable amendment to us, and I would urge a "yes" vote.

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

The following roll call was recorded:

YEAS—192

Adolph	Donatucci	Killion	Quigley
Aument	Dunbar	Kirkland	Quinn
Baker	Ellis	Knowles	Rapp
Barbin	Emrick	Kortz	Ravenstahl
Barrar	Evans, D.	Kotik	Readshaw
Bear	Evans, J.	Krieger	Reed
Benninghoff	Everett	Kula	Reese
Bishop	Fabrizio	Lawrence	Roae
Boback	Farry	Longietti	Rock
Boyd	Fleck	Mahoney	Roebuck
Boyle, B.	Frankel	Major	Ross
Boyle, K.	Freeman	Maloney	Sabatina
Bradford	Gabler	Mann	Saccone
Brennan	Galloway	Markosek	Sainato
Briggs	Geist	Marshall	Samuelson
Brooks	George	Marsico	Santarsiero
Brown, R.	Gerber	Masser	Santoni
Brown, V.	Gergely	Matzie	Saylor
Brownlee	Gibbons	McGeehan	Scavello
Burns	Gillen	Metzgar	Schroder
Buxton	Gillespie	Miccarelli	Simmons

Caltagirone	Gingrich	Micozzie	Smith, K.
Carroll	Godshall	Millard	Smith, M.
Causer	Goodman	Miller	Sonney
Christiana	Grell	Milne	Staback
Clymer	Grove	Mirabito	Stephens
Cohen	Hackett	Moul	Stern
Conklin	Hahn	Mullery	Stevenson
Costa, D.	Haluska	Mundy	Sturla
Costa, P.	Hanna	Murphy	Swanger
Cox	Harhai	Murt	Tallman
Creighton	Harhart	Mustio	Taylor
Cruz	Harkins	Myers	Thomas
Culver	Harper	Neuman	Tobash
Curry	Harris	O'Brien, M.	Toepel
Cutler	Heffley	O'Neill	Toohil
Daley	Helm	Oberlander	Turzai
Davidson	Hennessey	Parker	Vereb
Davis	Hess	Pashinski	Vitali
Day	Hickernell	Payne	Vulakovich
Deasy	Hornaman	Payton	Waters
DeLissio	Hutchinson	Peifer	Watson
Delozier	Josephs	Perry	Wheatley
DeLuca	Kampf	Petrarca	White
Denlinger	Kauffman	Petri	Youngblood
DePasquale	Kavulich	Pickett	
Dermody	Keller, F.	Preston	Smith, S.,
DeWeese	Keller, M.K.	Pyle	Speaker
DiGirolamo	Keller, W.		

NAYS-3

Bloom	Metcalf	Truitt
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NOT VOTING-0

EXCUSED-2

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

On the question recurring,

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

Mr. P. COSTA offered the following amendment No. **A06481**:

Amend Bill, page 45, line 12, by inserting after "**RESOLUTION.**"
A copy of the resolution shall be delivered to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives.

Amend Bill, page 45, line 24, by striking out "**THE ADOPTION**" and inserting delivery

On the question,

Will the House agree to the amendment?

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

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

As we talked about earlier about the House having the opportunity to challenge the board's decision, this starts the

clock. This gives us an official time of when that time period begins by notifying the chairmen, the majority chairman and the minority chairman of the Transportation Committees, and I believe that it is agreed to. Thank you.

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

On that question, the Speaker recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

This is a good amendment. It mirrors the IRRC (Independent Regulatory Review Commission) process that we currently use, and I would urge a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-195

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Evankovich Maher

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

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

Mr. **CARROLL** offered the following amendment No. **A06469**:

Amend Bill, page 40, line 30, by inserting after "MAINTENANCE"

, excluding projects involving existing transportation facilities

Amend Bill, page 47, line 13, by inserting after "FACILITIES"

, except for the operation and maintenance of existing transportation facilities.

Amend Bill, page 54, by inserting between lines 26 and 27

(a.1) Exclusion.—A public-private transportation partnership agreement shall not include a provision relating to the maintenance and operation of existing transportation facilities.

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

AMENDMENT WITHDRAWN

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Carroll.

Mr. **CARROLL**. Thank you, Mr. Speaker.

Mr. Speaker, while I had some concerns related to State workers who might be displaced as a result of a P3 with respect to existing transportation facilities, it is my belief, along with the stakeholders in this process and those in this chamber, that the amendment approved a moment ago, 6467, accounts for that potential concern, and as a result, I withdraw this amendment. Thank you, Mr. Speaker.

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

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

Mr. **DiGIROLAMO** offered the following amendment No. **A06863**:

Amend Bill, page 3, line 17 (A06661), by inserting after "executed."

These provisions include:

(1) The act of May 1, 1913 (P.L.155, No.104), referred to as the Separations Act.

(2) The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act.

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Bucks, Mr. DiGirolamo.

Mr. **DiGIROLAMO**. Thank you, Mr. Speaker.

Amendment 06863 simply reinserts the prevailing wage language and the separation language into the bill. I would ask for an affirmative vote.

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

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

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

In the end, it was not very difficult at all. This language obviously has been part of any public works project in this Commonwealth since 1961. Why it was decided 51 years later that it would not be part of any public works project is beyond me. I am glad that the chairman has offered his amendment. I am glad that it is going to be, after this vote, and hopefully a positive vote, that it will be a nondebatably point in future public works projects in this Commonwealth, and I heartily endorse the DiGirolamo amendment.

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

The following roll call was recorded:

YEAS—141

Baker	Donatucci	Kortz	Ravenstahl
Barbin	Emrick	Kotik	Readshaw
Barrar	Evans, D.	Krieger	Reese
Bishop	Evans, J.	Kula	Roebuck
Boback	Fabrizio	Longietti	Sabatina
Boyd	Farry	Mahoney	Saccone
Boyle, B.	Fleck	Mann	Sainato
Boyle, K.	Frankel	Markosek	Samuelson
Bradford	Freeman	Marshall	Santarsiero
Brennan	Gabler	Masser	Santoni
Briggs	Galloway	Matzie	Scavello
Brown, R.	Geist	McGeehan	Simmons
Brown, V.	George	Metzgar	Smith, K.
Brownlee	Gerber	Miccarelli	Smith, M.
Burns	Gergely	Micozzie	Sonney
Buxton	Gibbons	Miller	Staback
Caltagirone	Godshall	Mirabito	Stephens
Carroll	Goodman	Mullery	Stern
Christiana	Hackett	Mundy	Sturla
Cohen	Hahn	Murphy	Taylor
Conklin	Haluska	Murt	Thomas
Costa, D.	Hanna	Mustio	Tobash
Costa, P.	Harhai	Myers	Toohil
Cruz	Harhart	Neuman	Turzai
Curry	Harkins	O'Brien, M.	Vereb
Daley	Harper	O'Neill	Vitali
Davidson	Harris	Parker	Vulakovich
Davis	Heffley	Pashinski	Waters
Day	Hennessey	Payne	Watson
Deasy	Hess	Payton	Wheatley
DeLissio	Hornaman	Peifer	White
DeLuca	Josephs	Petrarca	Youngblood
DePasquale	Kavulich	Petri	
Dermody	Keller, W.	Pickett	Smith, S.,
DeWeese	Killion	Preston	Speaker
DiGirolamo	Kirkland	Quigley	

NAYS—54

Adolph	Dunbar	Keller, M.K.	Quinn
Aument	Ellis	Knowles	Rapp
Bear	Everett	Lawrence	Reed
Benninghoff	Gillen	Major	Roae
Bloom	Gillespie	Maloney	Rock
Brooks	Gingrich	Marsico	Ross
Causer	Grell	Metcalf	Saylor
Clymer	Grove	Millard	Schroder
Cox	Helm	Milne	Stevenson
Creighton	Hickernell	Moul	Swanger
Culver	Hutchinson	Oberlander	Tallman
Cutler	Kampf	Perry	Toepel
Delozier	Kauffman	Pyle	Truitt
Denlinger	Keller, F.		

NOT VOTING—0

EXCUSED—2

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

On the question recurring,

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

AMENDMENT A06863 RECONSIDERED

The SPEAKER. The Speaker is in possession of a motion to reconsider the vote by which amendment A06863 to HB 3, PN 2754, was passed. The motion is made by Representative Reed and Representative Everett.

On the question,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. This is simply a reconsideration of the vote.

The following roll call was recorded:

YEAS—172

Adolph	Emrick	Kortz	Quinn
Aument	Evans, D.	Kotik	Rapp
Baker	Evans, J.	Krieger	Ravenstahl
Barbin	Everett	Kula	Readshaw
Barrar	Fabrizio	Lawrence	Reed
Bear	Farry	Major	Reese
Benninghoff	Fleck	Maloney	Roae
Bishop	Frankel	Mann	Rock
Bloom	Freeman	Markosek	Roebuck
Boback	Gabler	Marshall	Ross
Boyd	Geist	Marsico	Sabatina
Boyle, B.	George	Masser	Saccone
Boyle, K.	Gerber	Matzie	Samuelson
Bradford	Gibbons	McGeehan	Santarsiero
Brennan	Gillen	Metcalf	Saylor
Brooks	Gillespie	Metzgar	Scavello
Brown, R.	Gingrich	Miccarelli	Simmons
Brownlee	Godshall	Micozzie	Smith, K.
Buxton	Goodman	Millard	Smith, M.

Carroll	Grell	Miller	Sonney
Causer	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Hanna	Mullery	Stevenson
Costa, D.	Harhai	Mundy	Sturla
Costa, P.	Harhart	Murt	Swanger
Cox	Harper	Mustio	Tallman
Creighton	Harris	Myers	Taylor
Cruz	Heffley	O'Brien, M.	Tobash
Culver	Helm	O'Neill	Toepel
Curry	Hennessey	Oberlander	Toohil
Cutler	Hess	Parker	Turzai
Daley	Hickernell	Pashinski	Vereb
Day	Hutchinson	Payne	Vitali
Deasy	Josephs	Payton	Vulakovich
Delozier	Kampf	Peifer	Waters
DeLuca	Kauffman	Perry	Watson
Denlinger	Kavulich	Petrarca	Wheatley
DePasquale	Keller, F.	Petri	White
Dermody	Keller, M.K.	Pickett	Youngblood
DiGirolamo	Keller, W.	Preston	
Donatucci	Killion	Pyle	Smith, S., Speaker
Dunbar	Kirkland	Quigley	
Ellis	Knowles		

NAYS—23

Briggs	Davis	Harkins	Sainato
Brown, V.	DeLissio	Hornaman	Santoni
Burns	DeWeese	Longietti	Schroder
Caltagirone	Galloway	Mahoney	Thomas
Conklin	Gergely	Murphy	Truitt
Davidson	Haluska	Neuman	

NOT VOTING—0

EXCUSED—2

Evankovich	Maher
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—143

Adolph	Donatucci	Kortz	Ravenstahl
Baker	Emrick	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Bishop	Fabrizio	Longietti	Roebuck
Boback	Farry	Mahoney	Sabatina
Boyd	Fleck	Major	Saccone
Boyle, B.	Frankel	Mann	Sainato
Boyle, K.	Freeman	Markosek	Samuelson
Bradford	Gabler	Marshall	Santarsiero
Brennan	Galloway	Masser	Santoni
Briggs	Geist	Matzie	Scavello
Brown, R.	George	McGeehan	Simmons
Brown, V.	Gerber	Metzgar	Smith, K.
Brownlee	Gergely	Miccarelli	Smith, M.
Burns	Gibbons	Micozzie	Sonney
Buxton	Godshall	Mirabito	Staback
Caltagirone	Goodman	Mullery	Stephens
Carroll	Hackett	Mundy	Stern
Christiana	Hahn	Murphy	Sturla
Cohen	Haluska	Murt	Taylor
Conklin	Hanna	Mustio	Thomas

Costa, D.	Harhai	Myers	Tobash
Costa, P.	Harhart	Neuman	Toohil
Cruz	Harkins	O'Brien, M.	Turzai
Curry	Harper	O'Neill	Vereb
Daley	Harris	Parker	Vitali
Davidson	Heffley	Pashinski	Vulakovich
Davis	Hennessey	Payne	Waters
Day	Hess	Payton	Watson
Deasy	Hornaman	Peifer	Wheatley
DeLissio	Josephs	Petrarca	White
DeLuca	Kavulich	Petri	Youngblood
DePasquale	Keller, W.	Pickett	
Dermody	Killion	Preston	Smith, S.,
DeWeese	Kirkland	Quigley	Speaker
DiGirolamo			

NAYS—52

Aument	Dunbar	Keller, F.	Pyle
Bear	Ellis	Keller, M.K.	Quinn
Benninghoff	Everett	Knowles	Rapp
Bloom	Gillen	Lawrence	Roe
Brooks	Gillespie	Maloney	Rock
Causar	Gingrich	Marsico	Ross
Clymer	Grell	Metcalfe	Saylor
Cox	Grove	Millard	Schroder
Creighton	Helm	Miller	Stevenson
Culver	Hickernell	Milne	Swanger
Cutler	Hutchinson	Moul	Tallman
Delozier	Kampf	Oberlander	Toepel
Denlinger	Kauffman	Perry	Truitt

NOT VOTING—0

EXCUSED—2

Evankovich Maher

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

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

Mr. **WHEATLEY** offered the following amendment
No. **A06430**:

Amend Bill, page 54, by inserting between lines 26 and 27

(21) Provisions under which the development entity agrees to develop, adopt and implement binding policies or guidelines to ensure the following:

(i) That all persons are accorded equal opportunity in employment.

(ii) That disadvantaged businesses, as certified and listed by the Department of General Services in accordance with 62 Pa.C.S. Ch. 21 (relating to small and disadvantaged businesses), are accorded equal opportunity in purchasing, contracting and subcontracting associated with a public-private transportation partnership agreement. This paragraph includes a development entity's contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

Amend Bill, page 57, by inserting between lines 14 and 15

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

"Disadvantaged business." A small business which is owned or controlled by a majority of persons, not limited to members of minority groups, who:

(1) Have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

(2) Are veterans, including service-disabled veterans.

"Service-disabled veterans." A veteran who possesses either an adjudication letter from the United States Veterans Administration establishing a service-connected disability rating or a disability determination from the United States Department of Defense.

"Small business." The term shall have the meaning given to it in 62 Pa.C.S. § 2102 (relating to definitions).

"Veterans." An individual who:

(1) Served in the active United States military in any of the four current branches and all previous branches, including a reserve component or the National Guard.

(2) Was released or discharged from active military service under conditions other than dishonorable.

(3) Possesses a certificate of release or discharge from active duty.

Amend Bill, page 69, by inserting between lines 3 and 4

(4) The process and procedures to ensure that a development entity that enters into a public-private transportation partnership agreement with a proprietary public entity for a public-private transportation project develops, adopts and implements binding policies or guidelines to ensure that all persons are accorded equal opportunity in employment, contracting, subcontracting and purchasing associated with the public-private transportation project.

Amend Bill, page 69, line 4, by striking out "(4)" and inserting

(5)

On the question,

Will the House agree to the amendment?

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

I want to keep this real brief. This is an amendment essentially that costs no money; that opens the environment for fairness for veteran-owned businesses, women-owned businesses, and minority-owned businesses in making sure that they all can participate in any new opportunities that might come up with this type of partnership. So I would encourage all the members here on the floor to support the amendment as we move forward to create a business-friendly environment in Pennsylvania. Thank you.

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

On that question, the Speaker recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

We are opposing this amendment, primarily because it is binding, and I would recommend a "no" vote on the amendment.

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

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

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

Mr. Speaker, the sponsor of the amendment is exactly correct that this Commonwealth has been committed to diversity, but diversity particularly in our public works projects. The Wheatley amendment will ensure that any projects going

forward that include both private and public moneys require that same diversity. I think it is a positive amendment, I think it is a farsighted amendment, and I think it is worthy of support of this House.

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

POINT OF ORDER

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Wheatley, for the second time.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, point of order, actually.

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

Mr. WHEATLEY. Would I be in order to interrogate the chairman of the Transportation Committee regarding the opposition?

The SPEAKER. In response to the gentleman, Mr. Wheatley's point of order, it would not be out of order to ask to interrogate another member who has commented on the bill. However, consistent with other interrogation, the questions should be questions to which you do not already know the answer. Are you seeking to interrogate?

Mr. WHEATLEY. Yes; yes, Mr. Speaker.

The SPEAKER. And who is it you would like to interrogate?

Mr. WHEATLEY. The maker of the bill. Thank you.

Mr. GEIST. That is fine with me, Mr. Speaker. That is just part of debate.

The SPEAKER. The gentleman, Mr. Geist, indicates he will stand for interrogation. The gentleman, Mr. Wheatley, is in order.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, if I am correct, what I heard the maker of the bill, the sponsor of the bill, state in opposition was because of the binding nature of my amendment. Mr. Speaker, what I want to understand from the sponsor of the bill is why, in his opinion, binding the Commonwealth in any partnerships that would have State moneys go toward private companies, we would not want to ensure fairness for veteran-owned companies, women-owned companies, and minority-owned companies in the process and to have access to compete for those contracts. So the question that I have, really, why would the sponsor of the bill not want to ensure that we include these growing small businesses in our contracting practices?

Mr. GEIST. The language that was in the bill was stripped out at the suggestion of the administration and the Senate, the people that worked on this, because those laws already apply to it in all State contracts. So the language did not need to be in this. It is referred to because the section that says that all State laws shall apply takes care of this. This amendment is not needed.

Mr. Speaker, are we allowed to debate this or do I just have to answer his questions?

The SPEAKER. At this moment in time, you would be somewhat limited to responding to the questions as posed to you.

Mr. GEIST. And this does not count as my second time speaking?

The SPEAKER. No, it does not count as your second time.

Mr. GEIST. All right. Thank you.

The SPEAKER. Does the gentleman, Mr. Wheatley, have

continued interrogation, or does he want recognized on the amendment?

Mr. WHEATLEY. I am sorry, Mr. Speaker. Yes.

The SPEAKER. Additional interrogation?

Mr. WHEATLEY. I guess I want to ask for clarity from what I just heard the sponsor, the maker of the bill, state, that because State law already incorporates this, I guess, binding nature for inclusion—

The SPEAKER. The gentleman will suspend. Are you seeking additional interrogation of the gentleman, Mr. Geist?

Mr. WHEATLEY. I might be— Well, I just want to make sure that I heard him right first because there was a lot of noise and I was not sure if I heard exactly what I think I heard him say. So I was asking for clarity from the rostrum before I know if I have to continue in my interrogation.

The SPEAKER. The gentleman, Mr. Wheatley, did not hear the entirety of your previous answer. Therefore, would you be kind enough, Mr. Geist, to repeat your answer to the previous question, please.

Mr. GEIST. Thank you, Mr. Speaker.

The language was stripped out because the section that went in says that all current State law prevails. So everything that you are trying to do in an amendment is already in existing State law.

Secondly, you might want to go on to say that in a private deal with private money, the team that does that work is made up of the investors. So it is a little different than a current contract that you would have with SEPTA (Southeastern Pennsylvania Transportation Authority) or PENNDOT or somebody else like that, but I think and believe that all four caucuses and the Governor's Office supported the language. Thank you.

The SPEAKER. The gentleman, Mr. Wheatley, is in order.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I want to stay within the rules of the House, so I am going to try to walk this line real carefully. So I guess I am going to make a comment. Mr. Speaker, I would like to make a comment.

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

Mr. WHEATLEY. I know for several years now there has been a real concerted effort by many members in this chamber to make sure we create an environment of access and fairness. In this amendment, for one of the very first times that I am aware of, we change and create definitions that allow for service-connected disabled veterans, which I think all of the members here would like to make sure we support our returning service men and women who happen to open businesses and want to make sure that they have fair access and fairness in the Commonwealth practices. We have included language in here to make sure that women and minority firms have real access and fairness in any new investment or practice that we might have with these types of partnerships. And to hear that there is already language in State law that makes sure that these companies have true access and have true availability to the resources and contracts and services that might come about from this partnership, I think, one, would be new to a lot of these firms who have tried to have access and could not find it in the State, but it is encouraging that there is a will out there that I am hearing to make sure that that is the case.

I would just say, even if we believe that there are State laws out here that offer this protection and this access and fairness, I still go back to my original charge to the maker of this bill and ask, what is the difficulty in making sure an amendment with this language goes into this bill? And even if there is State law that is already speaking to this, many times we have been duplicitous in our laws, and why not add that extra safeguard in this particular law, that we expressly tell our firms again, our veterans who are returning home who may have been injured in the defense of this country and this Commonwealth, our women-owned firms and our minority-owned firms who are out here struggling to be the entrepreneurs that we say we want, that this is a protection that we are guaranteeing to you; that as we create new opportunities in Pennsylvania, you have fairness and access to those opportunities?

So again, I will just encourage my fellow colleagues here, a vote for this amendment is a vote supporting veterans, women, and minority firms in assuring them that this chamber understands that they too, they too, want to participate in the fullness of the entrepreneurial spirit that we create in this Commonwealth. So I would just encourage the members to think about this amendment and what it says, and if you believe in open access for all businesses, all small businesses, then you will vote "yes" for this. If you believe in service-connected injury, disabled veterans, and you believe they should have access to contracts that we create, you will vote for this. If you believe in women-owned firms and they should have access to this, you will vote for this amendment. If you believe in minority-owned firms and having access to contracts, you will vote for this. So I would just encourage you to vote in support of this amendment. Thank you, Mr. Speaker.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Wheatley amendment. As I read and digested the amendment, the amendment is a testimony to something that each and every one of us has said at one time or another, and that is that there is nothing wrong with equalization of opportunity. Let me say that again. Each and every one of us at one time or another has acknowledged that there is nothing wrong with equalization of opportunity. We have tried – not tried, we did – in the dedicated revenues for SEPTA, for transportation, for all seven transportation systems in this State; gaming. This can be gleaned from a number of public policy positions that this body has taken.

So to adopt the Wheatley amendment is no conflict with existing law, nor would it violate existing law, nor would it impact negatively any Executive order that might be in place. And I am not sure whether this Governor has adopted and approved an Executive order which speaks to equalization of opportunity. Until that happens, the Wheatley amendment cannot, cannot conflict with any existing Executive order.

So to that end, Mr. Speaker, the Wheatley amendment allows us to move the ball forward, to take a step in honoring an acknowledgement that each and every one of us has provided at one time or another, either in our districts or within the confines of State government. So it is the right thing, the timely thing, and an appropriate step that we can take by supporting the Wheatley amendment. So I encourage even the architect of the bill to support the Wheatley amendment. It is about equalization

of opportunity and taking a step toward achieving that in our lifetime.

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

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

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

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

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

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

Mr. Speaker, the gentleman from Allegheny and the gentleman from Philadelphia raise some important points about the proposed language in this amendment. Is it your understanding, Mr. Speaker, and I know it is important when we have issues like this to clearly state legislative intent, is it your intent that under a P3 scenario, that even if \$1 of public dollars is spent on a project, that the diversity language that has been codified and part of existing Pennsylvania law for decades would still apply?

Mr. GEIST. It will pertain. There is no doubt about it. There is absolutely no need for this amendment.

Mr. McGEEHAN. Additional question, if I may, Mr. Speaker.

The gentleman from Allegheny brought up an important point, too. Under the current diversity language in Pennsylvania statute, it does not refer to veterans, and I know that the gentleman from Allegheny is a huge advocate for veterans and this language includes a carveout, an exception, a preference for veteran-owned businesses. Is it the legislative intent or is it your understanding of the diversity language now that exists in the Commonwealth that veterans would be covered under this scenario?

Mr. GEIST. It is my understanding that they are covered under current law. I am not an expert in that field, but it is my understanding that they are covered.

Mr. McGEEHAN. Thank you.

On the amendment, Mr. Speaker?

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

Mr. McGEEHAN. I am sorry. I missed that, Mr. Speaker.

The SPEAKER. You were seeking additional recognition on the amendment?

Mr. McGEEHAN. Yes.

The SPEAKER. The gentleman is in order.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Allegheny has some legitimate points. I think it is important that this House, and particularly the maker of the bill, clearly states the legislative intent. And even if \$1, and I think I heard the gentleman correctly, even if \$1 of public dollars is expended in any future public-private partnership, that the current diversity language would be included, and that is encouraging. However, the Wheatley amendment goes much further and it includes veterans. I think the chairman, the majority chairman of Transportation, said that that was part of Pennsylvania law now and that they are covered under the preference laws in Pennsylvania. There is considerable concern about including those. If they are concerned, Mr. Speaker, that certainly is encouraging. I ask the members to vote their conscience on this particular amendment.

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

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

Mr. SAYLOR. Thank you, Mr. Speaker.

As the majority chairman of the Transportation Committee stated, Pennsylvania's laws come into effect on this kind of legislation. This is a job-creation bill that is between private enterprise and government entities, and this piece of legislation only makes it less likely that people will enter into contracts because it is more paperwork that will be driven out of this. There are protections in Pennsylvania's current laws when it deals with dollars coming from the Commonwealth or Federal dollars as to this kind of diversity and protection of minority small businesses.

So, Mr. Speaker, this is unnecessary. It creates a problem, I believe, in a better and smoother operation of creating jobs here in Pennsylvania with this partnership. This is a huge move for Pennsylvania. Many other States are ahead of us in this job-creation area. We have seen no lack in other States of minority hiring and minority businesses receiving business. So I ask for a "no" vote on this. I believe the bill as it is now protects small businesses of minorities as well as minorities who would be hired under this bill. I think it is a great opportunity, in fact, for that population as we move forward in job creation in these construction jobs.

Thank you, Mr. Speaker.

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

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

Excuse me—

Mr. DERMODY. That is fine. I think you said Dermody, Mr. Speaker.

The SPEAKER. I did not realize the gentleman, Mr. Markosek, was also seeking recognition when you were standing beside each other.

Mr. DERMODY. No problem.

The SPEAKER. The gentleman, Mr. Dermody, is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, although we have heard that diversity language may already be included in law already in Pennsylvania, the P3s we have here before us today are a new way of doing business. It is a new way of doing business in the Commonwealth that includes companies that have never done business with us before. While we do have a longstanding policy of the Commonwealth that respects diversity, there does not need to be any confusion. The gentleman's amendment makes sure there is no confusion. For this new way of doing business in the Commonwealth, they must make sure that they respect diversity. This amendment makes sure that we maintain that longstanding policy in the Commonwealth to respect diversity. This amendment makes sure that veterans are protected and have the opportunities that they deserve when they come back from fighting overseas to be protected and have a place in this P3 partnership, because it is a public-private partnership. It is a new way of doing business. This new way of doing business must be assured that it complies with all the diversity requirements of the Commonwealth. We should vote "yes" on the Wheatley amendment.

Thank you, Mr. Speaker.

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

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to enthusiastically and wholeheartedly support the Wheatley amendment. There is really no reason, no reason, why we should not vote "yes" for this amendment. Now, we have heard some arguments here about some technicalities, some statutes, some laws that are already on the books, that we do not need it because it is already there. Well, if it is already there, what is the harm in voting for the Wheatley amendment? It harms nobody. It helps somebody. It is the right thing to do. Let us vote "yes" on the Wheatley amendment. Thank you, Mr. Speaker.

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

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I stand to rise in support of the Wheatley amendment, and I would like to just make some comments, Mr. Speaker.

Just yesterday I was at the supermarket and I ran across a neighbor who lives in my district who is a soldier, served the country for 24 years. He was telling me about the struggles that he is having and has had in terms of getting employment, health benefits. And I believe that we as a State or as a Commonwealth, it is important to us to demonstrate in light of the fact that during the wars, the recent wars that we have been in, there were more people from Pennsylvania who were fallen casualties to the war than any other State in the nation.

I think that what we do here is important for us to not only show our commitment when it comes down to wartime and the fact that we have so many people who are willing to make that ultimate sacrifice for this country, but with this amendment, what makes it so much different than what is in statute is that now we are also addressing the military population, too. So in addition to all the other good things that we are trying to promote and support here in terms of fairness and equality, this will only add to that and complement what is already in statute. So for all of us here on both sides of the aisle who maybe have family members in the military, who maybe have neighbors in the military, or just constituents of ours who are in the military, I believe that we are going to send all of them the right message of how we feel about the ultimate sacrifices that they have made and for soldiers and military personnel to come.

So as we are now dealing with the current wars, as we are now dealing with the current military forces, why not say that Pennsylvania is now a front-runner in terms of making sure that we provide access to contracts – tax-dollar contracts, we are talking about now – to make sure that they have the ability to come back here and have a job opportunity equal to none. So why do we not send the right message out, not only here in Pennsylvania to our veterans, but let us be role models and leaders in this nation and let us vote "yes" for the Wheatley amendment. Thank you, Mr. Speaker.

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

For what purpose does the gentleman, Mr. Wheatley, seek recognition?

POINT OF ORDER

Mr. WHEATLEY. Point of order, Mr. Speaker.

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

Mr. WHEATLEY. There was some information that was stated on the House floor that is not quite true, and so what I am asking from the Speaker is, I know that I have been recognized twice, but what is the procedure for correcting false or misunderstood information?

The SPEAKER. The normal process for debate allows each member to speak two times, and quite frankly, I am not sure how— You know, you do not have the opportunity to speak again, to debate the amendment.

Is the gentleman, Mr. Dermody, seeking recognition relative to debate on the amendment?

Mr. DERMODY. I am, Mr. Speaker.

The SPEAKER. Thought so. The gentleman, Mr. Dermody, is recognized on the amendment.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we need to point out that in this bill, let us make it clear, veterans are not included. The gentleman's amendment would include them. There is also great concern about women and minority-owned small businesses being able to participate in the P3s, because we know now that while there are many out there and many apply for contracts, including veteran-owned businesses also, that only 10 percent of the State contracts go to those types of businesses. All the gentleman is trying to do with this amendment is ensure that those folks, those minority and women-owned small businesses, veterans' businesses and veterans, are included so they, too, can enjoy the spoils, if there are any, with this P3 legislation. It is the right thing to do. It is the right thing to do for veterans. It is the right thing to do for our small businesses in the Commonwealth.

Thank you, Mr. Speaker.

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

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

Mr. SAYLOR. Mr. Speaker, I am not going to add to my comments I had earlier or repeat those, but again, I want to make this clear: This is a mandate, a mandate which is not needed because we have laws in Pennsylvania to protect minority businesses and employment. So again, I ask for a "no" vote on the amendment before us. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Wheatley amendment.

Mr. Speaker, I do not know what the statistics are for minorities relative to the rate of unemployment, but I know that the rate of unemployment for veterans is more than double than what it is for the general population. Our veterans, our marines, our sailors, our airmen, our soldiers coming home from Iraq and Afghanistan have to fight for health-care benefits; they have to fight for jobs in a very unfriendly economic climate.

This amendment is an effort to equalize the opportunities for our men and our women who have served in the military, and I encourage my colleagues in the House to support the Wheatley amendment.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, regrettably, I rise to oppose my friend from Allegheny County's amendment, A6430. The main concept behind a public-private partnership is bringing in private money to invest in Pennsylvania infrastructure. If we are to truly make a pitch to these guys to give up their capital to improve our infrastructure, why would we put shackles around their legs and mandate whom they have to hire and whatnot?

Point two, the gentleman from Allegheny's amendment, well-meaning as it is, is already covered in most of the language in the Davis-Bacon Act as far as minority and women hiring, and most of these projects do accept Federal money, Mr. Speaker. Regrettably, I have to oppose 6430 and ask that my colleagues do the same. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. I want to thank the Speaker.

Would it be possible to ask the maker of the amendment just a couple quick questions?

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

Mr. CONKLIN. I just want to ask the maker of the amendment, it is getting a little confusing, does your amendment give preferential treatment to our veterans that served in wars or were active duty for us?

Mr. WHEATLEY. Yes.

Mr. CONKLIN. And then the second question that I want to ask, can you clarify just a little bit how this would be a change in the law, the way it is today, as it goes back and forth, because I am hearing a mixed reaction here? One time I am hearing that it is already there. The next time I am hearing it is not. Could you just tell me how this would change, especially for our veterans?

Mr. WHEATLEY. From my understanding, currently we do not have a classification for service-connected disabled veteran firms. We do not have a process by which we have classified them as disadvantaged business enterprises. Under my bill, under my amendment, we will create that category and that will be part of any public-private partnership that is created under these circumstances that would have to be recognized and given treatment by State law, that we do not have currently.

Mr. CONKLIN. Thank you, Mr. Speaker.

Mr. Speaker, may I just speak on the amendment shortly?

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

Mr. CONKLIN. To me, this is actually a no-brainer. We have folks that are willing to stand out and defend us while we debate on this floor whether they should be getting preferential treatment. It is an easy vote. For those folks that have been in military combat, for those folks that may be going, it is nice to know that we here in the General Assembly respect and honor what they have done for us. So for myself, I am asking my colleagues to give this amendment a "yes" vote, give those folks that sacrificed their time and perhaps would have even sacrificed their life the ability to come back and to get a job and to have a little bit extra given to them because they have given

us the preferential treatment to be here. Thank you, Mr. Speaker.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make the record straight. If you look at the Department of Education, you look at the Department of Community and Economic Development, look at the Department of Environmental Resources, look at a number of Commonwealth agencies, you will find growth in public-private partnerships. Public-private partnerships are a 21st-century anchor to help government and communities come together in carrying out good public policy. So the notion that we would shackle the private sector if you adopt the Wheatley amendment is not correct. We are doing it already within the Commonwealth of Pennsylvania.

Just look at some of these educational partnerships. Look at all of the business that the Department of General Services enters into. There are public-private partnerships growing all across the spectrum. In fact, in fact, if you talk to small and large businesses, they would welcome the opportunity to do business in a way that reflects the beauty of this great State, that would reflect something that each and every one of us has acknowledged. Our veterans are coming home. A lot of them will be seeking business opportunities through public-private partnerships. The Wheatley amendment is a good step to take today, and it will not frustrate any existing law or any laws that we have adopted in the past.

So, Mr. Speaker, this is a good bill that at the end of the day is going to benefit people all across the State, whether or not they are D or R. At the end of the day, the benefits arising out of this proposal have very little to do with whether you are a Democrat or a Republican. It is about something good for people from all parts of the Commonwealth of Pennsylvania. Thank you.

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

The Speaker recognizes the lady from Delaware County, Mrs. Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker, for your kind and gracious patience.

I was not going to speak. I have been uncharacteristically quiet as of late. However, I had to weigh in on this issue.

For the past 14 years prior to coming to the House, I have been a tireless and fearless advocate for women-owned businesses. I spent the last 14 years of my life advocating for a fair share for women-owned businesses. And even though that work was rewarding, still in this Commonwealth, the share that women get of government contracts, the share that minorities get of government contracts, the share that veterans get of government contracts, and the employment level is dismally low. So to say that we do not need this amendment, the Wheatley amendment, is to ignore the facts and is to ignore the numbers of women-owned businesses that are not being awarded contracts in this Commonwealth.

The notion that we would be shackling private businesses is a false notion. It is called the price of doing business. If private companies come to the Commonwealth seeking public dollars to finance their projects at a time where lending institutions are

not currently lending money for many great projects that they could be lending money for, even in my own district, then it behooves us, Mr. Speaker, to put in this amendment to ensure that the commitment that we say we all have to leveling the playing field for minorities, women, and veterans, if we all have that commitment for their employment and a level playing field, then we need to adopt the Wheatley amendment.

So I ask all my colleagues on both sides of the aisle to vote their conscience and vote "yes" for a fair playing field for women-owned businesses and for our veterans. Thank you very much.

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

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I just want to stand up again in support of this amendment, 06430. I stand up because I heard the gentleman from York County speak about women and minority participation, and I am sure he is not opposed to that. But in addition to that, this amendment has complemented the diversity issue because now it has also included people who have served in the military.

Now, as I said, I ran into one of my constituents yesterday at the supermarket, and if any of you have the chance to experience going to the supermarkets, I am sure you probably run into your constituents there, too, and you might run into some constituents that served in the military. Many of you have served in the military, in this chamber and the chamber across the hall. How do we go back to our constituents who have people right now serving in a danger zone and in harm's way right now and say that we did not support an amendment that complements this bill to make it that much better and includes people who are in a dangerous line of activity every single day? Right now, right now, somebody's child is in harm's way. Right now somebody's husband is in harm's way. Right now somebody's wife and mother are in harm's way. I have someone who works in my office who serves in the military, right here in this Capitol. I feel very good knowing I have somebody in my office that is in the military right now and goes to training every single day. When she leaves here, she goes to the base and goes to training, a female, I tell you.

Now, I ask the members here, all of us, that we have to be very conscious about what we are about to do right now. This is important, and I feel very honored that one of the members on the other side of the aisle stood up and said he supports this because it makes sense to say yes to this. We cannot be a just say no to this vote right here just because we want to be a "no" vote. We have to say why we want to be a "no" vote and answer me, because we do not want to add veterans into this procurement and diversity plan.

Now, if that is what the "no" votes want to be able to go back to their districts and tell their constituents, then you vote "no," but when I go back to my district, I am going to tell my veterans, I am going to tell the lady who works in my office, and I am going to tell the whole military that Pennsylvania, at least this State Representative in Pennsylvania, voted for them and was thinking about them to make sure they were not excluded from this opportunity to be included when it comes down to taxpayers' money, taxpayers' dollars in terms of contracts.

I say this is something that we can both take home and wear proudly in our districts, regardless to whose amendment it is, because I was in the committee when this came up as a suggestion to Representative Wheatley when he first tried to move this bill, and as I remember correctly, it was not an amendment idea that came from our side of the aisle, and it was a good amendment and he took it and he wrapped it up and put it inside the amendment.

I support it. I hope you support it, because one thing is for certain, we have to show our military people that we appreciate them. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—156

Adolph	DiGirolamo	Keller, W.	Preston
Barbin	Donatucci	Killion	Quigley
Barrar	Ellis	Kirkland	Quinn
Bishop	Emrick	Kortz	Rapp
Boback	Evans, D.	Kotik	Ravenstahl
Boyle, B.	Evans, J.	Kula	Readshaw
Boyle, K.	Everett	Longietti	Reed
Bradford	Fabrizio	Mahoney	Reese
Brennan	Farry	Major	Rock
Briggs	Frankel	Maloney	Roebuck
Brooks	Freeman	Mann	Sabatina
Brown, R.	Gabler	Markosek	Saccone
Brown, V.	Galloway	Marshall	Sainato
Brownlee	George	Marsico	Samuelson
Burns	Gerber	Masser	Santarsiero
Buxton	Gergely	Matzie	Santoni
Caltagirone	Gibbons	McGeehan	Scavello
Carroll	Gillen	Metzgar	Simmons
Causar	Gingrich	Miccarelli	Smith, K.
Clymer	Godshall	Micozzie	Smith, M.
Cohen	Goodman	Millard	Sonney
Conklin	Grell	Mirabito	Staback
Costa, D.	Hackett	Moul	Stephens
Costa, P.	Hahn	Mullery	Stevenson
Creighton	Haluska	Mundy	Sturla
Cruz	Hanna	Murphy	Swanger
Culver	Harhai	Murt	Tallman
Curry	Harhart	Mustio	Taylor
Daley	Harkins	Myers	Thomas
Davidson	Harper	Neuman	Tobash
Davis	Harris	O'Brien, M.	Toohil
Day	Helm	O'Neill	Vereb
Deasy	Hennessey	Parker	Vitali
DeLissio	Hornaman	Pashinski	Vulakovich
Delozier	Josephs	Payne	Waters
DeLuca	Kampf	Payton	Watson
DePasquale	Kauffman	Peifer	Wheatley
Dermody	Kavulich	Petrarca	White
DeWeese	Keller, M.K.	Petri	Youngblood

NAYS—39

Aument	Fleck	Krieger	Ross
Baker	Geist	Lawrence	Saylor
Bear	Gillespie	Metcalfe	Schroder
Benninghoff	Grove	Miller	Stern
Bloom	Heffley	Milne	Toepel
Boyd	Hess	Oberlander	Truitt
Christiana	Hickernell	Perry	Turzai
Cox	Hutchinson	Pickett	
Cutler	Keller, F.	Pyle	Smith, S.,
Denlinger	Knowles	Roae	Speaker
Dunbar			

NOT VOTING—0

EXCUSED—2

Evankovich Maher

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

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

Mr. **STURLA** offered the following amendment No. **A06434**:

Amend Bill, page 45, by inserting between lines 15 and 16
(6) Examine ways to divest the Commonwealth of State highways that have an average daily travel of fewer than 2,000 vehicles per day and report its findings and recommendations under this paragraph to the General Assembly within one year of the effective date of this section.

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

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

Mr. **STURLA**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply has the Public-Private Transportation Partnership Board "examine ways to divest the Commonwealth of State highways that have an average daily travel of fewer than 2,000 vehicles per day and report its findings and recommendations under this paragraph to the General Assembly within one year of the effective date of this section."

Pennsylvania, as many of you know, has more miles of roads than almost any State in the nation, and part of that is because, unlike almost any State in the nation, we own a lot of what would in other States be considered back roads. This is simply trying to look at a way that the State might divest itself of roads that probably should be and would probably better be served if they were local roads and look at having the State simply concentrate on the roads that are the most heavily traveled roads in the State of Pennsylvania.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Blair County, Mr. Geist.

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

This amendment is clearly out of the scope of what this bill is about. I would urge a "no" vote.

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

The following roll call was recorded:

YEAS—60

Barbin	Curry	Hornaman	Ravenstahl
Bishop	Daley	Josephs	Readshaw
Boyle, B.	Deasy	Keller, W.	Roebuck
Boyle, K.	DeLissio	Kirkland	Sabatina
Bradford	DeLuca	Kortz	Samuelson
Brennan	Dermody	Kula	Santoni
Briggs	Donatucci	Mann	Schroder
Brown, V.	Evans, D.	Markosek	Smith, M.
Brownlee	Fabrizio	Matzie	Staback
Buxton	Frankel	McGeehan	Sturla
Caltagirone	Freeman	Myers	Thomas
Cohen	George	O'Brien, M.	Vitali
Costa, D.	Gerber	Parker	Waters
Costa, P.	Gergely	Payton	Wheatley
Cruz	Harkins	Preston	Youngblood

NAYS—135

Adolph	Fleck	Krieger	Quigley
Aument	Gabler	Lawrence	Quinn
Baker	Galloway	Longiotti	Rapp
Barrar	Geist	Mahoney	Reed
Bear	Gibbons	Major	Reese
Benninghoff	Gillen	Maloney	Roe
Bloom	Gillespie	Marshall	Rock
Boback	Gingrich	Marsico	Ross
Boyd	Godshall	Masser	Saccone
Brooks	Goodman	Metcalfe	Sainato
Brown, R.	Grell	Metzgar	Santarsiero
Burns	Grove	Miccarelli	Saylor
Carroll	Hackett	Micozzie	Scavello
Causar	Hahn	Millard	Simmons
Christiana	Haluska	Miller	Smith, K.
Clymer	Hanna	Milne	Sonney
Conklin	Harhai	Mirabito	Stephens
Cox	Harhart	Moul	Stern
Creighton	Harper	Mullery	Stevenson
Culver	Harris	Mundy	Swanger
Cutler	Heffley	Murphy	Tallman
Davidson	Helm	Murt	Taylor
Davis	Hennessey	Mustio	Tobash
Day	Hess	Neuman	Toepel
Delozier	Hickernell	O'Neill	Toohil
Denlinger	Hutchinson	Oberlander	Truitt
DePasquale	Kampf	Pashinski	Turzai
DeWeese	Kauffman	Payne	Vereb
DiGirolamo	Kavulich	Peifer	Vulakovich
Dunbar	Keller, F.	Perry	Watson
Ellis	Keller, M.K.	Petrarca	White
Emrick	Killion	Petri	
Evans, J.	Knowles	Pickett	Smith, S.,
Everett	Kotik	Pyle	Speaker
Farry			

NOT VOTING—0

EXCUSED—2

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

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the lady, Mrs. BROOKS, from Mercer County for the remainder of the day, and the gentleman, Mr. FLECK, from Huntingdon County for the remainder of the day. Without objection, the leaves will be granted.

CONSIDERATION OF HB 3 CONTINUED

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

Mr. SANTARSIERO offered the following amendment No. A06703:

Amend Bill, page 46, by inserting between lines 8 and 9
(4) Notwithstanding paragraph (1), (2) or (3), all proposed transportation projects involving a user fee on existing roads, bridges and tunnels shall be approved by an enactment of the General Assembly.

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.
There might have been a misunderstanding previously. I want to run amendment A06704 in lieu of this amendment.

The SPEAKER. Is the gentleman indicating he is withdrawing 6703?

Mr. SANTARSIERO. Yes. Thank you, Mr. Speaker.
The SPEAKER. The amendment is withdrawn.

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

Mr. SANTARSIERO offered the following amendment No. A06704:

Amend Bill, page 46, by inserting between lines 8 and 9
(4) Notwithstanding paragraph (1), (2) or (3), all proposed transportation projects involving a user fee on roads, bridges and tunnels shall be approved by an enactment of the General Assembly.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

This amendment is fairly straightforward. Under the bill as it is currently written, the decision to enter into these agreements would be made by a new seven-member panel out of the control of this General Assembly. The supporters of the P3 concept have acknowledged that at most it will address about 10 to 15 percent of our transportation needs in the Commonwealth, and the odds are that most of those will be in the southeastern part of the State because that is where the volume of traffic is to justify the private investment.

What my amendment would do, Mr. Speaker, is merely say that each one of those projects would have to be approved by the General Assembly. There will be few enough of them that it would not overburden this body to be able to consider those on a case-by-case basis, and I think it is better policy at the end of the day to retain in the General Assembly the authority to approve the agreements.

So that is what this amendment does, and for that reason I urge the members to vote "yes."

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Blair County, Mr. Geist.

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

Overwhelmingly, States that have P3s do not have this oversight. We built oversight into the amendment that we did before. We included the amendment to take it to 30 days. This amendment is almost frivolous, and I would urge a "no" vote.

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. I just want to understand what is going on. Now, in the absence of this amendment, let us say that seven-panel commission we will refer to wanted to toll 95. Could they do it in the absence of this amendment without approval of the legislature?

Mr. SANTARSIERO. The practical answer to that question is yes. What the sponsor of the bill just said was that there was amended in committee a provision that would give the General Assembly 30 days to override the decision of this seven-member panel. But as I stated in the committee meeting and I will state again on the floor of the House now, Mr. Speaker, I have yet to see this General Assembly do anything in 30 days. So I think it is highly unlikely, as a practical matter, that any decision of that seven-member panel would ever be overturned. So as a practical matter, they would be in a position to be able to do this and we as the elected Representatives of the people would not have the ability to stop it.

Mr. VITALI. So conversely, conversely, if your amendment gets in, then we would need to directly approve any tolling of 95?

Mr. SANTARSIERO. That is correct, Mr. Speaker.

Mr. VITALI. Okay. Thank you.

That concludes my interrogation. I would just like to speak on this.

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

Mr. VITALI. I think the Santarsiero amendment is crucial to maintaining our role in important issues like this. I believe that even though the chairman of the Transportation Committee cited this amendment in committee, I agree with the gentleman from Bucks County.

And I think we all know, who have been here long enough, it is trying to actively— We are in a much better position of power if we have to proactively approve something. I think the gentleman from Bucks County is right. Trying to act quickly would be difficult, and the Governor may not be with us on this either, which would thwart our efforts. So I think that in order to maintain local control, in order for us to stay in a position on issues like this, to prevent things like the tolling of 95 without our approval, we need to support the gentleman from Bucks County's amendment. I urge an affirmative vote.

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 3 CONTINUED

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

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

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, I just rise to oppose amendment A06704, and as I briefly listened to the debate, it did not take me long to come to the conclusion that I actually think that this would be a horrible amendment to put in this bill.

First of all, it is going to make every project that goes through the State on a P3 basis, it is going to make it a political football. It is going to turn it into a debate on the House floor of, well, I will vote for your project if you vote for my project. And frankly, Mr. Speaker, having been here close to 10 years and watched how the sausage gets made here, the last thing that those of us who have our roots in the private sector want to do is engage in this process of having this General Assembly try to decide whether a public-private partnership project is worthwhile. Frankly, I think you will see the investment companies that would be looking to do work in this State run for the hills and stay as far away from Pennsylvania as possible.

I appreciate what the gentleman is trying to do. And the gentleman from Delaware County used an interesting word. He said that if we do not put this in, we are not going to have "power" over this process. Well, I am not so sure trying to give 203 members of this legislature power over the process of trying to get the private sector to invest in infrastructure in our Commonwealth is a good thing.

So, Mr. Speaker, I just strongly urge my colleagues to think about this, because, really, it is going to kill the whole process of inviting and asking the private sector to invest in infrastructure in Pennsylvania. Thank you, Mr. Speaker.

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

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

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

Mr. Speaker, the gentleman from Bucks County is exactly correct in the language and the intent of this amendment.

Under the current bill, the makeup of the board includes seven members. Those seven members would have ultimate authority to approve or disapprove projects in your districts. If that had been the case, Mr. Speaker, the I-80 project, the tolling of I-80, would have gone on, and this General Assembly would have been eunuchs in defeating that proposal. Whether you think that that is good or bad, it empowered each and every member of this House. The gentleman from Bucks County is attempting to do just that. When we have billions of dollars spent in this Commonwealth, including in each and every one of your districts, you should have a say. Who knows your communities more than you? Who knows the will of the people in your communities more than you?

Mr. Speaker, rather than seven members making decisions, generational decisions that will last far beyond your tenure and your predecessor's tenure and his or her predecessor's tenure, to have those projects approved without the input of the Representatives in this House is wrong. Empowering members of the General Assembly to make monumental decisions that last decades and cost billions of dollars just makes common sense, and I heartily approve the gentleman from Bucks County's amendment.

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

On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Now, Mr. Speaker, I recall just last session this General Assembly racing to the floor to overturn a bill related – to overturn a provision related to sprinklers. We could not wait to pass legislation to overturn a policy decision that was made by a third party. The members of this General Assembly ran to this floor to undo sprinklers because we wanted to have a say. So here we are today, Mr. Speaker, and we have the chance to make a policy decision related to whether we want to decide whether I-80 gets tolled, whether I-81 gets tolled, or whether we want to give that ability to a third party.

Mr. Speaker, that is the essence of what we do in this chamber. The essence of what we do is contemplate and cast votes. Not all of them are easy. We do not just get to name bridges around here. The fact of the matter is, sometimes we actually cast votes, and the vote on this is important, because this vote will determine whether or not our roads and bridges are tolled and who is going to make the decision to do that. I have cast that vote before and I am prepared to do it again, and without the Santarsiero amendment, we give that authority to a third party. I say no.

Thank you, Mr. Speaker.

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

On that question, is the gentleman from Bucks seeking recognition for the second time?

On the amendment, the gentleman from Bucks County, Mr. Santarsiero, is recognized for the second time.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker—

The SPEAKER. Excuse me; before you go, were you seeking recognition, Mr. Vereb?

I apologize, Mr. Santarsiero. Would you yield, and I will come back to you for the second time.

On the question, on the amendment, the gentleman from Montgomery County, Mr. Vereb, is recognized.

Mr. VEREB. Thank you, Mr. Speaker.

I am sorry to the macebearer. I tried to wave. I am sorry about that.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. You can be unrecognized, too, you know.

Mr. VEREB. Thank you, Mr. Speaker.

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

Mr. VEREB. We are hearing a lot of I-80 and I-95. Could the gentleman from Bucks County— I do not know that he was here, but this Assembly voted to toll I-80. Is it not true, when it is a Federal highway, that this body cannot toll the highway?

The SPEAKER. I apologize. Did you seek to interrogate the maker of the amendment?

Mr. VEREB. Yes.

The SPEAKER. I apologize. Will the gentleman, Mr. Santarsiero, stand for interrogation?

Mr. SANTARSIERO. Yes.

The SPEAKER. The gentleman, Mr. Vereb, please restate your question.

Mr. VEREB. There have been references made about I-80 and I-95. Is it not true we do not have the authority to toll those roads?

Mr. SANTARSIERO. Mr. Speaker, despite the fact that the gentleman from Montgomery County may well know the answer to the question he has just posed, I will nonetheless answer it.

The fact of the matter is, Mr. Speaker, that you do not get to that step unless it is first approved by the State, and that is the point. We do not get to the point of asking the Federal government unless the State first approves it. And my point is, Mr. Speaker, that rather than give that first step to an unelected body of seven people that most of the public does not know, we should retain that authority here in the General Assembly for the simple reason, Mr. Speaker, despite what was said earlier by the gentleman from Lancaster County, the reality is that there will be few enough of these projects that this General Assembly will be well capable of addressing them, and we should not shirk the responsibility that the people who elected us put us here to fulfill. So, Mr. Speaker, as a practical matter, that first step has to happen here.

Mr. VEREB. Thank you, Mr. Speaker.

I actually did not know the answer to the question of I-95. By obvious results of I-80, I know the answer to that particular question.

Could you tell me what the criteria for this General Assembly would be to say yes or no to a project?

Mr. SANTARSIERO. Mr. Speaker, I am not in a position here today to address any particular project because none are before this House. So I cannot tell you what the will of the General Assembly will be on any particular project. It may well be that there will be some where there is support and perhaps some where there is not support, but again, we cannot sit here

today to try to discern how those votes will happen. We do not even know what the projects are.

Mr. VEREB. Thank you, Mr. Speaker.

On the amendment?

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

Mr. VEREB. Mr. Speaker, historically speaking, this good body over the years has done things like establish a Turnpike Commission; they have established an Ethics Commission; they have established an Independent Fiscal Office; they have established many other panels and boards that get down to the street level of what is beneficial for our communities and impact our communities in so many other ways, and they do that for a reason, Mr. Speaker.

I find it very coincidental that all of a sudden local control is important on such an issue when in fact the I-80 bill, which in fact I did support, was put through without any types of protections of local control.

So I encourage a "no" vote on this, Mr. Speaker. History speaks for itself. The Turnpike Commission and other commissions that we have in this Commonwealth, also their records speak for it. Thank you, Mr. Speaker.

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

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

When I hear tolling of I-80, my hair starts to grow.

I just want to remind and I have to tell you, frankly speaking, the General Assembly voted to toll I-80, and I do not have any confidence that if it did come back to this floor, that you folks would again vote to toll I-80. Why? It is easy. The population density is not in that I-80 corridor. It is in the Philly, the Allegheny areas, and it is away from that highway, and that is why it passed here. So I really do not have the confidence in bringing that – giving that power back to the folks in this room, because if that vote happened right now, you guys would vote to toll I-80, and I know you will. So any way that I can get it away from you, I am in better shape.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. I want to thank the Speaker.

Would the gentleman of the amendment take a quick interrogation from me again?

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

Mr. CONKLIN. A lot of folks talk about – I heard one of the gentlemen talk about I-80, I-95 needing a Federal variance to be able to do that. I am just curious, what about State roads 219, 322? Would those take a State road, or could this General Assembly, if a plan is put forth, could they vote to do 219, 322?

Mr. SANTARSIERO. Mr. Speaker, under the way the bill is currently written, the seven-member panel would have the authority to make those decisions unilaterally with the only caveat that there would be this 30-day period in which the General Assembly could theoretically override their decision. But again, that assumes a lot of things, that there would be a

piece of legislation brought to the floor to actually do that and then ultimately that there would be in that 30-day period enough time to actually make that happen. So unlike the Federal situation, there would be no other check on the ability of the seven-member panel to approve the P3 in those circumstances.

Mr. CONKLIN. I am going to go just a little bit beyond your amendment. Maybe you could answer this for me. On the bill itself, are these seven members elected officials that are elected by the people of Pennsylvania or would they be bureaucrats that would be appointed?

Mr. SANTARSIERO. Mr. Speaker, they are the latter. They would be bureaucrats appointed.

Mr. CONKLIN. Thank you, Mr. Speaker.

If I may speak on the bill?

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

Mr. CONKLIN. This is another no-brainer amendment. Do the elected Representatives of the people stand for accountability and vote if the situation comes forward, or do we allow appointees do our bidding for us? You know, the easy way is to allow an appointee do our bidding for us so we can blame it on the other guy, but under an elected representation, I believe that we should be the whole, the ones who make that decision.

So for that I am going to ask my colleagues to support this amendment. I think it is a good amendment to keep things in check that the people's voice will be heard.

Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

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

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

Mr. GABLER. Mr. Speaker, I have remarks to submit for the record.

The SPEAKER. The gentleman may submit his remarks to the clerk, and they will be noted on the record.

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

While I appreciate the efforts of the gentleman from Bucks County, I strongly oppose this amendment. As we found with the approval of Act 44 of 2007, it is very easy for this Assembly to approve a tolling project in a sparsely populated area of the State. Members will vote for projects that they do not perceive their constituents will pay for. Meanwhile, tolling projects in areas of the State with enough political clout to defeat them would not be approved.

I oppose this amendment because it would ensure that the only tolls that would ever be created would be the tyranny of the majority over the rural portions of this State like the areas I represent.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise in support of this amendment. Briefly I have to say I am just astounded by some of the arguments made by the

speakers on the other side of the aisle because they amount to this General Assembly, this House, they are saying, is not qualified to make public policy. Well, then, Mr. Speaker, what are we doing here? What are we doing here?

We are the people who make public policy in this Commonwealth. We are one of the oldest legislatures in the free world in the Western Hemisphere. Benjamin Franklin sat in the seat where my comrade, my colleague from Old City, sits now. We are qualified to make public policy, and we ought to be making it.

This is an excellent amendment. If you want to go home and tell your people you are collecting a salary but you cannot make public policy, that is fine with me, but I am not going to do that.

Thank you, Mr. Speaker.

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

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

Mr. KILLION. Thank you, Mr. Speaker, and I will be brief.

I think it is important for everyone to understand that one of the P's in the three P's is private. What we are trying to do here is attract capital to Pennsylvania to rebuild our bridges, our roads, and our highways, and in order to do that, we have to compete with all the other States in the country, and very few of them have this requirement. So if I have private-sector money and I am deciding what State to put it in and where I am going to hire people and create jobs and build roads and build infrastructure, I am going to look at States that do not have too many onerous hurdles I have to go through.

You need 102 votes in here, you need 26 across the way, and you need the Governor to sign it if we add this provision. We are going to watch money go to States that do not have this provision. This is a jobs bill. This amendment kills those jobs. I encourage a "no" vote.

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

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

Mr. TURZAI. Thank you, Mr. Speaker.

Please vote "no" on this amendment from the good gentleman from Bucks. It has the chilling effect on investment. The point behind the bill, as my good friend from Delaware County has said, it is a pro-private-sector jobs bill. It is designed to put investment into infrastructure. If in fact you require approval by this General Assembly for each and every P3 project, it will become a political endeavor as opposed to a project that is based on its merits and based on its financing. The entire goal behind public-private partnerships as adopted by 32 States is to make sure that we get both State investment and private investment and that there is a return on that investment.

A good number of years ago the author of this bill, the chair of the Transportation Committee, brought in Secretary Ybarra from the State of Virginia to talk about the use of public-private partnerships in construction of their new roads, bridges, and tunnels, and also with respect to the expansion of existing roads, bridges, and tunnels. The important thing that she said was that you were able to get free flow of investment by following a process that focused on the public-private approach and not having it nitpick or brought down to a political level with each and every vote. It is my contention that this is a chilling effect on the entire purpose of the public-private partnership and we should vote "no." Thank you.

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

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero, for the second time.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I find it interesting that the gentleman from Allegheny County, the majority leader, is talking about jobs. If we want to create jobs, Mr. Speaker, we can come up with an actual plan to deal with the \$3.5 billion problem that this State has right now—

Mr. TURZAI. Objection, Mr. Speaker.

Mr. SANTARSIERO. —right now, Mr. Speaker, and yet we have not heard—

Mr. TURZAI. Objection, Mr. Speaker.

Mr. SANTARSIERO. —such a plan from the—

Mr. TURZAI. Objection, Mr. Speaker.

The SPEAKER. The gentleman will suspend.

Mr. TURZAI. Objection, Mr. Speaker.

The SPEAKER. The gentleman will suspend.

Mr. TURZAI. It is far afield from the subject at hand. He can have a press event if he would like to have another press event.

The SPEAKER. The gentleman will suspend.

The House will please come to order.

The gentleman from Bucks may continue, and kindly keep your remarks confined to the substance of the amendment.

Mr. SANTARSIERO. But, Mr. Speaker, he opened the door.

The SPEAKER. The gentleman will suspend.

Mr. SANTARSIERO. I understand.

The SPEAKER. We are not arguing here.

Mr. SANTARSIERO. I understand.

The SPEAKER. You may debate the amendment.

Mr. SANTARSIERO. I understand.

Mr. Speaker, I will save those remarks for tomorrow when we consider the bill on third.

Let me tell my colleagues a story. The crossing over the Delaware River where I-95 crosses from Bucks County into Mercer County, New Jersey, is the Scudder Falls Bridge, and like the other crossings along the Delaware, the Scudder Falls Bridge is owned and operated by the Delaware River Joint Toll Bridge Commission. This is an entity created by both the Commonwealth of Pennsylvania and the State of New Jersey. It, unlike PENNDOT, already has the authority to enter into P3s.

Mr. Speaker, about a year and a half ago the Delaware River Joint Toll Bridge Commission announced that it was going to consider entering into a P3 for the building of a new Scudder Falls Bridge across the Delaware River, and that as part of that P3, it would toll the bridge. Well, Mr. Speaker, when my constituents came to me and said, "What can we do about this?" my response was, well, we can go to their meetings and we can argue against this, but at the end of the day, this unelected body, these members of the Delaware River Joint Toll Bridge Commission, appointed by the Governor of Pennsylvania and the Governor of New Jersey, had the ultimate authority to make the decision, and that I, as their elected Representative, at the end of the day could not override their decision if that is what they decided.

Now, Mr. Speaker, comes the P3 bill where it is being proposed that we give that same authority to a seven-member board to be able to make similar decisions across the Commonwealth of Pennsylvania when we know, by the admission of those who support this bill, that it will only pertain to a handful of projects in any given year. That being the case,

Mr. Speaker, there is absolutely no reason, no good reason for this General Assembly to abrogate its responsibility to consider each of those proposals in turn. We do a disservice to the people we represent. We take their voice out of the process, and we give it to an unelected board. I saw firsthand how that worked an injustice on my constituents regarding the Scudder Falls Bridge. I do not want to see that happen to I-95, I-80, the turnpike, or any other piece of vital infrastructure in this Commonwealth, Mr. Speaker. Let us retain that authority.

I ask that you vote "yes" on this amendment.

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

The following roll call was recorded:

YEAS—94

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

NAYS—98

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

NOT VOTING—0

EXCUSED—5

Brooks	Evans, J.	Fleck	Maher
Evankovich			

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

AMENDMENT A06863 RECONSIDERED

The SPEAKER. The Speaker is in receipt of a motion to reconsider a vote by which a previous amendment passed. Representative Turzai and Representative Saylor move that the vote by which amendment A06863 to HB 3, PN 2754, was passed on the 13th day of February be reconsidered.

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

The following roll call was recorded:

YEAS—144

Adolph	Donatucci	Kirkland	Quinn
Aument	Dunbar	Knowles	Rapp
Baker	Emrick	Kortz	Ravenstahl
Barbin	Everett	Kotik	Reed
Barrar	Farry	Krieger	Reese
Bear	Frankel	Kula	Roae
Benninghoff	Freeman	Lawrence	Rock
Bishop	Gabler	Major	Ross
Bloom	Geist	Maloney	Sabatina
Boback	Gergely	Mann	Saccone
Boyd	Gibbons	Markosek	Sainato
Boyle, B.	Gillen	Marshall	Samuelson
Boyle, K.	Gillespie	Marsico	Saylor
Brennan	Gingrich	Matzie	Scavello
Brown, R.	Godshall	McGeehan	Simmons
Brown, V.	Goodman	Metzgar	Smith, K.
Brownlee	Grell	Miccarelli	Sonney
Buxton	Grove	Micozzie	Staback
Carroll	Hackett	Millard	Stephens
Causar	Hahn	Miller	Stern
Christiana	Hanna	Milne	Stevenson
Clymer	Harhart	Moul	Swanger
Cohen	Harper	Murt	Tallman
Costa, D.	Harris	Mustio	Taylor
Costa, P.	Heffley	Myers	Tobash
Cox	Helm	O'Brien, M.	Toepel
Creighton	Hennessey	O'Neill	Toohil
Culver	Hess	Oberlander	Turzai
Cutler	Hickernell	Parker	Vereb
Daley	Hutchinson	Payne	Vulakovich
Day	Kampf	Peifer	Waters
Deasy	Kauffman	Perry	Watson
Delozier	Kavulich	Petri	Wheatley
DeLuca	Keller, F.	Pickett	
Denlinger	Keller, M.K.	Pyle	Smith, S., Speaker
Dermody	Keller, W.	Quigley	
DiGirolamo	Killion		

NAYS—45

Bradford	Evans, D.	Mahoney	Readshaw
Briggs	Fabrizio	Masser	Roebuck
Burns	Galloway	Metcalfe	Santarsiero

Caltagirone	George	Mirabito	Santoni
Conklin	Gerber	Mullery	Schroder
Curry	Haluska	Mundy	Smith, M.
Davidson	Harhai	Murphy	Sturla
Davis	Harkins	Neuman	Thomas
DeLissio	Hornaman	Pashinski	Truitt
DePasquale	Josephs	Petrarca	Vitali
DeWeese	Longietti	Preston	White
Ellis			

NOT VOTING—3

Cruz	Payton	Youngblood
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EXCUSED—5

Brooks	Evans, J.	Fleck	Maher
Evankovich			

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

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

The following roll call was recorded:

YEAS—140

Adolph	Donatucci	Kotik	Ravenstahl
Barbin	Emrick	Krieger	Readshaw
Barrar	Evans, D.	Kula	Reed
Bishop	Everett	Longietti	Reese
Boback	Fabrizio	Mahoney	Roebuck
Boyd	Farry	Major	Sabatina
Boyle, B.	Frankel	Mann	Saccone
Boyle, K.	Freeman	Markosek	Sainato
Bradford	Gabler	Marshall	Samuelson
Brennan	Galloway	Masser	Santarsiero
Briggs	Geist	Matzie	Santoni
Brown, R.	George	McGeehan	Scavello
Brown, V.	Gerber	Metzgar	Simmons
Brownlee	Gergely	Miccarelli	Smith, K.
Burns	Gibbons	Micozzie	Smith, M.
Buxton	Godshall	Mirabito	Sonney
Caltagirone	Goodman	Mullery	Staback
Carroll	Hackett	Mundy	Stephens
Christiana	Hahn	Murphy	Stern
Cohen	Haluska	Murt	Sturla
Conklin	Hanna	Mustio	Taylor
Costa, D.	Harhai	Myers	Thomas
Costa, P.	Harhart	Neuman	Tobash
Cruz	Harkins	O'Brien, M.	Toohil
Curry	Harper	O'Neill	Vereb
Daley	Harris	Parker	Vitali
Davidson	Heffley	Pashinski	Vulakovich
Davis	Hennessey	Payne	Waters
Day	Hess	Payton	Watson
Deasy	Hornaman	Peifer	Wheatley
DeLissio	Josephs	Petrarca	White
DeLuca	Kavulich	Petri	Youngblood
DePasquale	Keller, W.	Preston	
Dermody	Killion	Quigley	Smith, S., Speaker
DeWeese	Kirkland	Quinn	
DiGirolamo	Kortz		

NAYS—52

Aument	Dunbar	Keller, M.K.	Pyle
Baker	Ellis	Knowles	Rapp
Bear	Gillen	Lawrence	Roae
Benninghoff	Gillespie	Maloney	Rock
Bloom	Gingrich	Marsico	Ross
Causer	Grell	Metcalfe	Saylor
Clymer	Grove	Millard	Schroder
Cox	Helm	Miller	Stevenson
Creighton	Hickernell	Milne	Swanger
Culver	Hutchinson	Moul	Tallman
Cutler	Kampf	Oberlander	Toepel
Delozier	Kauffman	Perry	Truitt
Denlinger	Keller, F.	Pickett	Turzai

NOT VOTING—0

EXCUSED—5

Brooks	Evans, J.	Fleck	Maher
Evankovich			

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

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman from Cambria County, Mr. BARBIN, for the remainder of the day, and the gentleman, Mr. Ken SMITH, from Lackawanna County for the remainder of the day. Without objection, the leaves will be granted.

The House will be at ease for a few moments.

The House will come to order.

CONSIDERATION OF HB 3 CONTINUED

BILL PASSED OVER

The SPEAKER. HB 3 will be over for the remainder of the day.

And for the information of the members, there will be no further votes.

STATEMENT BY MR. SANTARSIERO

The SPEAKER. For what purpose does the gentleman, Mr. Santarsiero, rise?

Mr. SANTARSIERO. Unanimous consent, Mr. Speaker.

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

Mr. SANTARSIERO. Thank you, Mr. Speaker.

It is now day 5 since HB 1950 was passed; day 5. Mr. Speaker, we are going to maintain a count for every day past—

The SPEAKER. The gentleman will suspend.
Mr. SANTARSIERO. —the passage of that—
The SPEAKER. The gentleman will suspend.

OBJECTION TO UNANIMOUS CONSENT

The SPEAKER. The unanimous consent has been withdrawn. I heard two members object to the unanimous consent.

BILLS RECOMMITTED

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

HB 1329;
HB 2021;
HB 2059;
HB 2060;
HB 2106;
HB 2133; and
HB 2134.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 272 and HB 1662 be removed from the tabled calendar and placed on the active calendar.

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

BILLS TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 272 and HB 1662 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION

Mr. TURZAI called up **HR 223, PN 1564**, entitled:

A Concurrent Resolution urging the Congress of the United States to reexamine the Federal Unemployment Tax Act as it relates to corporate officers.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 223 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 223 be removed from the tabled calendar and placed on the active calendar.

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

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 the House, the Speaker recognizes the lady, Ms. Culver, from Northumberland County, who moves that the House do adjourn until Tuesday, February 14, 2012, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 6:17 p.m., e.s.t., the House adjourned.