

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 9, 2016

SESSION OF 2016

200TH OF THE GENERAL ASSEMBLY

No. 8

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MIKE TURZAI) PRESIDING

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.
Let us pray together.

Gracious Heavenly Father, we thank You for this day to serve others. We thank You, Lord, our servant leader and true shepherd, that You have called us to share the ministry of servant leadership. We rejoice that You have entrusted to each one of us gifts and talents for the service of the people we serve in our districts and here at the Capitol. We thank You for Your confidence in us, despite our limitations, and ask that You make up for what is lacking in our sincere efforts.

Help us discover Your purpose and direction for our State and nation, and keep us always mindful of the mission You have set before us. Teach us to be leaders after Your own heart. Let us look with Your eyes, hear with Your ears, walk in Your steps, and decide according to Your will. Help us to stand in the midst of Your people as examples that others can follow. We praise and bless You with gratitude for the gift of salvation and the call to mission in service of Your will and purpose.

We thank You, Lord Jesus, our servant leader and true shepherd, that You have called us to share the ministry of leadership that serves others. Grant us wisdom, revival, reconciliation, and renewal as we strive to serve others on the mission field of public service. We seek to do Your will so that when we appear before You one day, we may hear Your gracious words, "Well done, good and faithful servant."

In Jesus' name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, February 8, 2016, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. The following 2015 Journals are in print, and without objection, they will be approved:

Wednesday, July 22, 2015;
Tuesday, August 25, 2015;
Monday, September 21, 2015;
Tuesday, September 22, 2015; and
Thursday, September 24, 2015.

RESOLUTION REPORTED FROM COMMITTEE

HR 619, PN 2665

By Rep. PAYNE

A Resolution urging the Congress of the United States to lift the Federal ban on sports betting and to allow states that authorize, license and regulate casino gaming, including the Commonwealth of Pennsylvania, to legalize sports betting through its licensed facilities.

GAMING OVERSIGHT.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 681 By Representatives CRUZ, YOUNGBLOOD, THOMAS, J. HARRIS, V. BROWN, BAKER, KLUNK, PHILLIPS-HILL, TOEPEL, MILLARD, SAYLOR, O'BRIEN, SONNEY, D. COSTA, NEILSON, GABLER, GILLEN and COHEN

A Resolution directing the Legislative Budget and Finance Committee to conduct a study and issue a report on the Federal, State and city funds allocated to the School District of Philadelphia and urging the Auditor General to conduct a forensic audit of the expenditures of the School District of Philadelphia and issue a report.

Referred to Committee on EDUCATION, February 9, 2016.

No. 682 By Representatives DUSH, GROVE, A. HARRIS and MOUL

A Concurrent Resolution directing the Congress of the United States to call for an amendment convention pursuant to Article V of the United States Constitution that shall be entitled the Countermand Amendment Convention and limited to proposing an amendment to the United States Constitution to grant state legislatures authority to countermand and rescind any mandate issued by any branch of the Federal Government or its agencies that encroaches on states' rights and the personal liberties of their citizens.

Referred to Committee on STATE GOVERNMENT, February 9, 2016.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1259 By Representatives BOBACK, PICKETT, MURT, DRISCOLL, V. BROWN, SCHLOSSBERG, THOMAS, IRVIN, D. COSTA, COHEN, PETRARCA, MILNE, HEFFLEY and SCHWEYER

An Act amending the act of December 2, 1992 (P.L.741, No.113), known as the Children's Health Care Act, in primary care to medically underserved areas, further providing for loan forgiveness for primary health care practitioners.

Referred to Committee on HEALTH, February 9, 2016.

No. 1698 By Representatives HEFFLEY, KINSEY, CORBIN, THOMAS, DRISCOLL, MARSICO, DiGIROLAMO, TOEPEL, KILLION, HARHAI, TAYLOR, D. PARKER, TOOHL, SCHLEGEL CULVER, MASSER, JOZWIAK, HAHN, WARD, KAUFER, ROZZI, SNYDER, LONGIETTI, HARHART, STAATS, GIBBONS, KLUNK, O'BRIEN, MURT, BOBACK, GOODMAN, READSHAW, SAYLOR, COHEN, NESBIT, FABRIZIO, SCHLOSSBERG and MOUL

An Act providing for coverage requirements by an insurance carrier or health insurance plan for abuse-deterrent opioid analgesic drug products.

Referred to Committee on HEALTH, February 9, 2016.

No. 1836 By Representatives JAMES, ADOLPH, BAKER, BARRAR, BOBACK, CORBIN, EVERETT, FEE, HARHART, A. HARRIS, HELM, IRVIN, KOTIK, MCGINNIS, MILLARD, MUSTIO, RAPP, ROTHMAN, SAYLOR, TOEPEL, WARD, YOUNGBLOOD, ROSS, FLYNN, WHEELAND, GROVE, MASSER, ZIMMERMAN, MURT, MAJOR and TOPPER

An Act making an appropriation from the General Fund to the Department of Conservation and Natural Resources for the purpose of heritage and other parks for the fiscal year July 1, 2015, to June 30, 2016.

Referred to Committee on APPROPRIATIONS, February 9, 2016.

No. 1837 By Representative TOBASH

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, in municipal pension plan actuarial reporting, further providing for requirement to file actuarial valuation report or experience investigation and for contents of actuarial valuation report; in minimum funding standard for municipal pension plans, further providing for municipal pension plan minimum funding standard and application and general provisions; in revisions applicable to municipal pension fund financing, further providing for revision of financing from State revenue sources and General Municipal Pension System State Aid Program; and, in standards for municipal pension systems, further providing for procurement for professional services contracts.

Referred to Committee on LOCAL GOVERNMENT, February 9, 2016.

No. 1838 By Representatives WHITE, TAYLOR, MASSER, WARD, READSHAW, THOMAS, MILLARD, QUIGLEY, PICKETT, DiGIROLAMO, BOYLE, TOPPER, KINSEY, DAVIS, LONGIETTI, DONATUCCI, KILLION, BOBACK, CORBIN, MARSICO, A. HARRIS, MARSHALL, COHEN, SCHWEYER, KAUFFMAN, HARHAI, HARHART, SAINATO, McNEILL, DRISCOLL, KNOWLES, BULLOCK, MAJOR, SAYLOR, ZIMMERMAN, JOZWIAK, LAWRENCE, CONKLIN, GABLER, SANTORA, GREINER, BAKER, SACCONI, O'BRIEN, MALONEY, EVERETT, TOOHL, RAPP, GINGRICH, BARRAR, PHILLIPS-HILL, FARRY, PASHINSKI, D. COSTA and KORTZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special motorcycle plates for firefighters.

Referred to Committee on TRANSPORTATION, February 9, 2016.

No. 1839 By Representatives ORTITAY, BAKER, BLOOM, DIAMOND, EVERETT, GROVE, HARHART, HEFFLEY, KAUFFMAN, KLUNK, MARSHALL, MCGINNIS, MILLARD, B. MILLER, PICKETT, QUIGLEY, QUINN, ROSS, ROTHMAN, SAYLOR, SCHEMEL, STAATS, WARD, RADER, LAWRENCE and MOUL

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in capital stock franchise tax, further providing for expiration.

Referred to Committee on FINANCE, February 9, 2016.

No. 1843 By Representatives KAUFER, TOOHL, DiGIROLAMO, FEE, SAYLOR, GROVE, PHILLIPS-HILL, KNOWLES, CUTLER, DIAMOND, MASSER, EVERETT, WARD, READSHAW, IRVIN, ORTITAY, RADER, WATSON, B. MILLER, HELM, BOBACK and MOUL

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in administration and enforcement, further providing for compulsive and problem gambling program.

Referred to Committee on HUMAN SERVICES, February 9, 2016.

No. 1844 By Representatives KAUFER, TOOHL, DiGIROLAMO, FEE, SAYLOR, GROVE, PHILLIPS-HILL, KNOWLES, CUTLER, DIAMOND, MASSER, EVERETT, WARD, READSHAW, IRVIN, ORTITAY, RADER, WATSON, B. MILLER, HELM, BOBACK and MOUL

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, in tobacco use prevention and cessation efforts, further providing for definitions.

Referred to Committee on HUMAN SERVICES, February 9, 2016.

No. 1845 By Representative PETRI

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in turnpike, providing for gas transmission line right-of-way.

Referred to Committee on TRANSPORTATION, February 9, 2016.

No. 1846 By Representative PETRI

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in development, further providing for well permits, for general gas storage reservoir operations and for regulations.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 9, 2016.

SENATE MESSAGE

**RECESS RESOLUTION
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
February 8, 2016

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, March 14, 2016, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, March 14, 2016, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER. The minority whip has indicated that the following members request a leave of absence for the day: Representative THOMAS of Philadelphia County for the day, and Representative COHEN of Philadelphia for the day. Without objection, those will be granted.

MASTER ROLL CALL

The SPEAKER. We are prepared to take the master roll. I would ask all members to please take their seats, and members will proceed to vote.

The following roll call was recorded.

PRESENT—198

Acosta	Evans	Kortz	Rapp
Adolph	Everett	Kotik	Ravenstahl
Baker	Fabrizio	Krueger	Readshaw
Barbin	Farina	Lawrence	Reed
Barrar	Farry	Lewis	Reese
Benninghoff	Fee	Longietti	Regan
Bizzarro	Flynn	Mackenzie	Roae
Bloom	Frankel	Maher	Roebuck
Boback	Freeman	Mahoney	Ross
Boyle	Gabler	Major	Rothman
Bradford	Gainey	Maloney	Rozzi
Briggs	Galloway	Markosek	Saccone
Brown, R.	Gergely	Marshall	Sainato
Brown, V.	Gibbons	Marsico	Samuelson
Bullock	Gillen	Masser	Sankey
Burns	Gillespie	Matzie	Santarsiero
Caltagirone	Gingrich	McCarter	Santora
Carroll	Godshall	McClinton	Saylor
Causer	Goodman	McGinnis	Schemel
Christiana	Greiner	McNeill	Schlossberg
Conklin	Grove	Mentzer	Schreiber
Corbin	Hahn	Metcalfe	Schweyer
Costa, D.	Hanna	Metzgar	Simmons
Costa, P.	Harhai	Miccarelli	Sims
Cox	Harhart	Millard	Snyder
Cruz	Harkins	Miller, B.	Sonney
Culver	Harper	Miller, D.	Staats
Cutler	Harris, A.	Milne	Stephens
Daley, M.	Harris, J.	Moul	Sturla
Daley, P.	Heffley	Mullery	Tallman
Davidson	Helm	Murt	Taylor
Davis	Hennessey	Mustio	Tobash
Dawkins	Hickernell	Neilson	Toepel
Day	Hill	Nesbit	Toohil
Dean	Irvin	Neuman	Topper
Deasy	James	O'Brien	Truitt
DeLissio	Jozwiak	O'Neill	Vereb
Delozier	Kampf	Oberlander	Vitali
DeLuca	Kaufman	Ortitay	Ward
Dermody	Kauffman	Parker, D.	Warner
Diamond	Kavulich	Pashinski	Watson
DiGirolo	Keller, F.	Payne	Wentling
Donatucci	Keller, M.K.	Peifer	Wheatley
Driscoll	Keller, W.	Petrarca	Wheeland
Dunbar	Killion	Petri	White
Dush	Kim	Pickett	Youngblood
Ellis	Kinsey	Pyle	Zimmerman
Emrick	Kirkland	Quigley	
English	Klunk	Quinn	Turzai, Speaker
Evankovich	Knowles	Rader	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Cohen Thomas

LEAVES ADDED—9

Briggs	Mustio	Sims	Vereb
Bullock	Santarsiero	Taylor	Wheatley
Evans			

The SPEAKER. One hundred and ninety-eight members being present, we have a quorum.

Members, please take your seats. Members, please take your seats.

COMMUNICATION FROM GOVERNOR

REQUEST FOR JOINT SESSION

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

January 4, 2016

The Honorable Joseph Scarnati
President Pro Tempore
Senate of Pennsylvania
292 Main Capitol Building
Harrisburg, PA 17120-3025

The Honorable Mike Turzai
Speaker
PA House of Representatives
139 Main Capitol Building
Harrisburg, PA 17120-2028

Dear Senator Scarnati and Representative Turzai:

If it meets with the approval of the General Assembly, I am respectfully requesting a Joint Session of the General Assembly on Tuesday, February 9, 2016. The purpose of this session would be to address the members of the House and Senate for the annual budget address, at a time that is convenient to the General Assembly.

Sincerely,
Tom Wolf
Governor

RESOLUTION

COMMITTEE TO ESCORT GOVERNOR

Mr. REED offered the following resolution, which was read, considered, and adopted:

In the House of Representatives
February 9, 2016

RESOLVED, That the Speaker appoint a committee of three to escort the Governor to the Hall of the House for the purpose of attending a Joint Session of the General Assembly.

COMMITTEE APPOINTED

The SPEAKER. The Speaker appoints as a committee to wait upon the Governor, the gentleman from Montgomery County, Mr. Vereb; the gentleman from Monroe County, Mr. Parker; and the gentleman from Allegheny County, Mr. Gainey.

The committee will proceed with the performance of its duties.

Members, at this time the House will remain at ease until the Senate comes into our chamber. It is our understanding that they will be arriving at approximately 11:25 a.m. We will stand at ease.

Members, please take your seats. Members and guests, please take your seats.

ARRIVAL OF SENATE

The SPEAKER. The Senate is now entering the hall of the House, and members and guests are asked to please rise.

The Speaker recognizes the Sergeant at Arms of the House. Sir, you may proceed.

The SERGEANT AT ARMS. Mr. Speaker, the Senate is now present in the hall of the House.

The SPEAKER. Thank you, sir.

The Speaker requests the Lieutenant Governor, the Honorable Mike Stack, to preside over the proceedings of the joint session of the General Assembly.

The President pro tem of the Senate, the Honorable Joe Scarnati, is invited to be seated on the rostrum.

The members of the House and the Senate are asked to please be seated. Again, members of the House and Senate will please be seated so that we may invite the Governor into the hall of the House.

Members of the House and Senate, please be seated so that we may invite the Governor into the hall of the House. We would ask all members of the House and Senate to please be seated.

Lieutenant Governor Stack, it is our honor to have you present in the hall of the House and to take charge of these proceedings.

I would like to present you with the gavel, and, sir, the floor is yours.

JOINT SESSION OF THE GENERAL ASSEMBLY

THE LIEUTENANT GOVERNOR (MIKE STACK) PRESIDING

The LIEUTENANT GOVERNOR. Thank you, Mr. Speaker.

This being the day and the hour agreed upon by a concurrent resolution of the Senate and the House of Representatives to hear an address by His Excellency, the Governor, the Honorable Tom Wolf, this joint session will please come to order.

REPORT OF COMMITTEE ESCORTING GOVERNOR

The LIEUTENANT GOVERNOR. The General Assembly will be at ease while it awaits the arrival of the Governor.

The General Assembly will come to order.

The Governor is entering the hall. Members and guests, please rise.

The Chair now recognizes the chair of the committee to escort the Governor, the gentleman from Allegheny County, Senator Reschenthaler.

Mr. RESCHENTHALER. Mr. President, Mr. Speaker, members of the General Assembly, as chairman of the committee to escort the Governor, I wish to report that His Excellency, the Governor, is present and is prepared to address this joint session.

The LIEUTENANT GOVERNOR. The Chair thanks the chairman of the committee, Senator Reschenthaler, and the committee members.

Members of the General Assembly, I now have the great honor and the privilege of presenting His Excellency, the Governor, the Honorable Tom Wolf, who will now address this session.

Governor Wolf.

FISCAL YEAR 2016-2017 BUDGET ADDRESS OF GOV. TOM WOLF

The GOVERNOR. Thank you. Thank you. Thank you so much. Thank you. Thank you. Please. Thank you.

Lieutenant Governor Stack, Speaker Turzai, President Scarnati, Leader Corman, Leader Costa, Leader Reed, Leader Dermody, members of the General Assembly, members of the Judiciary, members of the Cabinet; I would like to recognize the Auditor General, the Attorney General, and the Treasurer; and also my wife, Frances; most importantly, my fellow Pennsylvanians:

This will not be an ordinary Governor's budget address. Usually, this speech is an opportunity to lay out an ambitious agenda for the year ahead. Under ordinary circumstances, I would outline my 2016-17 budget proposal, a proposal full of ideas to move our Commonwealth forward. I would talk about new measures I am proposing to ensure that every child in Pennsylvania has a world-class education that starts before kindergarten and goes all the way through college. I would talk about the new partnerships we can create between the public and private sectors to help create jobs and grow our economy. I would talk about the new innovations that can build on the progress we have already made in modernizing our State government so that it works better and costs less. And I would talk about some long-overdue steps that we can take to help our Commonwealth fulfill the promise of equal opportunity and economic security for all, including protections for the LGBT (lesbian, gay, bisexual, and transgender) community in housing and the workplace, the legalization of medical marijuana, a raise in the minimum wage, and criminal justice reform that will bring fairness back to our system and save tax dollars. But I cannot give that speech, not under these circumstances.

My fellow Pennsylvanians, our Commonwealth is in crisis, a crisis that threatens our future. And today I want to be clear, with each member of the General Assembly and with every Pennsylvanian, about the actions we must take to resolve this crisis and the consequences that we will face, all of us, if we do not.

First, let me be very clear about the nature of the problem. The problem is not that Republicans in the General Assembly and I do not see eye to eye. After all, Pennsylvanians are used to seeing political leaders disagree, even strongly, and in 2014, in that election, the people of Pennsylvania chose divided government – a Democratic Governor, a Republican legislature

– and I doubt anybody was surprised when it turned out that we had different priorities.

No, this crisis is not about politics at all. This is about math. Pennsylvania now faces a \$2 billion budget deficit. That is not a Democratic fact and that is not a Republican fact. It is just a fact. It is a fact supported by Standard & Poor's, an independent rating agency. They have done the math, and they agree Pennsylvania faces a massive structural budget deficit that will only continue to grow if we fail to address it responsibly. This deficit is not just a cloud hanging over Pennsylvania's long-term future. It is a time bomb, and it is ticking away right now, even as I speak. If it explodes – the people in this chamber, if you allow it to explode – then Pennsylvania will experience a fiscal catastrophe the likes of which we have never seen.

Please understand, we are not talking about a long-term budget projection. We are talking about Pennsylvania failing to meet its basic obligations this year. We are talking about pain that will be felt all across our Commonwealth this year. If the General Assembly does not approve a responsible plan to solve this crisis, every Pennsylvanian, every Pennsylvanian, will suffer the consequences, and those consequences, they will be real, they will be immediate, and they will be severe.

Nearly three-quarters of Pennsylvania homeowners will see their already too high property taxes skyrocket even further. If a member of this body were to stand up and propose a tax increase on property taxes, a property tax increase, he or she would be booed off the floor by both Democrats and Republicans. But in fact, that is exactly what will happen if we do not act.

We have seen this play out over the last 4 years. Since 2011, school districts have been forced to increase local property taxes by \$1.2 billion, all because of our irresponsibility right here in Harrisburg. In the last year alone, 83 school districts increased property taxes above the index because Harrisburg did not produce a responsible budget and another 175 school districts are contemplating additional tax increases this year for the same reason. This tax-shifting is not sustainable, and it will only continue to squeeze families and seniors if we do not stop passing the buck on to local communities.

Meanwhile, even as Pennsylvanians will pay more, they will get less from their State government, far less. For example, our education system, already threadbare after years of underfunding at the State level, will take a ruinous hit. Thousands of teachers will be laid off. Guidance and career counselors will be handed pink slips. In all, more than 23,000 education professionals will be immediately yanked out of Pennsylvania schools.

Across Pennsylvania, already crowded classrooms will become even more so. Class sizes will balloon by 30 percent to account for all those teacher layoffs. Worse, the consequences will not be evenly distributed – classroom crowding will be more severe in the schools that can least afford it. But all across our Commonwealth, our children, all children, will receive less attention, less instructional time, less opportunity to gain the skills we all need them to have for the 21st century.

Technical education, those programs will be cut; special education programs, they will be cut; Head Start programs, cut. And tens of thousands of Pennsylvania children will lose access to prekindergarten, depriving them of the early childhood education that we all know is key to their future success.

This is not a threat. This is not political posturing. This is simply what the math tells us will happen if this crisis is not resolved. This is the reality that teachers and parents and children in our Commonwealth will face if the General Assembly does not act.

And the damage will not be limited to our schools. Basic State services will also face devastating cuts. We will lose nearly \$200 million in services to Pennsylvania seniors, including prescription drug assistance and home- and community-based services. Pennsylvania seniors who depend on that assistance will be forced to pay more out of pocket. Some will have to choose between paying for groceries and paying for the medicine that keeps them alive. These are our elderly parents, these are our neighbors, and they are counting on this funding to pay for the medicine they need. But if we do not have a budget, we cannot help.

We will lose \$180 million in assistance for people living with mental illness or intellectual disabilities. These Pennsylvanians are the most vulnerable among us, and they are counting on our help to live full lives and contribute fully to their communities. But if we do not have a budget, they will be denied significant opportunities to improve their lives.

We will lose \$40 million in State funding for child care, and thus forfeit nearly another \$50 million in Federal matching funds, for a total cut of nearly \$90 million. That is, hundreds of thousands of working parents are counting on our help to have some peace of mind and the ability to earn the living upon which they can raise their families. But if we do not have a budget, 211,000 Pennsylvania children will have nowhere to go.

We will lose \$11.5 million in funding for domestic violence shelters and rape crisis centers. Survivors of domestic violence and sexual assault rely on these safe havens to have somewhere to go in the midst of unthinkable pain and unspeakable terror. But if we do not have a budget, those shelters and crisis centers, they are going to have to shut their doors to the people who need them.

Critical programs such as these make up nearly three-quarters of our human services budget. Simply put, the Commonwealth of Pennsylvania cannot meet its obligation to its citizens if the General Assembly does not meet its obligation to pass a responsible budget. And while my administration will always strive to tackle fraud and be as efficient as possible in the government operations, even these harsh cuts that we are talking about here, that you are talking about – they are going to harm single mothers, they are going to harm seniors on fixed incomes, and those who are down on their luck – even those cuts will not solve our mathematical crisis.

Indeed, anyone in this chamber who claims we can simply cut our way out of this mess without also increasing revenue is just ignoring the math. They are also ignoring history. If we do not have sustainable revenue sources in our budget, the result will be billions of dollars in new property tax hikes at the local level. Pennsylvanians need to prepare for these consequences. And I do not say this with any joy whatsoever. But someone in Harrisburg has to start telling the people of Pennsylvania the truth about the mess we are in.

You know, before I ran for Governor, I ran a business, and in challenging times, I know that you can be fiscally responsible while still looking out for the people you serve. These values are not mutually exclusive; in fact, they are closely linked. And if you are in business and the numbers do not add up, you cannot ignore the problem or wish it away or spin it away. You

have to take a clear-eyed look at how the problem arose, and then you have to solve it, and fast, or you will not be in business for very long.

Pennsylvania businesses do not have the luxury of pretending their problems do not exist. Neither do Pennsylvania families sitting around the kitchen table trying to make ends meet. And the truth is, neither do we here in Harrisburg.

So let us be honest about where we are and how we got here. After all, this fiscal crisis did not appear from out of nowhere. This was no act of God. We are in a hole we dug ourselves right here in Harrisburg. And if the consequences I am describing sound familiar, it is because Pennsylvania has been building up to this moment for years.

For years our leaders have tried to balance our State budget on the backs of our children and our schools. When I took office, Pennsylvania ranked near the bottom of the country in the percentage of State-level K through 12 investment. The burden of funding our schools, therefore, fell on our local communities, and that, in turn, meant huge spikes in property taxes for Pennsylvania homeowners. That is a bad way to solve a budget problem, although it is a great way to create an education problem. We were left with tens of thousands of teachers laid off, crowded classrooms across most of our school districts, and that was just part of the problem. You see, even these huge cuts to education were not really enough to balance the budget. But instead of finding a sustainable way to deal with the real deficit, Harrisburg chose to paper over the problem with a series of budgetary gimmicks and quick fixes. Now, maybe you can get away with that for a little while, but sooner or later the rent comes due, and if the folks here in Harrisburg thought this sleight of hand was a real long-term solution to our budget problem, then the only people they were fooling were themselves, because nobody else bought it.

The three major ratings agencies – Fitch; Moody's; again, Standard & Poor's – they have each downgraded our credit a total of five times over the last 5 years. Our credit has actually been downgraded three times in the last 2 years alone. And each time, each time the ratings agencies have explained that the downgrades are a direct result of these little tricks Pennsylvania has employed to avoid facing up to the reality of its fiscal situation. When Harrisburg does not take our budget seriously, the folks who rate our debt, well, they do not take Harrisburg seriously.

So today, because of years of budgetary irresponsibility, the Commonwealth of Pennsylvania is considered to be among the least creditworthy States in America. This is embarrassing. But embarrassment is not the only point. You see, because our credit has been downgraded so much, we are actually paying a higher interest rate on that \$17 billion of debt that we have. This is going to eventually cost us an extra \$139 million a year; that is if the interest rates do not keep going up. That is \$139 million a year that does not go to improving our schools, it does not go to making our business environment more competitive, it does not go to reducing our taxes. It is a \$139 million penalty that the people of Pennsylvania pay for Harrisburg's fiscal irresponsibility.

That is how we got here, and it is why, when I took office last year, I proposed a different kind of budget. Instead of shortchanging our schools, I proposed a historic commitment to education, beginning to restore the \$1 billion that had been cut from our schools under the previous administration, making new investments in early childhood education and community

colleges, increasing our State's share of funding for public schools, and directing more of that funding to the districts that needed it most. And instead of using sleight of hand to avoid dealing with the deficit, I proposed a serious plan to balance our budget and set us on a more sustainable course – no more gimmicks, no more quick fixes – a new approach in Harrisburg, a fresh start for Pennsylvania.

Now, I expected that Republicans would not agree to everything in my proposed budget. What I did not expect was what I got: a budget that did not even balance. Incredibly, the budget that they sent me relied on the same gimmicks and quick fixes that had gotten us in trouble in the first place – in that case, the June 30 budget – \$1.5 billion worth of optical illusions that would have made our actual budget problem even worse. If you were running a business and you took a budget like that to your banker, you would be laughed out of the room. But Pennsylvania's creditors, unfortunately, do not have a sense of humor about this sort of thing. Actually, and neither should we.

While I was disappointed with the Republicans' proposal, I was not discouraged. So I came to the table ready to talk, ready to negotiate, ready to compromise. It took months of bargaining. It took some painful sacrifices from both sides. But in the end, all that hard work paid off. We had a deal.

The compromise budget I worked out with members of the legislature last year included some of the things that I wanted, but not everything, but it did have a historic investment in our schools. It included some of the things that the Republicans wanted, but not everything, including changes to our pension and liquor systems. And I continue to believe that we should solve these decades-old problems. We still need changes that provide taxpayer savings and stability in our pension system, and we need to bring our liquor system into the 21st century. Okay; that is one person. However, these improvements, these improvements by themselves are not magic bullets, and changes in these two programs will not alone mitigate the consequences of a continued failure to acknowledge the basic math problem we face.

Again, the compromise budget included these Republican priorities. But most important of all, most important of all, the compromise budget was balanced. It solved the financial problem. Passing it into law would defuse the fiscal time bomb and set us on a more sustainable course. It passed the Senate with a majority of both Democrats and Republicans and had bipartisan support in the House. All that remained was a final vote before I could sign it into law and we could finally move forward. I was ready, pen in hand. And then the House Republican leaders just walked away. They walked away from the table and went home for the holidays without holding that final vote. They still have not held that final vote.

Listen, I understand, I understand the frustration you all must feel looking at this huge mathematical problem, but yelling it, yelling will not make it go away. Wishing it will not make it go away. We need to do what is right for the people of Pennsylvania. We need a budget because we still have a budget crisis. That fiscal time bomb, it is still ticking. Our teachers still hear it. Our parents hear it. Our seniors hear it. Our creditors definitely hear it. You need to hear it. The time for games is over, and now it is time to finish the job we should have finished last year.

Now, look, arguments over policy priorities, again, I get it; they are healthy. Democracy entails disagreement. Compromise is hard. But we had those arguments. We worked out our

disagreements. We reached a compromise. Republicans and Democrats sitting in this chamber right now sat at a table with me and did the hard work to find common ground. We had a deal, and then the House Republican leaders walked away. Only in Harrisburg could that be seen as an acceptable way to do business.

But you know what? I am not interested in the inner workings of the Republican Caucus. I am not interested in politics. This is not about politics. This, again, is about mathematics, and so here is what – it is about mathematics – and here is what is really, really frustrating: When some Republican leaders bailed on our agreement, I was handed yet another budget where the numbers, they did not add up – a budget that would cut another \$95 million from our schools, a budget that would zero out funding increases for our institutions of higher education, and worst of all, a budget that still did not balance.

We are sitting at the bottom, folks, of a \$2 billion hole. It is simply unbelievable that some folks in this chamber want to address that problem by continuing to dig. I can agree and I can accept that we can disagree about the importance of education. I get that. I can accept that we can disagree about the proper role of government in securing a more prosperous future for our Commonwealth. And I can accept that I will not get everything my way. But I cannot accept and Pennsylvania cannot afford another irresponsible budget that ignores the fact of this fiscal crisis and pretends that our problems simply do not exist.

I did not run for this office to be party to the corner-cutting and budget gimmickry that got us into this mess. We cannot afford to play political games while this crisis is casting such a dark shadow on our future. There is simply too much at stake.

The train has been careening down the tracks for years, and now the moment of impact has arrived. And whether or not we crash is up to the people in this chamber. It is up to the people in this chamber to save our children, to save our seniors, to save our most vulnerable populations from bearing the brunt of devastating cuts. It is up to the people in this chamber to save our taxpayers at the local level from getting handed the bills Harrisburg was not responsible enough to pay right here. It is up to the people in this chamber to save Pennsylvania's future. It is time for the people in this chamber to get back to work.

The good news is, I still have my pen and we still have a budget that reflects months of hard work and honest negotiation, a budget that has been approved by bipartisan majorities in both chambers of our legislature, a budget that averts this fiscal catastrophe and gives us a chance at a fresh start. We can get it done. Send that compromise budget to my desk, and we can put our Commonwealth on more secure footing than it has been for years.

But let me be very, very clear with each of you: We are going to have to stop playing games with our fiscal future. We are going to have to stop closing our eyes and just hoping that our problems are going to go away. We are going to have to face hard facts. So do not send me another budget full of gimmicks that are too cute by half. Do not send me another budget where the numbers really, really do not add up. I am not going to be amused by that. I am not going to be fooled by that. I will not be convinced that dime-store magic tricks are a substitute for a real, responsible budget. And more importantly, and more importantly, neither will our creditors, nor the people of Pennsylvania.

If you cannot agree to the budget reforms I have proposed, then help me find a sustainable alternative. But if you will not face up to the reality of the situation we are in, if you ignore that time bomb ticking, if you will not take seriously your responsibility to the people of Pennsylvania, then find another job, because this, this is not the time for denial, this is not the time for obstruction. This is the time for leaders to come together and honestly, and sincerely, take on the crisis we are facing, because if we do not solve this crisis, whatever partisan gain you think you may win will be dwarfed by the enormous losses this State will suffer. Nobody in Pennsylvania will care one iota about the politics of a disaster that costs the Commonwealth so much. I refuse to let that happen. But I cannot stop this catastrophe alone. The people of Pennsylvania need you to do the right thing.

I am not asking people in this chamber to give up their political beliefs. I am asking that they join me in mustering the political courage to meet this crisis head-on. I am asking that they do their job, that they live up to the promise to uphold the Constitution that we all took, to defend the Commonwealth of Pennsylvania's Constitution. That is what we all did when we took our oath of office.

This does not require anyone to walk away from his or her principles. It merely requires that each of us declare that our highest principle is the responsibility each of us has to the people of Pennsylvania. The people of Pennsylvania deserve schools that teach, jobs that pay, and a government that works for them. They deserve leaders who are willing to work hard and sacrifice to build a better Commonwealth, because that is what the people of Pennsylvania do every day to build a better life for their families. Their strength, their resilience, their spirit illuminates our path forward and gives me hope that when I stand in this chamber to give my budget address next year, it will be under far happier circumstances.

After all, I ran for this office because I believed deeply in our Commonwealth, in our spirit of innovation and entrepreneurship; in our long-standing tradition of tackling our challenges and seizing our opportunities with boldness and courage, with integrity and honesty; in our potential to build a bright future, as bright and prosperous as our past. I know that many of you entered public service for the same reasons, and last December a number of Republicans and Democrats came together to prove that there are leaders in this body who can put their differences aside and get things done.

After a year as Governor, despite the overwhelming challenge we now face, I still believe in Pennsylvania. The possibilities before us, they are still limitless. A bright future is still within our grasp. I still believe in the enormous potential of our Commonwealth, and I am counting on everyone in this chamber, everyone, to do the right thing so that we can fulfill that potential. I am ready to do the hard work to build a brighter future for Pennsylvania. I hope you are ready to join me.

Thank you. God bless the Commonwealth of Pennsylvania.

JOINT SESSION ADJOURNED

The LIEUTENANT GOVERNOR. The Chair asks the members of the House and visitors to please remain seated for just a moment while the members of the Senate leave the House.

The business for which the joint session has been assembled having been transacted, this session is now adjourned.

THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. Thank you, Lieutenant Governor Stack, and thank you, members of the Senate. And it was good to have Governor Wolf here in front of us today.

The House will be in order.

I would ask members to please take their seats.

MOTION TO PRINT PROCEEDINGS OF JOINT SESSION

The SPEAKER. The Speaker recognizes the majority leader, who moves that the proceedings of the joint session of the Senate and House of Representatives this 9th day of February 2016 be printed in full in this day's Legislative Journal.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. At this time the majority leader is called for an announcement.

Mr. REED. Thank you, Mr. Speaker.

The House will break until 2 p.m.

The SPEAKER. Members, at that time, at 2 p.m., we will be hearing from the minority Appropriations chair, Representative Markosek; followed by the majority chair of the Appropriations Committee, Mr. Adolph; followed by the Democratic leader, Representative Dermody; and the final speaker will be the majority leader, Representative Reed. So we will return to the floor at 2 p.m. with respect to remarks from Representatives Markosek, Adolph, Dermody, and Reed. Thank you very much.

RECESS

The SPEAKER. The House will stand in recess until 2 p.m.

AFTER RECESS

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

The SPEAKER. Members, while we will be having the Appropriations chairs and the leaders speaking with respect to the budget address, at the present time we are going to do some other House business and then we will move forward with the speeches by the Appropriations chairs and the leaders.

LEAVES OF ABSENCE

The SPEAKER. And on leave, Representative SANTARSIERO, Representative SIMS, and Representative BULLOCK have all requested to be placed on leave of absence for the remainder of the day. Without objection, that will be granted.

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1452, PN 2042**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, providing for a volunteer instructor license.

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

* * *

The House proceeded to second consideration of **SB 479, PN 437**, entitled:

An Act designating the Department of Conservation and Natural Resources' Resource Management Center, located in Conyngham Township, Columbia County, as the Edward W. Helfrick Resource Management Center.

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 1797, PN 2743**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for classes of licenses and for examination of applicant for driver's license; in special vehicles and pedestrians, providing for certain passengers prohibited in autocycles; and, in accidents and accident reports, further providing for accident report forms and for department to compile, tabulate and analyze accident reports.

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

The SPEAKER. Members, please take your seats. We are going to begin with the floor presentations by our respective Appropriations chairs and our respective leaders.

LEAVES OF ABSENCE

The SPEAKER. Representative EVANS and Representative WHEATLEY have requested to be placed on leave of absence for the remainder of the day. Without objection, that will be granted.

STATEMENT BY MR. MARKOSEK

The SPEAKER. The Democratic chairman of the Appropriations Committee will have the floor for remarks. Representative Joe Markosek, the Democratic Appropriations chair, will have the floor. I would ask all members to please take their seats and please provide him your undivided attention. Thank you.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Good afternoon, members.

As we heard the Governor describe in his budget address a couple hours ago, we are certainly at a crossroads. We are at the intersection where political ideology meets with reality. The reality of the situation is the Commonwealth faces a chronic and significant structural budget deficit. It exists and it is real, to the extent of \$2 billion-plus, and you can ask the Independent Fiscal Office or Standard & Poor's or any other credit rating agency and they will agree. Unfortunately, some folks in this building would rather ignore reality and instead use Band-Aids and one-time sources, payment delays, and other shell games to piece together the State's annual budget. That shortsighted approach to budgeting is totally irresponsible and only postpones the inevitable day of reckoning.

In his budget address the Governor laid out in very, very stark terms the sobering, the sobering choice before us that will affect all Pennsylvanians for many, many years to come. We can either close the structural deficit and restore past cuts with new, recurring forms of revenues or we can cut State programs and agencies even deeper and harsher than the last administration did. One path promises a Pennsylvania with budgets that are financially sound and allows school districts to give every child the same opportunity to succeed. The other path is a road to nowhere, filled with empty promises and trickle-down property taxes in exchange for less effective schools. We must choose the path that steers Pennsylvania forward to a brighter future.

In light of the current budget situation, the Governor's proposal for 2016-2017 is rather modest and focuses on two key areas: one, restoring cuts in education, K through 12 and higher education, and investing in early childhood education; and two, closing the budget deficit. He also proposes to make the next down payment on restoring funding for county human service programs – programs such as mental health, intellectual disabilities, drug and alcohol treatment, homeless assistance, and county child welfare. His proposal would also provide for the most vulnerable citizens by reducing the waiting list, the waiting list that many of our intellectually disabled individuals and families have come to us, reducing that waiting list for individuals with those intellectual disabilities.

He proposes to improve government efficiencies by enacting reforms and consolidating some key government functions. He remains committed to making the legally required payments to the pension systems, and again, he proposes to create a restricted account to safeguard, to safeguard against Pennsylvania repeating its past mistakes. The pension systems are finally back, finally back on the path toward proper funding, and for the first time in 15 years, the employer contribution rate for the school employees' system will provide 100 percent of the actuarially required amount.

The Governor proposes to increase the minimum wage to \$10.15 an hour, tying future increases to inflation, which would lift many, which would lift many Pennsylvanians out of poverty and generate additional revenues for our future budgets.

I have been through a lot of budgets during my time in the General Assembly. No budget is ever easy. This year is certainly one of the most challenging budgets.

Let me leave you with an excerpt from Standard & Poor's latest bulletin, quote, "As the state's longest running budget impasse persists, the question of lawmakers' political willingness to address fiscal challenges remains." Let me repeat that. "As the state's longest-running budget impasse persists, the question of lawmakers' political willingness to address fiscal challenges remains," unquote.

Do the members of this body have the political willingness to do the responsible thing, to address Pennsylvania's fiscal challenges? The Governor has demonstrated that political willingness. I have that political willingness. And let me look each and every member in the eye and ask you, do you have that same political willingness to put up a tough vote, to put up the tough votes that we need to take care of our horrible, horrible deficit situation that we have here in Pennsylvania? Are you willing to do what it takes to ensure that Pennsylvania's budgets are financially sound? Are you willing to do what it takes to provide funding for our schools so that homeowners, so that homeowners are no longer burdened with higher property taxes?

We are at a critical point where we can no longer postpone making the tough decisions. There are no more easy answers. It is time for leadership, it is time for compromise, and it is time for accountability. It is time to face reality. After all, we are all accountable to our constituents, the people of Pennsylvania, the people who sent us here, the people who expect us to do our job, and they do not necessarily expect that we all attain some sort of political comfort level. What they expect from us is to make tough votes when we, as their elected Representatives, on occasion have to make them. We are at that occasion now. We need to get this done.

And I certainly look forward to working with my fellow chairman and his staff, and we will have our hearings, we will move through this, but at the end of the day, we have to set aside the political wrangling, all the sound bites, and we have to agree on some very difficult votes to make on behalf, not on our political viability, but on behalf of the people of Pennsylvania who sent us here to do our jobs.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

LEAVES OF ABSENCE

The SPEAKER. Representative BRIGGS has requested to be placed on leave of absence for the remainder of the day. Without objection, that will be granted.

And Representative MUSTIO has asked to be placed on leave. Without objection, that will be granted.

STATEMENT BY MR. ADOLPH

The SPEAKER. The majority Appropriations chair, Representative Bill Adolph, for remarks.

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

I had a lot of prepared remarks because I thought today was a budget address, not a college course and a lecture, but I am a numbers guy and I think numbers are important when we are talking about a budget. So let me start off my unprepared remarks so the General Assembly will know what the Governor is proposing, because in his 60 minutes or so, he never mentioned that he was proposing a \$33.29 billion budget for 2016-17.

In addition to that, the Governor is suggesting that the budget that was never voted upon, never agreed upon, worked on, as he suggested, but as these issues fell apart based upon votes taken in the Senate, votes taken in the House, \$30.8 billion did not exist, but he insists that is still a real number.

In order to try to fix what the Governor did by his blue-line vetoes of a budget, and that is what we are here to talk about today, a budget, we are going to need about \$7.4 billion in supplementals for this current fiscal year. Numbers, budgets.

For those that like to know, that is a 5.8-percent increase for 2015-16 and a 7.9-percent increase for 2016-17, over a 13-percent increase in a 2-year period. How do you pay for that? I did not hear that today. Did any of you? Two point seven billion dollars in new taxes; \$893 million for the current year, \$2.7 billion for '16-'17.

The personal income tax will be raised to 3.4 percent, retroactive back to January 1 of 2016. This is an 11-percent increase. What was the increase our senior citizens received this year in the Social Security benefits? Zero. Sales tax. We are going to see increases on cable television, theater tickets, digital downloads; they will all be subject to our sales tax. Bank shares tax, increase. All tobacco products, up 40 percent at the wholesale level. I am only telling you this, I am only telling you this because this is what the Governor proposed and did not tell us today in a budget address.

Also, an 8-percent tax on promotional play at casinos. Now, I voted for the casino bill, the gaming bill, and I support gaming. Okay? Something I did not know, however, something like 20 percent of all gaming revenue comes from promotional play. Okay? And I think it is something that, you know, I learned today but I learned from my staff, from my staff. The Governor is proposing it. I was hoping to learn a little bit more from the Governor's proposal, and I am looking forward to learning more about that proposal because I certainly do not want all those jobs that our Pennsylvania residents are employed by those casinos, to affect their employment.

I have heard an awful lot about the structural deficit. I happen to agree with the Governor that there is a structural deficit. I just do not believe to go about it the same way as the Governor does. Governor Wolf is not the only businessman in the Commonwealth of Pennsylvania. There are many of us that are also businessmen, having been running our own businesses for many years. So let me suggest to you another way to handle a structural deficit. You take care of that first, and the way you do that is you go through your expenses and make sure every expense that is being put out is necessary, ordinary and necessary expenses. You fix the structural deficit before you start adding more spending. You do not increase spending by 10 percent and try to fix it, whether it is \$1.5 billion or \$2 billion structural deficit. Our taxpayers understand problems and are willing to work with us, but they are not going to stand for a 10-percent increase in spending, and on top of that trying to take care of a structural deficit.

The Governor says there are only two paths to get this done, a tax-and-spend path and a bankruptcy path. Well, Mr. Speaker, I am telling you here, right, we can put a middle-of-the-road path on the Governor's desk, like we did in December that increased education spending by \$400 million.

The Governor talks about an agreed-to framework budget. Well, it is funny that when the Governor sits down and agrees to that PlanCon (Planning and Construction Workbook) was going to be worked out, it was going to be taken off the General Fund, but when he does not get his own way, that is out now, that is out now. We actually decreased funding in education. Why do I know that? I have seen it on every commercial every half hour in my home. The only time my face did not appear on the television was during the Super Bowl. He finally did not have enough money to put us on the television.

Let me tell you, whether I agree with him or disagree with you, I have a lot of respect for everybody in this place. Keep your jobs; you are doing a good job. Stand up for your taxpayers. We worked over 24 days in the month of December. We tried to get together and we finally put a budget on the Governor's desk. He is the one that vetoed it. He blue-lined basic education. He blue-lined corrections. Now, we have to spend a half a month trying to correct that.

I am telling you, Mr. Speaker, start thinking for yourself and let us get '15-'16 done and then we will work on '16-'17 together. Thank you very much.

The SPEAKER. Thank you, Representative.

STATEMENT BY MINORITY LEADER

The SPEAKER. Representative Frank Dermody, the Democratic leader, for remarks.

Mr. DERMODY. Thank you, Mr. Speaker.

I think we all should be reminded, and the majority Appropriations chair reminded, any budget that was sent over, that you sent to the Governor, was out of balance. The budget you just sent over there is \$500 million out of balance. You have never sent a balanced budget to the Governor, and all you have done is raise taxes and local property taxes. Do not talk about no taxes. That is all you have done.

Now, it is hard to take, but what the Governor did this morning was tell the truth. He told the truth to the people of Pennsylvania and he told us the truth. Now, you may not like to hear it, but we have a problem in Pennsylvania, and it is hard to

face reality. I get that. But the reality is, we are \$500 million in debt this year and we are \$2 billion next year, and you will not face reality because you will not do anything about it.

Well, it is time we decide to do something about it. We are anxious to work together with each and every one of you. I believed we had the votes to pass a budget the 22d and 23d of December. We would have passed the revenue for that budget to take effect, to work. We could have gotten this done. Now, let us get back together and do it again.

All our Governor did this morning was explain where we are and how we got here. We got here with 5 years of budgets that did not balance. We got here through 5 years of putting money in one pocket, shifting it to your other pocket, and pretending we added revenue. Well, we did not, and it was all a joke for those 5 years. Now the chickens have come home to roost. We have to face reality right now. And, and if you say you want to cut spending, go ahead and cut spending. We will face devastating education cuts, devastating education cuts, the loss of vital human services, and a State that cannot afford to pay for its basic needs much less find ways to grow.

You know, Mr. Speaker, we have a deficit of \$2 billion. You cannot wish it away. It will not just go away. We cannot pass budgets piecemeal by picking winners and losers. We should not put some Pennsylvanians at the beginning of the line and others at the end of the line. All of us in this room who have been entrusted with the power and responsibility to steer our State forward have a duty to act with larger goals in mind. We have a duty to think about the next generations and what kind of Pennsylvania we are leaving them. As the Governor said, as the Governor said, the choice is pretty clear: We can fund public education, we can eliminate the deficit, and we could put Pennsylvania back on track to being a State we can be proud of and a State where our kids and grandkids can succeed, or we can cast what he called, and I believe is accurate, the shadow of doom on our State with even more cuts to education, more cuts to human services, cuts to prescription assistance and health care for our senior citizens all along with higher property taxes. That is what happens. That is what happened with these five budgets, and that is what you will do if we stay on this same path.

We are on the verge of a crisis like we have never seen before in this State. Unless we act, unless we do the right thing and do it now, there will be huge cuts to public education, worse than the cuts of 5 years ago; there will be mass layoffs of educators and a 30-percent increase in class size; there will be cuts in prescription drug assistance for senior citizens and higher property taxes for middle-class homeowners. That is the reality. That is what the Governor was talking about this morning, and we need to start dealing with reality.

We need to change things in Pennsylvania, Mr. Speaker. For too many residents what we have been doing for the past 5 years simply is not working. We need to pass a budget that is honest, that is balanced, and lets us make the investments we need to make in the education and all the people of this Commonwealth. That is the choice that is before us, Mr. Speaker, and it is clear, and that is what he was talking about this morning – keep going the way we have gone for 5 years and get our State into deeper trouble than it has ever seen before, or change direction and choose a new path. We have a chance to make fundamental changes in this Commonwealth, to make it a better place, but it begins with us. It begins with us whether or not we have the will and the courage to stand up and make those decisions.

Our Appropriations chairman mentioned that we have to have the courage to make some tough votes because it is unrealistic and it is a fib. It is a whopper to tell the people of the Commonwealth you can do this, you can balance the budget, you can solve a deficit of \$2 billion without revenue. That is a fib, and we ought to stop fibbing to the people of the Commonwealth and tell them the truth, that we are here to do a job. It is February. We do not have a budget. So let us pass this year's budget. Let us pass next year's budget. Let us educate the kids. Let us take care of the human services and take care of the most vulnerable citizens of our Commonwealth, and let us put our State on the path to prosperity. We can do it and we can do it together.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The majority leader, Representative Dave Reed, for floor remarks.

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

When we talk about big issues in this chamber, when we talk about big issues on this floor, and we have done so a great deal over the last year and a half, I always try to put things into historical context. I always like to try to find a quote from a President or prominent historical figure to describe the challenge that we are faced with on that day. And I searched through quotes that would seem appropriate for a day when the Governor was going to propose a second budget without the first budget being completed, and as I saw what he was going to propose, a historic spending increase with historic tax increases, I thought, as opposed to a prominent historical figure, maybe we needed to look to one of the prominent philosophers of the 20th century for guidance on this particular situation. So I decided there was nobody better than the great Yogi Berra when he said, "It's like déjà vu, all over again" to describe a Governor who ran up against a brick wall once when proposing record taxes and record spending and decided he wanted to do it again and again and again.

Now, he did not talk about his budget proposal today, as the majority Appropriations chairman alluded to. We did not get any details in his budget speech, but the details are there, and the people of this State need to know what is contained within that budget proposal. We have a budget that is looking to increase spending by over \$3 billion. That is a 10-percent increase in spending in 1 year; 10 percent. Our economy is growing at 1 or 2 percent, Social Security is growing at zero percent, but we are looking to increase spending at 10 percent.

And more importantly, how do we pay for that increased spending? Well, from this Governor's perspective, there is only one way to spend more money, and that is to take more money out of the taxpayers' pockets around this State. The Governor did not stop at one or two tax increase proposals. He proposed 15 new tax and tax increase proposals in this budget, 15, and probably the one that is going to affect the people of this State the most is a retroactive increase in the personal income tax, a retroactive increase in the income tax. What does that mean for the people who are working for a living in this State? That means not only is the Governor proposing to take more money out of your salary tomorrow and the next day and the week after that and the month after that, he is going to reach into your

piggy bank. He is going to reach into your savings account and make you retroactively give that money up. The people of this State should be contacting each and every one of their legislators and their Senators and asking them, do you support a retroactive increase in the income tax to take money out of your paycheck and money out of your savings account?

The Governor continues to allude to this framework agreement. He proposed a \$3.6 billion tax increase today based upon this framework agreement that he still believes is operating in reality, but what folks need to know is, within that framework agreement was property tax reform, pension reform, liquor privatization, limits on future property tax increases, greater accountability for our educational system, all of which are gone, all of which were gone the week of Christmas. The only thing left was higher taxes for higher spending. And if folks continue to want to be delusional as to whether that framework agreement still exists and whether there is support in this chamber for a \$30.8 billion budget, they need not look at the week of Christmas, they need to look at yesterday. The Democratic Appropriations chairman had the opportunity to offer that very proposal on this floor and refused to do so. He refused to put it up for a vote. So for once and for all, we need to admit the framework is dead. We are not going to increase taxes at those levels. We are not going to increase spending like the Governor wants. We need to move toward reality.

And the first step toward reality is closing out the last 13 percent of the current year's budget, of completing the funding for basic education, of taking care of our Medicaid recipients, of paying our correctional officers, and actually agreeing to send money that is agreed to to our State-related institutions – Pitt, Penn State, Lincoln, and Temple. Those students are waiting for those dollars as they complete their second semester. There is no excuse for us not acting in a bipartisan manner to send those dollars out to those students and those families who desperately need it.

As we look ahead to the challenges we are faced with and as we look ahead to the challenges we have already faced over the last year and as we think about the speech that the Governor gave today, one that was perhaps better made for a campaign stop as opposed to a formal address before this General Assembly, I cannot help but think of our past Governors and I cannot help but think of my own children. My oldest son, Joshua, when he negotiates, he takes more of an analytical approach. He will give me justification for whatever he wants and we will banter back and forth, but he generally wants to win with an intellectual argument. Sometimes he does, sometimes he does not. He kind of reminds me of Governor Ridge. My middle child, Gracie, who is 6, could do that. She generally likes to win with her charm though, which more often than not she does. She kind of reminds me of Governor Rendell, who always won with charisma. But then I have my 4-year-old. My 4-year-old, Elliana, she is our challenge. Every time we have a discussion, the answer generally starts with "no," and she wants it her way or the highway, and if she does not get her way, she takes her ball and she goes home or she lies down on the floor and cries, and we are constantly fighting back and forth about the stubbornness. Now, as I think about that today and I think about this situation we are faced with, she is 4 years old. I have confidence she is going to grow out of it. I am hopeful she is going to mature and we are going to be able to work together. I have the same hope for this Governor.

Thank you.

The SPEAKER. Thank you, Representative Reed.

LEAVES OF ABSENCE

The SPEAKER. Members, Representative VEREB and Representative TAYLOR have requested to be placed on leave for the remainder of the day. Without objection, those requests will be granted.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1722, PN 2587**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for dogs pursuing, injuring or killing big game.

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

Mr. **JOZWIAK** offered the following amendment No. **A05716**:

Amend Bill, page 2, line 1, by striking out "or" and inserting a comma

Amend Bill, page 2, line 1, by inserting after "bear" or elk

Amend Bill, page 2, line 3, by striking out "or" and inserting a comma

Amend Bill, page 2, line 3, by inserting after "bear" or elk

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

The SPEAKER. On the question of the amendment, Representative Jozwiak, if you could just explain the amendment to the chamber.

Mr. **JOZWIAK**. Thank you, Mr. Speaker.

The amendment simply adds elk to the blood-tracking dog to go along with the bear and the deer.

The SPEAKER. Thank you, sir.

Does anybody else wish to speak on the amendment?

Mr. **JOZWIAK**. That was a suggestion by the Game Commission and approved by them.

The SPEAKER. Yes, sir. Thank you, Representative Jozwiak.

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

The following roll call was recorded:

YEAS—185

Acosta	Everett	Knowles	Rader
Adolph	Fabrizio	Kortz	Rapp
Baker	Farina	Kotik	Ravenstahl
Barbin	Farry	Krueger	Readshaw
Barrar	Fee	Lawrence	Reed
Benninghoff	Flynn	Lewis	Reese
Bizzarro	Frankel	Longietti	Regan
Bloom	Freeman	Mackenzie	Roae
Boback	Gabler	Maher	Roebuck

Boyle	Gainey	Mahoney	Ross
Bradford	Galloway	Major	Rothman
Brown, R.	Gergely	Maloney	Rozzi
Brown, V.	Gibbons	Markosek	Saccone
Burns	Gillen	Marshall	Sainato
Caltagirone	Gillespie	Marsico	Samuelson
Carroll	Gingrich	Masser	Sankey
Causser	Godshall	Matzie	Santora
Christiana	Goodman	McCarter	Saylor
Conklin	Greiner	McGinnis	Schemel
Corbin	Grove	McNeill	Schlossberg
Costa, D.	Hahn	Mentzer	Schreiber
Costa, P.	Hanna	Metcalfe	Schweyer
Cox	Harhai	Metzgar	Simmons
Cruz	Harhart	Miccarelli	Snyder
Culver	Harkins	Millard	Sonney
Cutler	Harper	Miller, B.	Staats
Daley, M.	Harris, A.	Miller, D.	Stephens
Daley, P.	Harris, J.	Milne	Sturla
Davidson	Heffley	Moul	Tallman
Davis	Helm	Mullery	Tobash
Day	Hennessey	Murt	Toepel
Dean	Hickernell	Neilson	Toohil
Deasy	Hill	Nesbit	Topper
DeLissio	Irvin	Neuman	Truitt
Delozier	James	O'Brien	Vitali
DeLuca	Jozwiak	O'Neill	Ward
Dermody	Kampf	Oberlander	Warner
Diamond	Kaufner	Ortitay	Watson
DiGirolamo	Kauffman	Parker, D.	Wentling
Donatucci	Kavulich	Pashinski	Wheeland
Driscoll	Keller, M.K.	Payne	White
Dunbar	Keller, W.	Peifer	Youngblood
Dush	Killion	Petrarca	Zimmerman
Ellis	Kim	Petri	
Emrick	Kinsey	Pickett	Turzai,
English	Kirkland	Quigley	Speaker
Evankovich	Klunk	Quinn	

NAYS—4

Dawkins	Keller, F.	McClinton	Pyle
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NOT VOTING—0

EXCUSED—11

Briggs	Evans	Sims	Vereb
Bullock	Mustio	Taylor	Wheatley
Cohen	Santarsiero	Thomas	

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

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

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 1219, PN 2764**, entitled:

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

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

The SPEAKER. There are a number of amendments.

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

Mr. PEIFER offered the following amendment No. **A05725**:

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 2702(c)(2) and (d) of Title 18 of the Pennsylvania Consolidated Statutes are amended and subsection (c) is amended by adding a paragraph to read:

Amend Bill, page 1, by inserting between lines 14 and 15

(2) Firefighter, including a volunteer firefighter and a special fire police officer.

* * *

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

The SPEAKER. On that question, Representative Peifer is recognized.

Mr. PEIFER. Thank you, Mr. Speaker.

Amendment 5725 simply clarifies that a volunteer firefighter and a special fire police officer are part of the term "firefighter" under the aggravated assault statute. My language just clarifies this in the act.

I would ask the members for an affirmative vote.

The SPEAKER. Thank you, Representative.

Representative Ward, on the amendment.

Mrs. WARD. This is an agreed-to amendment, and I would ask for the members' support.

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

The following roll call was recorded:

YEAS—189

Acosta	Everett	Knowles	Quinn
Adolph	Fabrizio	Kortz	Rader
Baker	Farina	Kotik	Rapp
Barbin	Farry	Krueger	Ravenstahl
Barrar	Fee	Lawrence	Readshaw
Benninghoff	Flynn	Lewis	Reed
Bizzarro	Frankel	Longietti	Reese
Bloom	Freeman	Mackenzie	Regan
Boback	Gabler	Maher	Roae
Boyle	Gainey	Mahoney	Roebuck
Bradford	Galloway	Major	Ross
Brown, R.	Gergely	Maloney	Rothman
Brown, V.	Gibbons	Markosek	Rozzi
Burns	Gillen	Marshall	Saccone
Caltagirone	Gillespie	Marsico	Sainato
Carroll	Gingrich	Masser	Samuelson
Causser	Godshall	Matzie	Sankey
Christiana	Goodman	McCarter	Santora
Conklin	Greiner	McClinton	Saylor
Corbin	Grove	McGinnis	Schemel
Costa, D.	Hahn	McNeill	Schlossberg
Costa, P.	Hanna	Mentzer	Schreiber
Cox	Harhai	Metcalfe	Schweyer

Cruz	Harhart	Metzgar	Simmons
Culver	Harkins	Miccarelli	Snyder
Cutler	Harper	Millard	Sonney
Daley, M.	Harris, A.	Miller, B.	Staats
Daley, P.	Harris, J.	Miller, D.	Stephens
Davidson	Heffley	Milne	Sturla
Davis	Helm	Moul	Tallman
Dawkins	Hennessey	Mullery	Tobash
Day	Hickernell	Murt	Toepel
Dean	Hill	Neilson	Toohil
Deasy	Irvin	Nesbit	Topper
DeLissio	James	Neuman	Truitt
DeLozier	Jozwiak	O'Brien	Vitali
DeLuca	Kampf	O'Neill	Ward
Dermody	Kaufman	Oberlander	Warner
Diamond	Kauffman	Ortity	Watson
DiGirolamo	Kavulich	Parker, D.	Wentling
Donatucci	Keller, F.	Pashinski	Wheeland
Driscoll	Keller, M.K.	Payne	White
Dunbar	Keller, W.	Peifer	Youngblood
Dush	Killion	Petrarca	Zimmerman
Ellis	Kim	Petri	
Emrick	Kinsey	Pickett	Turzai,
English	Kirkland	Pyle	Speaker
Evankovich	Klunk	Quigley	

NAYS—0

NOT VOTING—0

EXCUSED—11

Briggs	Evans	Sims	Vereb
Bullock	Mustio	Taylor	Wheatley
Cohen	Santarsiero	Thomas	

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. SCHWEYER offered the following amendment No. **A05837**:

Amend Bill, page 1, lines 6 through 10, by striking out all of said lines and inserting

Section 1. Section 2702(a)(3) and (6) and (d) of Title 18 of the Pennsylvania Consolidated Statutes are amended and subsection (c) is amended by adding a paragraph to read:

§ 2702. Aggravated assault.

(a) Offense defined.—A person is guilty of aggravated assault if he:

* * *

(3) attempts to cause or intentionally or knowingly causes bodily injury to any of the officers, agents, employees or other persons enumerated in subsection (c)[,] or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty;

* * *

(6) attempts by physical menace to put any of the officers, agents, employees or other persons enumerated in subsection (c) or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty, in fear of imminent serious bodily injury;

* * *

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

The SPEAKER. On that question, the Chair recognizes Representative Schweyer.

Mr. SCHWEYER. Thank you, Mr. Speaker.

And thank you to Representative Ward, the maker of HB 1219, outstanding legislation I am happy to support.

Mr. Speaker, A05837 would amend this bill by adding the employees of Pennsylvania public transportation organizations into our aggravated assault statute. This would include bus drivers, rail operators, and others at organizations like SEPTA (Southeastern Pennsylvania Transportation Authority), the Port Authority, LANta (Lehigh and Northampton Transportation Authority), CATA (Crawford Area Transportation Authority), BARTA (Berks Area Regional Transportation Authority), and others. This has the support of the Pennsylvania Public Transportation Association, the Pennsylvania District Attorneys Association, and the labor groups that represent many of these employees.

But this is a public safety issue for those beyond just these employees. Imagine if you will, Mr. Speaker, a 35-foot bus filled to capacity traveling down any street in Pennsylvania. Imagine now if a passenger becomes unruly to that bus driver. Not only is the driver at risk, not only are all other passengers at risk, but everyone on the road is at risk.

Mr. Speaker, this is a commonsense way to increase safety for our transit employees and for all of our motorists, and I ask for an affirmative vote on amendment 05837. Thank you, sir.

The SPEAKER. Thank you.

Representative Ward, on the amendment.

Mrs. WARD. This is also an agreed-to amendment, and I would encourage the members' support.

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

The following roll call was recorded:

YEAS—189

Acosta	Everett	Knowles	Quinn
Adolph	Fabrizio	Kortz	Rader
Baker	Farina	Kotik	Rapp
Barbin	Farry	Krueger	Ravenstahl
Barrar	Fee	Lawrence	Readshaw
Benninghoff	Flynn	Lewis	Reed
Bizzarro	Frankel	Longietti	Reese
Bloom	Freeman	Mackenzie	Regan
Boback	Gabler	Maher	Roae
Boyle	Gainey	Mahoney	Roebuck
Bradford	Galloway	Major	Ross
Brown, R.	Gergely	Maloney	Rothman
Brown, V.	Gibbons	Markosek	Rozzi
Burns	Gillen	Marshall	Saccone
Caltagirone	Gillespie	Marsico	Sainato
Carroll	Gingrich	Masser	Samuelson
Causser	Godshall	Matzie	Sankey
Christiana	Goodman	McCarter	Santora
Conklin	Greiner	McClinton	Saylor
Corbin	Grove	McGinnis	Schemel
Costa, D.	Hahn	McNeill	Schlossberg
Costa, P.	Hanna	Mentzer	Schreiber
Cox	Harhai	Metcalfe	Schweyer
Cruz	Harhart	Metzgar	Simmons
Culver	Harkins	Miccarelli	Snyder
Cutler	Harper	Millard	Sonney

Daley, M.	Harris, A.	Miller, B.	Staats
Daley, P.	Harris, J.	Miller, D.	Stephens
Davidson	Heffley	Milne	Sturla
Davis	Helm	Moul	Tallman
Dawkins	Hennessey	Mullery	Tobash
Day	Hickernell	Murt	Toepel
Dean	Hill	Neilson	Toohil
Deasy	Irvin	Nesbit	Topper
DeLissio	James	Neuman	Truitt
Delozier	Jozwiak	O'Brien	Vitali
DeLuca	Kampf	O'Neill	Ward
Dermody	Kaufner	Oberlander	Warner
Diamond	Kauffman	Ortitay	Watson
DiGirolo	Kavulich	Parker, D.	Wentling
Donatucci	Keller, F.	Pashinski	Wheeland
Driscoll	Keller, M.K.	Payne	White
Dunbar	Keller, W.	Peifer	Youngblood
Dush	Killion	Petrarca	Zimmerman
Ellis	Kim	Petri	
Emrick	Kinsey	Pickett	Turzai,
English	Kirkland	Pyle	Speaker
Evankovich	Klunk	Quigley	

NAYS—0

NOT VOTING—0

EXCUSED—11

Briggs	Evans	Sims	Vereb
Bullock	Mustio	Taylor	Wheatley
Cohen	Santarsiero	Thomas	

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 WITHDRAWN

The SPEAKER. Representative Schweyer, I believe, had amendment 5769. My understanding is that is withdrawn. Yes. Thank you. That is withdrawn.

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

Mr. MURT offered the following amendment No. **A05880**:

Amend Bill, page 1, line 3, by inserting after "assault" ; and, in sexual offenses, prohibiting mutilation of female genitalia
Amend Bill, page 3, by inserting between lines 14 and 15
Section 2. Title 18 is amended by adding a section to read:

§ 3132. Female mutilation.

(a) Offense defined.—A person commits the offense of female mutilation if:

- (1) the person knowingly circumcises, excises or infibulates the whole or any part of the genitalia of a minor;
- (2) the person is a parent of a minor and the parent knowingly consents or permits the circumcision, excision or infibulation of the whole or any part of the minor's genitalia; or
- (3) the person knowingly removes or permits the removal of a minor from this Commonwealth for the purpose of circumcising, excising or infibulating, in whole or in part, the

genitalia of the minor.

(b) Grading.—Female mutilation is a felony of the first degree.

(c) Exception.—The provisions of subsection (a) shall not apply if the circumcision, excision or infibulation is:

(1) necessary to the health of the minor on whom it is performed and either is performed by a physician or is performed in the presence of a physician by a person in training to become a physician in accordance with the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985; or

(2) performed on a minor in labor or who has just given birth and is performed for medical reasons connected with that labor or birth by a physician or in the presence of a physician by a person in training to become a physician in accordance with the Osteopathic Medical Practice Act or the Medical Practice Act of 1985.

(d) Custom or consent not a defense.—It shall not be a defense to a prosecution under this section that:

(1) the actor believed that the procedure was necessary or appropriate as a matter of custom, ritual or standard practice; or

(2) the minor upon whom the circumcision, excision or infibulation was performed consented to the procedure or that the minor's parent consented to the procedure.

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

"Minor." A natural person who is a female under 18 years of age.

"Parent." The term includes a natural parent, stepparent, adoptive parent, guardian or custodian of the minor.

Amend Bill, page 3, line 15, by striking out "2" and inserting
3

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. That is a late-filed amendment, and the gentleman would have to move to suspend for us to consider that amendment.

And, Representative Murt, the floor is yours.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, while this amendment, I believe, is germane and appropriate and relevant, I am going to withdraw it at this time from this bill.

The SPEAKER. Thank you, sir.

On the question recurring,

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

The SPEAKER. I do not believe there are any other amendments with respect to HB 1219.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **SB 683, PN 1518**, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for powers and duties of State Police, for State DNA Data Base, for State DNA Data Bank, for State Police recommendation of additional offenses, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases; providing for collection from persons accepted from other jurisdictions; further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis; providing for request for modified DNA search; and further providing for DNA data base exchange and for expungement.

On the question,

Will the House agree to the bill on second consideration?

Mr. NEUMAN offered the following amendment
No. **A05784**:

Amend Bill, page 1, lines 12 and 13, by striking out "; providing for request for modified DNA search; and further providing" and inserting a comma

Amend Bill, page 2, lines 9 through 13, by striking out all of said lines

Amend Bill, page 6, lines 29 and 30; page 7, lines 1 through 6; by striking out all of said lines on said pages

Amend Bill, page 16, line 14, by striking out "and" where it occurs the third time and inserting a comma

Amend Bill, page 16, line 15, by inserting after "(c)"
, 2319, 2321 and 2322

Amend Bill, page 19, lines 22 through 30; pages 20 and 21, lines 1 through 30; page 22, lines 1 through 20; by striking out all of said lines on said pages

Amend Bill, page 29, line 8, by striking out "6" and inserting
4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I believe that this is an agreed-to amendment. This amendment would eliminate the familial searches within the bill and will make this bill, in my opinion, significantly better so that there cannot be a fishing escapade in the database. This bill has been worked on extensively, and I believe that this will correct and solve some of the issues that are ongoing with this piece of legislation. So I request your support. Thank you.

The SPEAKER. Thank you.

Representative Marsico, on the amendment, sir.

Mr. MARSICO. Thank you, Mr. Speaker.

I want to thank the member for offering this amendment and it is agreed to. Thank you.

The SPEAKER. Thank you, sir.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

Acosta	Everett	Knowles	Quinn
Adolph	Fabrizio	Kortz	Rader
Baker	Farina	Kotik	Rapp
Barbin	Farry	Krueger	Ravenstahl
Barrar	Fee	Lawrence	Readshaw
Benninghoff	Flynn	Lewis	Reed
Bizzarro	Frankel	Longietti	Reese
Bloom	Freeman	Mackenzie	Regan
Boback	Gabler	Maher	Roe
Boyle	Gainey	Mahoney	Roebuck
Bradford	Galloway	Major	Ross
Brown, R.	Gergely	Maloney	Rothman
Brown, V.	Gibbons	Markosek	Rozzi
Burns	Gillen	Marshall	Saccone
Caltagirone	Gillespie	Marsico	Sainato
Carroll	Gingrich	Masser	Samuelson
Causar	Godshall	Matzie	Sankey
Christiana	Goodman	McCarter	Santora
Conklin	Greiner	McClinton	Saylor
Corbin	Grove	McGinnis	Schemel
Costa, D.	Hahn	McNeill	Schlossberg
Costa, P.	Hanna	Mentzer	Schreiber
Cox	Harhai	Metcalfe	Schweyer
Cruz	Harhart	Metzgar	Simmons
Culver	Harkins	Miccarelli	Snyder
Cutler	Harper	Millard	Sonney
Daley, M.	Harris, A.	Miller, B.	Staats
Daley, P.	Harris, J.	Miller, D.	Stephens
Davidson	Heffley	Milne	Sturla
Davis	Helm	Moul	Tallman
Dawkins	Hennessey	Mullery	Tobash
Day	Hickernell	Murt	Toepel
Dean	Hill	Neilson	Toohil
Deasy	Irvin	Nesbit	Topper
DeLissio	James	Neuman	Truitt
DeLozier	Jozwiak	O'Brien	Vitali
DeLuca	Kampf	O'Neill	Ward
Dermody	Kaufer	Oberlander	Warner
Diamond	Kauffman	Ortitay	Watson
DiGirolamo	Kavulich	Parker, D.	Wentling
Donatucci	Keller, F.	Pashinski	Wheeland
Driscoll	Keller, M.K.	Payne	White
Dunbar	Keller, W.	Peifer	Youngblood
Dush	Killion	Petrarca	Zimmerman
Ellis	Kim	Petri	
Emrick	Kinsey	Pickett	Turzai,
English	Kirkland	Pyle	Speaker
Evankovich	Klunk	Quigley	

NAYS—0

NOT VOTING—0

EXCUSED—11

Briggs	Evans	Sims	Vereb
Bullock	Mustio	Taylor	Wheatley
Cohen	Santarsiero	Thomas	

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?

Mrs. DEAN offered the following amendment No. A05783:

Amend Bill, page 26, lines 15 through 18, by striking out "in the following instances:" in line 15 and all of lines 16 through 18 and inserting

if

Amend Bill, page 27, lines 2 through 4, by striking out "(II) the person was granted an unconditional" in line 2 and all of lines 3 and 4

Amend Bill, page 27, line 5, by striking out "(III)"

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

(b.3) Automatic expungement.—The court shall order expungement of the DNA sample, record or profile pertaining to the person in the State DNA Bank or the State DNA Data Base to coincide with any other relief in the following instances:

(1) the conviction or delinquency adjudication for which the person's DNA sample was collected has been reversed and no appeal is pending; or

(2) the person was granted an unconditional pardon for the crime for which the DNA sample was taken.

Amend Bill, page 27, line 27, by striking out "(b.3)" and inserting

(b.4)

Amend Bill, page 27, line 29, by inserting after "(b.1)"

or (b.2)

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On the question, the Chair recognizes Representative Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

I am delighted with what just occurred, because as we know with the advances in technology, especially DNA, it has been an invaluable tool in fighting crime. But with the strengthening and increasing reliance upon DNA, we have to be wary of infringing upon the civil rights and be wary of overreach. So I am delighted that Rep. Neuman's amendment addresses one of those instances and that it was agreed to.

I also have offered this amendment, and I just wanted to make sure I put on the record that my amendment was to ensure that there would be automatic expungement and the removal of the DNA in the instance where there was a pardon or any conviction was overturned.

In the interest of moving this legislation forward and because I have spoken to leaders on the other side of the aisle who are willing to put forward this legislation as stand-alone legislation, I will withdraw my amendment today but ask for support in the future for automatic expungement in the case of pardon or an overturn of conviction.

Thank you. Mr. Speaker.

The SPEAKER. Thank you very much, Representative Dean. It is my understanding that there are no other amendments.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Chairman Bill Adolph, the majority Appropriations chair, is recognized for an announcement.

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

Mr. Speaker, there will be a very short Appropriations Committee meeting in the majority caucus room immediately. Thank you.

The SPEAKER. The Appropriations Committee will meet immediately in the majority caucus room.

The House will stand at ease.

Just before we stand at ease, I see that Representative Metcalfe wishes to be recognized, Representative Cruz wishes to be recognized, Representative Mark Keller wishes to be recognized, and Representative Maher. So please let me just call on these individuals at this time.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Metcalfe, you may proceed.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to make a parliamentary inquiry about having the record corrected.

The SPEAKER. You may so inquire. Please state your question.

Mr. METCALFE. Mr. Speaker, earlier today after the Governor's address, it was noted that the address would be reflected in the record of the House, and as I followed the Governor's address, he made a statement that was clearly not correct, that was untrue in fact when he said, "And because of that, we still don't have a budget." That is a direct quote.

Mr. Speaker, my understanding is that when the Governor signed the budget that was placed on his desk at the end of December and he chose to line-item veto certain expenditures, that document became the new State budget. Now, because he did not approve all of what the legislature had approved, because he has the constitutional authority to line-item veto, that does not mean that we do not have a budget. We have a budget. It just does not spend the same level of money—

Mr. DERMODY. Mr. Speaker?

Mr. METCALFE. —that we appropriated, Mr. Speaker.

So my question, Mr. Speaker, is, can we correct the record to extract that statement that was false and misleading, Mr. Speaker, when the Governor said, "And because of that, we still don't have a budget," which is not true, Mr. Speaker?

The SPEAKER. Certainly the Governor had the opportunity and constitutional obligation to come and present to this chamber. His remarks will not be stricken from the record. And as we all know that when members speak, everybody is able to set forth their perspective, while certain folks may have a different interpretation with respect to those underlying facts. The Governor came in, made his remarks with respect to the budget, and they will not be stricken.

Representative Dermody, nothing further? I am sorry.

(Although the Governor's printed remarks which were distributed to the members before his presentation included the following: "And because of that, we still don't have a budget," he in fact did not include these remarks in his presentation to the General Assembly.)

The SPEAKER. Representative Cruz, and then Representative Mark Keller, and then Representative Maher.

ANNOUNCEMENT BY MR. CRUZ

Mr. CRUZ. Personal privilege, Mr. Speaker?

The SPEAKER. Yes, sir; I am sorry. You may proceed.

Mr. CRUZ. I just want to take the opportunity and have all the members wish the gentelady from Philadelphia, Ms. Donatucci, a happy birthday today. It is her 50th birthday today.

The SPEAKER. Happy birthday, Representative Donatucci.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. Representative Mark Keller. Sir.

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

Just a notice. I was asked by the chair of Transportation to inform the members that there is an 8:30 hearing being held tomorrow morning in the majority caucus room to discuss the response from the Pennsylvania Turnpike on the closeout that happened during Jonas.

And immediately following that hearing, there will be a voting meeting to take up HR 622; HR 622, HR 622 immediately following the hearing that is being held in the majority caucus room, and that vote will take place in the majority caucus room also.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir. Thank you, Representative.

The Transportation Committee will meet tomorrow immediately following the hearing in the majority caucus room.

ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE MEETING

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

A reminder to members of the Environmental Resources and Energy Committee, we will meet tomorrow morning, 9:15, in room G-50 of the Irvis Building. Thank you.

The SPEAKER. The Environmental Resources and Energy Committee will meet tomorrow at 9:15 in G-50 Irvis.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER. Representative Causer is recognized.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, a meeting notice for the House Agriculture and Rural Affairs Committee. The committee will meet tomorrow at 9 a.m. in 205 Ryan Office Building to consider HR 616 and HB 1589. Notice to all the members, House Agriculture and Rural Affairs Committee meeting and any other business that may come before the committee. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

The Agriculture and Rural Affairs Committee will meet tomorrow at 9 a.m. in 205 Ryan Office Building.

Representative Markosek, Representative Barbin, Representative Hennessey, and Representative DiGirolamo have all requested to be recognized.

ANNOUNCEMENT BY MR. MARKOSEK

The SPEAKER. We will start with Representative Markosek. Sir, you have the floor.

Mr. MARKOSEK. Mr. Speaker, unanimous consent, please?

The SPEAKER. On unanimous consent, sir, you may proceed.

Mr. MARKOSEK. While we are talking about wishing folks birthdays, it is the birthday today of Representative Dan Miller, Allegheny County.

The SPEAKER. Representative Miller, happy birthday, sir. Happy birthday.

STATEMENT BY MR. BARBIN

The SPEAKER. Representative Bryan Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

On unanimous consent?

The SPEAKER. Yes, sir. You may proceed on unanimous consent, sir.

Mr. BARBIN. Thank you, Mr. Speaker.

I think today is a perfect time for us all to realize that we need the spirit of peace, and I would also ask that the Speaker and the majority leader keep us in session and suspend all other House business so that we can pass the 2015-2016 budget, which is 7 months late. Thank you.

The SPEAKER. Thank you, Representative Barbin.

Representative Tim Hennessey, followed by Representative Gene DiGirolamo.

AGING AND OLDER ADULT SERVICES COMMITTEE MEETING

The SPEAKER. Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Just a reminder to the members of the House Aging and Older Adult Services Committee, we will have a committee meeting tomorrow at 9:30 in room B-31 of the Main Capitol Building. It is on for tomorrow. We will discuss the situation with assisted living in Pennsylvania. So tomorrow, 9:30, in room B-31 of the Main Capitol. Thank you.

The SPEAKER. Thank you, sir.

The Aging and Older Adult Services Committee will meet tomorrow at 9:30 in room B-31, Main Capitol.

HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. Representative Gene DiGirolamo, for an announcement.

Mr. DIGIROLAMO. Thank you, Mr. Speaker.

To the members of the Human Services Committee, there will be a voting meeting tomorrow at the first break in G-50, Irvis Office Building. Human Services Committee at the first break tomorrow in the Irvis Office Building, G-50. Thank you.

The SPEAKER. Thank you, sir.

The Human Services Committee will meet tomorrow at the first break in G-50, Irvis Office Building.

Do any other members wish to be recognized?

At this time we will stand in recess, or excuse me, we will stand at ease. We are going to stand at ease until the Appropriations Committee has completed its voting meeting, I believe, and then we will be called back into order.

The House will now come to order.

BILL REREPORTED FROM COMMITTEE

HB 395, PN 432

By Rep. ADOLPH

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for duties of electric distribution companies.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR A**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 395, PN 432**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for duties of electric distribution companies.

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—189

Acosta	Everett	Knowles	Quinn
Adolph	Fabrizio	Kortz	Rader
Baker	Farina	Kotik	Rapp
Barbin	Farry	Krueger	Ravenstahl
Barrar	Fee	Lawrence	Readshaw
Benninghoff	Flynn	Lewis	Reed
Bizzarro	Frankel	Longietti	Reese
Bloom	Freeman	Mackenzie	Regan
Boback	Gabler	Maher	Roae
Boyle	Gainey	Mahoney	Roebuck
Bradford	Galloway	Major	Ross
Brown, R.	Gergely	Maloney	Rothman
Brown, V.	Gibbons	Markosek	Rozzi
Burns	Gillen	Marshall	Saccione
Caltagirone	Gillespie	Marsico	Sainato
Carroll	Gingrich	Masser	Samuelson
Causser	Godshall	Matzie	Sankey
Christiana	Goodman	McCarter	Santora
Conklin	Greiner	McClinton	Saylor
Corbin	Grove	McGinnis	Schemel

Costa, D.	Hahn	McNeill	Schlossberg
Costa, P.	Hanna	Mentzer	Schreiber
Cox	Harhai	Metcalfe	Schweyer
Cruz	Harhart	Metzgar	Simmons
Culver	Harkins	Miccarelli	Snyder
Cutler	Harper	Millard	Sonney
Daley, M.	Harris, A.	Miller, B.	Staats
Daley, P.	Harris, J.	Miller, D.	Stephens
Davidson	Heffley	Milne	Sturla
Davis	Helm	Moul	Tallman
Dawkins	Hennessey	Mullery	Tobash
Day	Hickernell	Murt	Toepel
Dean	Hill	Neilson	Toohil
Deasy	Irvin	Nesbit	Topper
DeLissio	James	Neuman	Truitt
DeLozier	Jozwiak	O'Brien	Vitali
DeLuca	Kampf	O'Neill	Ward
Dermody	Kaufer	Oberlander	Warner
Diamond	Kauffman	Ortitay	Watson
DiGirolamo	Kavulich	Parker, D.	Wentling
Donatucci	Keller, F.	Pashinski	Wheeland
Driscoll	Keller, M.K.	Payne	White
Dunbar	Keller, W.	Peifer	Youngblood
Dush	Killion	Petrarca	Zimmerman
Ellis	Kim	Petri	
Emrick	Kinsey	Pickett	Turzai,
English	Kirkland	Pyle	Speaker
Evanovich	Klunk	Quigley	

NAYS—0

NOT VOTING—0

EXCUSED—11

Briggs	Evans	Sims	Vereb
Bullock	Mustio	Taylor	Wheatley
Cohen	Santarsiero	Thomas	

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.

ANNOUNCEMENT BY MR. GODSHALL

The SPEAKER. Chairman Godshall is recognized for a committee announcement.

Mr. GODSHALL. Thank you, Mr. Speaker.

The Arc of Montgomery County meeting that was scheduled for 9:15 tomorrow morning has been canceled due to the weather. The Arc of Montgomery County meeting scheduled for 9:15 tomorrow morning is canceled.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

BILLS RECOMMENDED

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

- HB 1219;
- HB 1452;
- HB 1722;

- HB 1797;
- SB 479; and
- SB 683.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1793 and HB 1806 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.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1064, PN 1402**, entitled:

An Act transferring roads between Hanover Township, Lehigh County, and the Department of Transportation.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1064 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.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1064 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. Representative Lee James moves that the House be adjourned until Wednesday, February 10, 2016, 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 3:13 p.m., e.s.t., the House adjourned.