

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 23, 1992

SESSION OF 1992

176TH OF THE GENERAL ASSEMBLY

No. 60

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

PRAYER

The SPEAKER. Prayer will be offered by Rev. Paul Gehris, director of the Office for Social Ministry, Pennsylvania Council of Churches.

REV. DR. PAUL D. GEHRIS offered the following prayer:

Let us pray:

Almighty and Everlasting God, creator of space and energy and time and grantor of life and breath and everything, I pray for this House of Representatives, that in these waning days and hours of responsibility of service to our Commonwealth and to You, each member will be motivated and energized to faithfulness and duty, to self and constituents, to party and caucus, to our State, and to You.

May they know their reward in service honestly given and this Commonwealth a better place for life and living for all.

In Your name. 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 Wednesday, November 18, 1992, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. The Journal of Tuesday, June 23, 1992, is in print and will be accepted, without objection.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that SB 783, SB 1226, and SB 1371 be taken from the table and placed on the active calendar.

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

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 783, PN 2626; SB 1226, PN 2621; and SB 1371, PN 2602.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that SB 1371 be recommitted to the Appropriations Committee.

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

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The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 552, PN 2627; and SB 1537, PN 1887.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner. Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentleman from Cambria, Mr. BILLOW; the gentleman from Fayette, Mr. KASUNIC; and the gentleman from Bucks, Mr. CORRIGAN.

That is all at this time, Mr. Speaker.

The SPEAKER. Without objection, leaves are granted.

Is the gentleman, Mr. Hayes, seeking recognition? The Chair thanks the gentleman.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Acosta	Evans	Laughlin	Roebuck
Adolph	Fairchild	Lawless	Rudy
Allen	Fajt	Lee	Ryan
Anderson	Fargo	Leh	Saloom
Angstadt	Farmer	Lescovitz	Saurman
Argall	Fee	Levdansky	Scheetz
Armstrong	Fleagle	Linton	Schuler
Arnold	Flick	Lloyd	Scrimenti
Barley	Foster	Lucyk	Semmel
Battisto	Freeman	McCall	Serafini
Belardi	Freind	McGeehan	Smith, B.
Belfanti	Gallen	McHale	Smith, S. H.
Birmelin	Gamble	McHugh	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Maiale	Staback
Blaum	George	Markosek	Stairs
Bowley	Gerlach	Marsico	Steelman
Boyes	Gigliotti	Mayernik	Steighner
Broujos	Gladeck	Melio	Stetler
Brown	Godshall	Merry	Stish
Bunt	Gruitza	Michlovic	Strittmatter
Bush	Gruppo	Micozzie	Suban
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mrkonic	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, F.
Carone	Hasay	Nailor	Taylor, J.
Cawley	Hayden	Nickol	Telek
Cessar	Hayes	Noye	Thomas
Chadwick	Heckler	Nyce	Tigue
Civera	Herman	O'Brien	Tomlinson
Clark	Hershey	Olasz	Trello
Clymer	Hess	Oliver	Trich
Cohen	Hughes	Perzel	Tulli
Colafella	Itkin	Pesci	Uliana
Colaizzo	Jadlowiec	Petrarca	Van Horne
Cole	James	Petrone	Vance
Cornell	Jarolin	Phillips	Veon
Cowell	Johnson	Piccola	Vroon
Coy	Josephs	Pistella	Wambach
DeLuca	Kaiser	Pitts	Williams
DeWeese	Kenney	Preston	Wilson
Daley	King	Raymond	Wogan
Davies	Kosinski	Reber	Wozniak
Dempsey	Krebs	Reinard	Wright, D. R.
Dent	Kruszewski	Richardson	Wright, M. N.
Dermody	Kukovich	Rieger	
Donatucci	LaGrotta	Ritter	O'Donnell,
Durham	Langtry	Robinson	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Billow Corrigan Kasunic
LEAVES ADDED—1

Mrkonic

CALENDAR

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 1975, PN 2591; and SB 916, PN 2619.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1642, PN 2502, entitled:

A Supplement to the act of August 6, 1991 (P. L. 329, No. 34) entitled "Highway Supplement to the Capital Budget Act of 1991-1992," itemizing public highway projects to be constructed by the Department of Transportation, together with the estimated financial costs; and stating the estimated useful life of the projects.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that SB 1642 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of SB 1444, PN 2625, entitled:

An Act providing for environmental education programs, for further duties of the Department of Education and the Department of Environmental Resources; establishing the Environmental Education Fund; establishing the Advisory Council on Environmental Education and providing for its powers and duties; providing for the disposition of a portion of certain fines and penalties, for the management of nutrients on certain agricultural operations to abate nonpoint source pollution, for the certification of nutrient management specialists, for the assessment of other nonpoint sources of nutrient pollution to the waters of this Commonwealth; establishing the Nutrient Management Advisory Board and providing for its powers and duties; establishing the Nutrient Management Fund; and providing for enforcement and penalties.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that SB 1444 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of SB 1794, PN 2500, entitled:

An Act amending the act of July 17, 1961 (P. L. 776, No. 341), entitled, as amended, "Pennsylvania Fair Educational Opportunities Act," prohibiting discrimination against persons with handicaps or disabilities.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Evans	Lawless	Rudy
Adolph	Fairchild	Lee	Ryan
Allen	Fajt	Leh	Saloom
Anderson	Fargo	Lescovitz	Saurman
Angstadt	Farmer	Levdansky	Scheetz
Argall	Fee	Linton	Schuler
Armstrong	Fleagle	Lloyd	Scrimenti
Arnold	Flick	Lucyk	Semmel
Barley	Foster	McCall	Serafini
Battisto	Freeman	McGeehan	Smith, B.
Belardi	Freind	McHale	Smith, S. H.
Belfanti	Gallen	McHugh	Snyder, D. W.
Birmelin	Gamble	McNally	Snyder, G.
Bishop	Gannon	Maiale	Staback
Black	Geist	Markosek	Stairs
Blaum	George	Marsico	Steelman
Bowley	Gerlach	Mayernik	Steighner
Boyes	Gigliotti	Melio	Stetler
Broujos	Gladeck	Merry	Stish
Brown	Godshall	Michlovic	Strittmatter
Bunt	Gruitza	Micozzie	Stuban
Bush	Gruppo	Mihalich	Sturla
Butkovitz	Hagarty	Mrkonic	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, F.
Carn	Harper	Nailor	Taylor, J.
Carone	Hasay	Nickol	Telek
Cawley	Hayden	Noye	Thomas
Cessar	Hayes	Nyce	Tigue
Chadwick	Heckler	O'Brien	Tomlinson
Civera	Herman	Olasz	Trello
Clark	Hershey	Oliver	Trich
Clymer	Hess	Perzel	Tulli
Cohen	Hughes	Pesci	Uliana
Colafella	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Cowell	Johnson	Pistella	Wambach
Coy	Josephs	Pitts	Williams
DeLuca	Kaiser	Preston	Wilson
DeWeese	Kenney	Raymond	Wogan
Daley	King	Reber	Wozniak
Davies	Krebs	Reinard	Wright, D. R.
Dempsey	Kruszewski	Richardson	Wright, M. N.
Dent	Kukovich	Rieger	
Dermody	LaGrotta	Ritter	O'Donnell,
Donatucci	Langtry	Robinson	Speaker
Durham	Laughlin	Roebuck	

NAYS—0

NOT VOTING—1

Kosinski

EXCUSED—3

Billow Corrigan Kasunic

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **SB 1735, PN 2225**, entitled:

An Act amending the act of April 13, 1992 (P. L. 71, No. 22), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America;....," further providing for the conditions of the conveyance of Monocacy Battlefield to the United States of America.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1735 be recommitted to the Rules Committee.

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

* * *

The House proceeded to third consideration of **SB 1370, PN 1718**, entitled:

An Act providing grants to Pennsylvania businesses participating in international trade fairs; and making an appropriation.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1370 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to third consideration of **SB 1087, PN 2611**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for coverage for mammographic examinations; providing for long-term care insurance; providing for limits, disclosure and performance standards; and prescribing additional powers and duties of the Insurance Commissioner and the Insurance Department.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1087 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of **SB 1487, PN 1796**, entitled:

An Act amending the act of August 6, 1963 (P. L. 521, No. 277), entitled "An act providing that probation officers shall have the power of peace officers in the performance of their duties," further providing for powers of probation officers.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

Adolph	Fajt	Lawless	Roebuck
Allen	Fargo	Lee	Rudy
Anderson	Farmer	Leh	Ryan
Angstadt	Fee	Lescovitz	Saloom
Argall	Fleagle	Levdansky	Saurman
Armstrong	Flick	Linton	Scheetz
Arnold	Foster	Lloyd	Schuler
Barley	Freeman	Lucyk	Scrimenti
Battisto	Freind	McCall	Semmel
Belardi	Gallen	McGeehan	Serafini
Belfanti	Gamble	McHale	Smith, B.
Bishop	Gannon	McHugh	Smith, S. H.
Black	Geist	McNally	Snyder, D. W.
Blaum	George	Maiale	Snyder, G.
Bowley	Gerlach	Markosek	Staback
Boyes	Gigliotti	Marsico	Stairs
Broujos	Gladeck	Mayernik	Steelman
Brown	Godshall	Melio	Steighner
Bunt	Gruitza	Merry	Stetler
Bush	Gruppo	Michlovic	Stish
Butkovitz	Hagarty	Micozzie	Strittmatter
Caltagirone	Haluska	Mihalich	Stuban
Cappabianca	Hanna	Mrkonic	Sturla
Carlson	Harley	Mundy	Surra
Carn	Harper	Murphy	Tangretti
Carone	Hasay	Nahill	Taylor, E. Z.
Cawley	Hayden	Nailor	Taylor, J.
Cessar	Hayes	Nickol	Telek
Chadwick	Heckler	Noye	Thomas
Civera	Herman	Nyce	Tigue
Clark	Hershey	O'Brien	Tomlinson
Clymer	Hess	Olasz	Trello
Cohen	Hughes	Oliver	Trich
Colafella	Itkin	Perzel	Tulli
Colaizzo	Jadlowiec	Pesci	Uliana
Cole	James	Petrarca	Van Horne
Cornell	Jarolin	Petrone	Vance

Cowell	Johnson	Phillips	Veon
Coy	Josephs	Piccola	Vroon
DeLuca	Kaiser	Pistella	Wambach
DeWeese	Kenney	Pitts	Williams
Daley	King	Preston	Wilson
Davies	Kosinski	Raymond	Wogan
Dempsey	Krebs	Reber	Wozniak
Dent	Kruszewski	Reinard	Wright, D. R.
Dermody	Kukovich	Richardson	Wright, M. N.
Donatucci	LaGrotta	Rieger	
Durham	Langtry	Ritter	O'Donnell,
Evans	Laughlin	Robinson	Speaker
Fairchild			

NAYS—0

NOT VOTING—3

Acosta	Birmelin	Taylor, F.
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EXCUSED—3

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

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

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The House proceeded to third consideration of **SB 1364, PN 2388**, entitled:

An Act amending the act of July 2, 1984 (P. L. 561, No. 112), entitled "Pennsylvania Conservation Corps Act," further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors and for appropriations; and making editorial changes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1364 be placed upon the table.

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.
Mr. DeWEESE. Mr. Speaker, I move that SB 1364 be taken from the table.

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

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, could we return to requests for leaves of absence?

The SPEAKER. The gentleman is in order.

Mr. ITKIN. I would like to request a leave of absence for the remainder of today's session for the gentleman from Allegheny, Mr. MRKONIC.

The SPEAKER. Without objection, leave is granted.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of SB 962, PN 1137, entitled:

An Act authorizing certain counties to increase the recording fees of deeds and mortgages to support or enhance local affordable housing efforts.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Is the gentleman, Mr. Armstrong, seeking recognition?

Mr. ARMSTRONG. Yes, sir.

The SPEAKER. The gentleman is in order.

Mr. ARMSTRONG. Is there anybody I can interrogate on this issue?

The SPEAKER. The gentleman is seeking to interrogate someone attempting to move the bill, SB 962, which came from the Urban Affairs Committee. Is there any proponent of the bill willing to be interrogated?

The lady, Mrs. Harper, indicates she is willing to be interrogated. The gentleman may proceed.

Mr. ARMSTRONG. Thank you.

Mr. Speaker, can you tell the House as to what this bill is to do?

Mrs. HARPER. I cannot hear you.

Mr. ARMSTRONG. I am asking you if you could tell the House as to what this bill is meant to do.

Mrs. HARPER. Excuse me, Mr. Speaker, for just a minute.

The SPEAKER. Will the lady yield to the gentleman, Mr. Kukovich? The lady yields. The gentleman, Mr. Kukovich, will respond to the inquiry.

Mr. KUKOVICH. Thank you, Mr. Speaker.

If I could respond, this bill in the Appropriations Committee was reverted back to a prior printer's number as originally introduced by Senator Greenwood and passed by the Senate and sent over here.

In August of 1991 it was used as a vehicle, which eventually was defeated and was sent back to Appropriations, where recently, as I said, it was reverted to a prior printer's number.

What it does, it is a discretionary bill. It would allow counties to increase their fees for recording deeds and mortgages in a recorder of deeds' office, and it would be optional. There would be a cap as to how high that would go. And at least 60

percent of whatever that county would deem to be an increase would have to be used to fund affordable housing efforts.

Primarily, this had the genesis in Bucks County, in Senator Greenwood's county. To the best of my knowledge, that is the only county that is interested at this point in time of taking advantage of that option.

Mr. ARMSTRONG. What are the caps to which the county commissioners are allowed to raise the fees, the recorder of deeds' fees?

Mr. KUKOVICH. Could you repeat that, Mr. Speaker?

Mr. ARMSTRONG. What are the caps to which the county commissioners will be allowed to raise the fees?

Mr. KUKOVICH. What are the what?

Mr. ARMSTRONG. What are the caps? You said that they will be able to raise the fees in the recorder of deeds up to a certain cap. What is the cap?

Mr. KUKOVICH. The cap would be twice of whatever the existing county fee is. The fees may vary somewhat from county to county based on their size. Whatever that fee is in that particular county, they cannot more than double the fee. In many counties, it is \$9, for example, to record a deed, so they would not be able to go up any higher than \$18 in that particular county.

Mr. ARMSTRONG. Okay. I am safe in assuming that if there was a fee of \$1.50, that that could raise to \$3, or if there was a fee of \$25, that could raise to \$50. That is what you are saying.

Mr. KUKOVICH. That is correct.

Mr. ARMSTRONG. All right.

Now, what are these fees supposed to be used for then?

Mr. KUKOVICH. They are to be used for affordable housing projects within various counties. Different counties with their housing authorities have different projects. It is very flexible. Again, it is a pure option. It has no fiscal impact on the State.

Again, to the best of my knowledge, this was part of an overall program initiated in 1991 of legislation to improve affordable housing in the Commonwealth, and this piece was one that Senator Greenwood and Bucks County were interested in.

Mr. ARMSTRONG. Is there a certain percentage amount of the fees that are to be collected that are supposed to be used for housing?

Mr. KUKOVICH. Sixty percent of the increases would have to be used, not of the overall amount. For example, if it is a \$9 fee in a county to record a deed and it goes up to \$10, 60 cents would have to be used for affordable housing. So it would be 60 percent of the \$1, not of the \$10.

Mr. ARMSTRONG. All right. Thank you.

I am through with questioning. I would like to make a comment on the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. ARMSTRONG. I would like for everybody to just stop and to consider what is going to be taking place here. We are empowering our county commissioners to raise fees that have historically been our responsibility in raising those fees.

Secondly, we are asking our recorder of deeds to be the tax collector or the collector of these funds to be used for a fund in housing that is totally not even related to their line of business.

And in discussion with my own recorder of deeds over this weekend, who, by the way, is the secretary of the Pennsylvania State Elected County Officials, he has related to me that that particular association itself, SECO, is totally not supportive and opposed to this bill.

I would ask for you, if you have not already contacted them, to touch base with them, which I know you probably do not even have time to do that at this point. But I am asking for you to vote negatively on this bill, to vote against this bill. It should not be their responsibility to collect these funds for a housing program in our own counties. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, this bill is a "may" bill, and also, this bill only gives the counties the option of increasing the amount of money in the bill. So it is not written in stone.

This is very simple to me. It only allows the county to have the option of increasing the fee.

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the gentleman, Mr. Foster.

Mr. FOSTER. Mr. Speaker, I rise to join my colleague, Representative Armstrong, in opposing this bill. The bill will allow the counties to increase these fees, will make the recorders of deeds collectors of these fees.

This bill did not come through the Local Government Committee. I think it should have come through Local Government. We have had input over the last few days from county officials. Many of them have spoken to me and asked that we oppose the bill.

Mr. Speaker, inasmuch as we have not had any input in the Local Government Committee on this matter, I ask that the bill be recommitted to the Committee on Local Government.

The SPEAKER. The gentleman's motion is to—

Mr. FOSTER. —recommit to the Committee on Local Government.

The SPEAKER. The gentleman is in order and has moved that SB 962 be recommitted to the Committee on Local Government.

On the question,

Will the House agree to the motion?

The SPEAKER. Is anyone seeking recognition on the motion? The Chair recognizes Mr. Heckler.

Mr. HECKLER. Respectfully, Mr. Speaker, I would urge the defeat of that motion. If we were at some other point in the legislative timetable, it might well be appropriate that this bill be considered by the Local Government Committee. We know at this particular juncture that if this bill gets sent back to Local Government, it dies.

It is my understanding that this bill, first of all, is optional, so we are not talking about mandating anything upon any of our county governments but merely creating options.

In terms of the concerns that have been expressed about cost, please look at the bill before you vote. Sixty percent of the funds that would be collected are mandated for affordable housing. First of all, there is authorized up to a 15-percent carrying fee so that some of the problems that the register's office has experienced in the past should be able to be dealt with by that collection fee. In addition, 40 percent of the total funds that would be collected are authorized to any purpose that the county would designate, which, again, could address either recording fees and concerns—

The SPEAKER. Will the gentleman suspend. The gentleman is cautioned to confine his remarks to the reasons for or against recommitment.

Mr. HECKLER. Thank you, Mr. Speaker.

I would urge that at this juncture, we move forward with this bill and not kill it this late in the legislative session. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I ask the members not to recommit this bill. This is not my bill; this is Senator Greenwood's bill. But it is a good bill, it is a "may" bill, and it only gives the counties the option to raise the fee.

So I would not kill this bill at the last minute. It is a good bill. Thank you.

The SPEAKER. The Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would ask the members to vote against recommitment. Number one, as Representative Heckler and Representative Harper said, this is an optional bill. It just creates some flexibility; creates a tool for the counties if they wish to use it.

Again, to the best of my knowledge, only one county has expressed a strong interest in using it, but in the future, again, it is a tool that could be helpful.

Secondly, in the waning days of this session, one of the priorities of all four caucuses - Senate, House; Democrat, Republican - is to try to do something about affordable housing. I would suggest to you that this bill is not only appropriate on its face, on its merits, but it is part of a mix of legislation that we would like to get through that will move affordable housing reform along in this Commonwealth and eventually allow us to implement the Federal Cranston-Gonzales money that will be coming down shortly from the Federal Government. This is part of that mix.

For all of those reasons I would ask you to vote against recommitment and pass this legislation and send it back to the Senate. Thank you.

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. I echo the remarks, Mr. Speaker, of Representative Kukovich. Let us reject recommitment and vote this bill out. Thank you.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Mr. Speaker, I can appreciate the concern of the gentleman from Bucks, Mr. Heckler, with the lateness of the hour, but the bill should have gone to Local Government to begin with. It affects counties of second through eighth.

It should have been in Local Government where local government officials would have had the input, and I ask that we do so recommit the bill.

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

The following roll call was recorded:

YEAS—94

Acosta	Durham	Johnson	Raymond
Adolph	Fairchild	King	Reber
Allen	Fargo	Krebs	Ryan
Anderson	Farmer	Langtry	Saurman
Argall	Fleagle	Laughlin	Scheetz
Armstrong	Flick	Lawless	Schuler
Barley	Foster	Lee	Semmel
Birmelin	Freind	Leh	Serafini
Black	Gallen	McCall	Smith, B.
Bowley	Gannon	McHugh	Smith, S. H.
Boyes	Geist	Marsico	Snyder, G.
Brown	Gerlach	Merry	Stairs
Bunt	Gladeck	Micozzie	Strittmatter
Bush	Godshall	Nahill	Surra
Carlson	Gruppo	Nailor	Taylor, E. Z.
Carone	Hagarty	Nickol	Telek
Cessar	Harley	Noye	Tulli
Chadwick	Hasay	Nyce	Uliana
Civera	Hayes	O'Brien	Vance
Clark	Herman	Perzel	Vroon
Cornell	Hershey	Phillips	Wogan
Davies	Hess	Piccola	Wozniak
Dempsey	Jadlowiec	Pitts	Wright, D. R.
Dent	Jarolin		

NAYS—101

Angstadt	Fee	McHale	Snyder, D. W.
Arnold	Freeman	McNally	Staback
Battisto	Gamble	Maiale	Steelman
Belardi	George	Markosek	Steighner
Belfanti	Gigliotti	Mayernik	Stetler
Blaum	Gruitza	Melio	Stish
Broujos	Haluska	Michlovic	Stuban
Butkovitz	Hanna	Mihalich	Sturla
Caltagirone	Harper	Mundy	Tangretti
Cappabianca	Hayden	Murphy	Taylor, F.
Carn	Heckler	Olasz	Taylor, J.
Cawley	Hughes	Oliver	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen	James	Petrarca	Tomlinson
Colafella	Josephs	Petrone	Trello
Colaizzo	Kaiser	Pistella	Trich
Cole	Kenney	Preston	Van Horne
Cowell	Kosinski	Reinard	Veon
Coy	Kukovich	Richardson	Wambach
DeLuca	LaGrotta	Rieger	Williams
DeWeese	Lescovitz	Ritter	Wilson
Daley	Levdansky	Robinson	Wright, M. N.
Dermody	Linton	Roebuck	
Donatucci	Lloyd	Rudy	O'Donnell,
Evans	Lucyk	Saloom	Speaker
Fajt	McGeehan	Scrimenti	

NOT VOTING—2

Bishop	Kruszewski
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EXCUSED—4

Billow Corrigan Kasunic Mrkonic

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The lady, Mrs. Vance, is recognized on the question.

Mrs. VANCE. Thank you, Mr. Speaker.

Some information has not been brought to light on this bill. To record a deed or a mortgage is \$13.50, not \$9 as previously stated, and this is a possible fee increase of 100 percent. I do understand that it is an optional bill, but what we are doing here is actually voting a tax increase which would allow the counties to have a lot of free money, and we are the ones that are doing this voting.

The recorders of deeds need a great deal of money to update their offices, to microfilm their records, and instead they are being asked to collect something that will not be used by them at all. I think that it is very shortsighted to consider doing this in this way. They need to also computerize their records, and we are asking for a great many problems to increase these fees and then have them be used for affordable housing. It seems to be the wrong way to raise the money for this issue.

The SPEAKER. The Chair recognizes the lady, Mrs. Langtry.

Mrs. LANGTRY. Mr. Speaker, I would like to interrogate someone in a position to answer questions.

The SPEAKER. The gentleman, Mr. Preston, indicates his willingness to be interrogated. The lady may proceed.

Mrs. LANGTRY. Thank you very much.

I want to clarify so that I understand this bill. Do I understand correctly that up to 60 percent of the funds generated by this bill could be dedicated to help with affordable housing for those people who are under the median income level in a county? Is that correct?

Mr. PRESTON. I cannot address the issue about the income levels. What I can address, if you will read in the legislation of the bill on page 3, "Affordable housing...may include, but shall not be limited to:..." In other words, the funds that we have applied for for the Federal Government plan to secure the National Affordable Housing Act of 1990, "...Assisting or supporting housing efforts by the Pennsylvania Housing Finance Agency and by commercial banks and thrift institutions." That is what it is about. There is nothing in there that concerns anything about the income limits.

And also I address to the lady, for an example, those of us in Allegheny County in most cases, for example in Pittsburgh, we do not participate within the Housing Finance Agency as far as their plans and neither do we in most cases in Allegheny County, from your home county, but within a lot of the rural counties, they also do.

The issue is "...whose annual income is less than the median income of the county."

Mrs. LANGTRY. Annual income.

Mr. PRESTON. Okay? So it relates to each individual county that we deal with across the State.

Mrs. LANGTRY. All right. So then those funds could be used for people so situated.

I have another question, if I may. Then do I understand that the bill permits up to 40 percent of the proceeds to be used by the general fund of the county?

Mr. PRESTON. That is correct.

Mrs. LANGTRY. And then up to 15 percent for administrative—

Mr. PRESTON. It is no more than 40 percent of the additional revenue.

Mrs. LANGTRY. All right. No more than 40.

Mr. PRESTON. Yes.

Mrs. LANGTRY. I was going to say 40, 60, and 15 do not add up to 100 percent. So it is up to what we are talking about.

Mr. PRESTON. Right. So in other words, you are talking about if they increase it by \$9, then you would take 40 percent of \$9, which may be \$4 as far as the fees are concerned, but that is up to the county on whether or not they decide to be able to do that.

Mrs. LANGTRY. Are you able to tell me what the percentage fee is for recording home transfers in Allegheny County?

Mr. PRESTON. Not at this moment. All I know is that each county, all 67 counties, have a different recording fee.

Mrs. LANGTRY. I am not sure, but does 2 percent sound right to you? Is there someone over there that can tell us what it is in Allegheny County?

Mr. PRESTON. No. That is a deed transfer tax.

Mrs. LANGTRY. Yes.

Mr. PRESTON. That is different. We are only talking about recording the fee.

Mrs. LANGTRY. Okay. So this does not apply to a deed transfer tax?

Mr. PRESTON. Right. This is only for recording the deed.

Mrs. LANGTRY. Okay. Very good.

Mr. PRESTON. Okay?

Mrs. LANGTRY. Yes.

Mr. PRESTON. So that is totally separate.

Mrs. LANGTRY. Yes. Thank you very much. I appreciate the answers.

The SPEAKER. Is the gentleman, Mr. Preston, seeking recognition?

Mr. PRESTON. Yes.

The SPEAKER. The gentleman is in order.

Mr. PRESTON. Thank you, Mr. Speaker.

I think that the gentleman, Mr. Greenwood, with SB 962 has made a very sincere effort. It is a very minimal and small fee - if the counties so choose.

I would like to be able to say that if you read this bill and if you look at some things, in most cases, as I have spoken, I come from Allegheny County. We really do not participate in those things that deal with the Housing Finance Agency, but an awful lot of the rural programs, an awful lot of the new

housing that is coming in for affordable housing within the rural areas and those areas that now have been going down are looking for whether it is an extra \$4 or \$5 if the county commissioners so choose, are looking for every way that they can to be able to put together good, positive housing packages, and that is all this bill will do. It has nothing to do with the transfer tax. It is only for recording the deed, and contrary to what I have heard some people already say, the recorder of deeds already collects this now. There is not going to be any change. All we are doing is giving the permission, if the county so chooses, to be able to choose to change the amount of the fee, and when we do that, we will encourage them or literally force them to be able to look at using some of this money to be able to help offset some of the costs for their new housing plans.

So I would urge an awful lot of the people, especially within the rural areas, to really look at this in a positive note, because what is happening now with the new secured mortgage program and also for second mortgages that are going in to the rural and to the urban areas, it is very important that we try to do everything that we have to enhance a housing finance package.

So therefore, I think that SB 962 is a very positive bill, and I would encourage the members to vote for Senator Greenwood's bill.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, there is somewhat of a dichotomy here in that what we are doing is raising the cost for affordable housing and at the same time saying we are collecting money to offset it. What we are doing, really, is imposing the option for another tax, and when the option exists, sooner or later it seems that it is taken advantage of. Then we will be faced with comments like, why did we authorize another tax in the waning hours of this General Assembly session?

The problem with affordable housing is that there are some reasons for increased costs that need to be addressed. We need to look carefully at why it is that housing is not affordable. We need to look at the percentage of the cost of building or constructing a house that maybe ought to be carefully scaled down so that affordable housing can in fact be built. What we are trying to do with this kind of legislation, really, is to finance the increased costs; to raise money so that the status quo, so that these overcharges, so that the things that make housing unaffordable can continue, and those people who benefit from those increased costs will have a pool from which that money can be drawn so that the people can buy their increased or inflated costs. We need to look at the reasons, not find ways to subsidize what is already wrong in the housing situation that does not allow people to buy new houses.

I would ask that we oppose this and that we get busy and look at the causes and take some actions to change that around, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

Once and for all, I would like to cut through all the smoke and the haze surrounding this particular piece of legislation. If anyone wants to do anything for affordable housing so that more housing can be built for the people of this Commonwealth, then we should go about reducing some of the taxes that were imposed last year, without going about increasing taxes at this point. All this fee increase amounts to is a tax increase on the public.

I ask that we vote in the negative.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, I have a parliamentary question.

The SPEAKER. The gentleman is in order.

Mr. ARMSTRONG. Being that this bill has been in several printer's numbers, if we were to vote in the affirmative today, where will this bill go? Will it go to the Governor's Office?

The SPEAKER. The gentleman is correct. This bill in its present form, if approved by the House, goes directly to the Governor.

Mr. ARMSTRONG. Thank you, sir.

The SPEAKER. The Chair recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

Would the gentleman, Mr. Kukovich, stand for a brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. CESSAR. For my edification and for the members of this General Assembly, I would like to ask the gentleman what is meant on page 3, line 11, by "Supporting second soft mortgage programs." What are they?

The SPEAKER. The gentleman is in order.

Mr. KUKOVICH. Thank you, Mr. Speaker.

To the best of my knowledge, Mr. Speaker, that is a secondary mortgage. What we have learned and what Representative Civera and Representative Harper and members of the appropriate committees who have worked on housing during 1991 and 1992 have found is that a very important segment of improving affordable housing, not simply for people who are young and trying to get into the market, not simply for people who are trying to get first-time rental properties, but for those who have had a home for a while and need to improve that home, a secondary mortgage, not for the purpose of acquiring another home but for the purpose of refurbishing and maintaining their existing home, is extremely important within those communities where we are trying to build up other affordable housing. So it is simply a term of art for a secondary mortgage.

Mr. CESSAR. Mr. Speaker, I look at this, and you strike out "secondary" and you put in "second soft." Why did you not just leave it as "secondary" rather than "second soft"?

Mr. KUKOVICH. Again, to the best of my knowledge, that is a term of art. The intention is to try to insure that any type

of second mortgage is used for maintenance, refurbishing, improving an existing dwelling structure.

Mr. CESSAR. Thank you, Mr. Speaker. That is not too good of an explanation, but I guess I have to accept it.

On the question recurring,
Shall the bill pass finally?

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

YEAS—95

Angstadt	Fajt	Lloyd	Saloom
Arnold	Fee	Lucyk	Scrimenti
Battisto	Freeman	McGeehan	Snyder, D. W.
Belardi	Gamble	McHale	Steelman
Belfanti	George	Maiale	Steighner
Bishop	Gigliotti	Markosek	Stish
Blaum	Gruitza	Mayernik	Stuban
Broujos	Harper	Melio	Sturla
Butkovitz	Hayden	Michlovic	Tangretti
Caltagirone	Heckler	Mihalich	Taylor, J.
Cappabianca	Hughes	Mundy	Thomas
Carn	Itkin	Murphy	Tigue
Cawley	James	Olasz	Tomlinson
Civera	Jarolin	Oliver	Trello
Cohen	Josephs	Pesci	Trich
Colaizzo	Kaiser	Petrarca	Van Horne
Cole	Kosinski	Petrone	Veon
Cowell	Krebs	Pistella	Wambach
Coy	Kruszewski	Preston	Williams
DeLuca	Kukovich	Reinard	Wilson
DeWeese	LaGrotta	Richardson	Wright, M. N.
Daley	Lescovitz	Rieger	
Dermody	Levdansky	Ritter	O'Donnell,
Donatucci	Linton	Roebuck	Speaker
Evans			

NAYS—99

Acosta	Durham	King	Rudy
Adolph	Fairchild	Langtry	Ryan
Allen	Fargo	Laughlin	Saurman
Anderson	Farmer	Lawless	Scheetz
Argall	Fleagle	Lee	Schuler
Armstrong	Flick	Leh	Semmel
Barley	Foster	McCall	Serafini
Birmein	Gallen	McHugh	Smith, B.
Black	Gannon	McNally	Smith, S. H.
Bowley	Geist	Marsico	Snyder, G.
Boyes	Gerlach	Merry	Staback
Brown	Gladeck	Micozzie	Stairs
Bunt	Godshall	Nahill	Stetler
Bush	Gruppo	Nailor	Strittmatter
Carlson	Hagarty	Nickol	Surra
Carone	Haluska	Noye	Taylor, E. Z.
Cessar	Harley	Nyce	Telek
Chadwick	Hasay	O'Brien	Tulli
Clark	Hayes	Perzel	Uliana
Clymer	Herman	Phillips	Vance
Colafella	Hershey	Piccola	Vroon
Cornell	Hess	Pitts	Wogan
Davies	Jadlowiec	Raymond	Wozniak
Dempsey	Johnson	Reber	Wright, D. R.
Dent	Kenney	Robinson	

NOT VOTING—3

Freind	Hanna	Taylor, F.
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EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair is about to take up a condolence resolution on the death of a former member of the House.

The members will please take their seats. The Sergeant at Arms will close the doors of the House.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Thomas J. Donnelly, a former member of the Pennsylvania House of Representatives, passed away May 7, 1992 at the age of ninety-two; and

WHEREAS, Mr. Donnelly was born on September 6, 1899, in Locust Gap, Northumberland County. A resident of Warren since 1945, he demonstrated outstanding commitment to area citizens as a member of the House of Representatives and as a Warren County commissioner. He had previously distinguished himself as a revenue agent at Warren State Hospital and had faithfully served as a treasurer for the Democratic Party of Warren and Northumberland Counties; and

WHEREAS, A devoted member of the Holy Redeemer Roman Catholic Church, Mr. Donnelly was also a valued member of the Holy Name Society and the Knights of Columbus, as well as a life member of the Mount Carmel BPOE Lodge 356; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with deep regret the passing of Thomas J. Donnelly, beloved family member, dedicated professional and esteemed public servant; extend heartfelt condolences to his daughter, Catherine Rice; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Catherine Rice.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Curtis S. Bowley and unanimously adopted by the House of Representatives.

Robert W. O'Donnell
Speaker of the
House of Representatives

ATTEST:
John J. Zubeck
Chief Clerk of the
House of Representatives

On the question,

Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests, please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Thomas J. Donnelly.)

The SPEAKER. The resolution has been unanimously adopted.

The Chair conveys his condolences to the friends and family of Representative Donnelly who are here today.

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes the gentleman, Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

I would just like to introduce as guests of mine today the daughter of the late Thomas Donnelly, Catherine Rice; her husband, Merl Rice; and a niece, Mrs. Catherine Marter. They are to the left of the Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Hughes.

Mr. HUGHES. Mr. Speaker, I would just like to take a moment to have the House recognize the new bishop for the First District of the African-American Methodist Episcopal Church, Brother Bishop Philip Robert Cousin, who is seated down in the front. Bishop Cousin.

The SPEAKER. If the bishop would please rise. Welcome.

Mr. HUGHES. Mr. Speaker, he is accompanied by his assistant, Miss Gwen Johnson, and also the Secretary of State of the Commonwealth of Pennsylvania, Dr. Brenda Mitchell.

The SPEAKER. Will the ladies please rise. The Chair welcomes you.

The Sergeant at Arms will open the doors of the House.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Olasz.

Mr. OLASZ. Mr. Speaker, last week on HB 1670, amendment 4139, my switch malfunctioned. I wish to be recorded in the affirmative. Thank you.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 2140, PN 4082**, as further amended by the House Rules Committee:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," and Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding and amending certain definitions; redesignating referees as workers' compensation judges; further providing for contractors, for insurance and self-insurance, for compensation and for payments for medical services; providing for coordinated care organizations; further providing for procedures for the payment of compensation and for medical services and for procedures of the department, referees and the board; adding provisions relating to insurance, self-insurance pooling, self-insurance guaranty fund, health and safety, the prevention of insurance fraud; further providing for certain penalties; making repeals; and making editorial changes.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2140 be recommitted to the Rules Committee.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Birmelin.
Mr. BIRMELIN. Mr. Speaker, may I correct the record now? Thank you.

On SB 1487 my switch did not work, and I would have been recorded in the positive if it had worked. Thank you.

SB 962 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which SB 962 was defeated today.

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

The following roll call was recorded:

YEAS—187

Acosta	Donatucci	Lawless	Rudy
Adolph	Durham	Lee	Ryan
Allen	Evans	Leh	Saloom
Anderson	Fairchild	Lescovitz	Saurman
Angstadt	Fajt	Levdansky	Scheetz
Argall	Fargo	Linton	Schuler
Armstrong	Farmer	Lloyd	Scrimenti
Arnold	Fee	Lucyk	Semmel
Barley	Fleagle	McCall	Serafini
Battisto	Flick	McGeehan	Smith, B.
Belardi	Foster	McHale	Smith, S. H.
Belfanti	Freeman	McHugh	Snyder, D. W.
Birmelin	Gallen	McNally	Snyder, G.
Bishop	Gamble	Maiale	Staback
Black	Gannon	Markosek	Stairs
Blaum	Geist	Marsico	Steelman
Bowley	George	Mayernik	Steighner
Boyes	Gerlach	Melio	Stetler
Broujos	Gigliotti	Merry	Stish
Brown	Gladeck	Michlovic	Stritmatter
Bunt	Godshall	Micozzie	Suban
Bush	Gruitza	Mundy	Sturla
Butkovitz	Gruppo	Murphy	Surra
Caltagirone	Hagarty	Nailor	Tangretti
Cappabianca	Hanna	Nickol	Taylor, E. Z.
Carlson	Harley	Noye	Taylor, J.
Carn	Harper	Nyce	Telek
Carone	Hayden	O'Brien	Tigue
Cawley	Hayes	Olasz	Tomlinson
Cessar	Heckler	Oliver	Trello
Chadwick	Herman	Perzel	Trich
Civera	Hughes	Pesci	Tulli
Clark	Itkin	Petrarca	Uliana
Clymer	Jadlowiec	Petrone	Van Horne
Cohen	James	Phillips	Vance
Colafranca	Jarolin	Piccola	Veon
Colaizzo	Johnson	Pistella	Vroon
Cole	Kaiser	Pitts	Wambach
Cornell	Kenney	Preston	Williams
Cowell	King	Raymond	Wilson
Coy	Kosinski	Reber	Wogan

DeLuca	Krebs	Reinard	Wozniak
DeWeese	Kruszewski	Richardson	Wright, D. R.
Daley	Kukovich	Rieger	Wright, M. N.
Davies	LaGrotta	Ritter	
Dempsey	Langtry	Robinson	O'Donnell,
Dent	Laughlin	Roebuck	Speaker
Dermody			

NAYS—4

Haluska	Hasay	Hess	Nahill
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NOT VOTING—6

Freind	Josephs	Taylor, F.	Thomas
Hershey	Mihalich		

EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The House has immediately before it final passage of SB 962.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. For what purpose does the gentleman rise?
Mr. CESSAR. Would you give me the consideration of getting an amendment drafted to this?

The SPEAKER. For the information of the gentleman, this is the bill that was already voted.

Mr. CESSAR. That is right; it was defeated, and a reconsideration motion was filed. I did talk to the movers of the bill that I would like to amend the bill. I talked to the gentleman, Mr. Kukovich.

The SPEAKER. There is nothing in order but the taking of the roll. The Chair would urge the gentleman, Mr. Kukovich, and the gentleman, Mr. Cessar, to come to the desk.

(Conference held at Speaker's podium.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 962 will be over temporarily.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the gentleman, Mr. Pistella, who indicates for the record that he was not voted on SB 1596 on November 18, 1992, and should have been recorded in the affirmative.

The Chair recognizes Mr. Acosta.
Mr. ACOSTA. Thank you, Mr. Speaker.
Am I in order to correct a vote?

HR 405, SB 1596, and SB 1487, a "yes."

The SPEAKER. The Chair recognizes Mr. Daley.

Mr. DALEY. Mr. Speaker, on HB 2216, amendment 4203, PN 4209, if my finger would have been working properly, I would have voted in the affirmative.

The SPEAKER. The Chair recognizes Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

On Wednesday, November 18, on SB 88 I was not in my seat at that time. I would like to be recorded in the affirmative.

STATEMENT BY MR. ITKIN

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this week the Senate will return to us an amended version of HB 2751, which provides for the administration of an enhanced vehicle emission inspection program. Unfortunately, while the bill allows for either a centralized or a decentralized emission inspection program, the Federal Environmental Protection Agency recently adopted regulations that preclude States such as Pennsylvania from establishing decentralized programs.

I believe that we will be greatly inconvenienced by a centralized emission inspection system. Our constituents have become accustomed to decentralized safety inspections statewide. Furthermore, in areas where emission inspections are currently required, motorists are accustomed to having emission and safety inspections done at the same facility.

My resolution will memorialize Congress to direct the EPA to revise its requirements in such a way to make establishment of a decentralized emission inspection system possible in Pennsylvania.

If you wish to cosponsor this resolution, it will be available with the bill clerk at the front of the floor of the House. Thank you.

ANNOUNCEMENT BY MR. McCALL

The SPEAKER. The Chair recognizes Mr. McCall.

Mr. McCALL. For the purpose of an announcement.

The northeast delegation will meet in room 39E immediately upon the call of recess.

COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

For the purpose of an announcement.

I would like to call a meeting up in room 108 of the South Office Building at the recess for a meeting of the special committee to investigate the needs of older drivers. Thank you, Mr. Speaker.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. For the information of the members, there will be a meeting of the Appropriations Committee in the majority caucus room immediately on the call of the recess.

JUDICIARY COMMITTEE MEETING

The SPEAKER. There will also be a brief meeting of the House Judiciary Committee at the back of the House at the call of the recess.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

(Copy of list is on file with the Journal clerk.)

STATEMENT BY MR. JOHNSON

The SPEAKER. The Chair recognizes Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Speaker.

A point of personal privilege.

For many years, Mr. Speaker, I have had a pet duck by the name of Donald. Unfortunately, he is a crippled duck; he is lame, and when he heard there were so many lame ducks here in the House of Representatives, he really cried a fowl ball.

Now, you know, for this very auspicious occasion, Donald is wearing his tuxedo, and he wants to say to all of the lame ducks—being a lame duck himself all his life—there is no need to duck the issue. It really is nothing to quack up about.

Now, he says that you have to have a positive outlook if you are a lame duck. As you go through the barnyard of life, keep an upbeat attitude. Now, he has always kept his upbeat with an old rhyme from the Mayflower Donut Shop, and that rhyme went like this:

As you limp through life, lame duck,
Whatever be your goal,
Keep your eye upon the donut
And not upon the hole.

Now, he wants to tell you that WAM's are very important to lame ducks. Now, you know, the Auditor General might not agree with Donald, but Donald said he does not care; WAM's are very important to lame ducks. Now, by "WAM," he does not mean "wiggling around manure." We have often been associated with manure, but that is not the meaning of WAM's, nor is it "wandering around the meadow." His idea of WAM's for lame ducks is "wandering among memories." "Wandering among memories," and Donald says, as we leave these distinguished halls, we should leave behind all memories of defeats, of disappointments, of discouragements, and we should take with us memories of achievements, of accomplishments, and of joy.

He says to every lame duck, as we limp forward into the barnyard of real life, that he hopes that your life is filled with good health, with happiness, with satisfaction. May you know the joy of the Lord which maketh rich and bringeth no sorrow with it.

God bless every one of you, God bless the Commonwealth of Pennsylvania, and God bless the United States of America. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Mr. Cohen.
Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a House Democratic caucus at 2:30 p.m., immediately after the Appropriations Committee. I urge the attendance of all members at 2:30 in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Noye.
Mr. NOYE. Thank you, Mr. Speaker.

Republican members, we will caucus immediately upon the adoption of the recess.

The SPEAKER. For the information of the members, we will return promptly to the floor and begin voting at 3:30.

RECESS

The SPEAKER. The House will now be in recess until the call of the Chair.

AFTER RECESS

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

RULES COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Rules Committee at the majority leader's desk.

RESOLUTION REPORTED FROM COMMITTEE**HR 420, PN 4229**

By Rep. DeWEESE

A Resolution memorializing the Congress of the United States to enact less stringent enforcement procedures for the removal of certain outdoor highway advertising signs.

RULES.

BILLS REREPORTED FROM COMMITTEE**SB 865, PN 2628 (Amended)**

By Rep. EVANS

An Act regulating credit services; prohibiting certain activities; providing for certain information to be given to buyers, for the contents of contracts and for enforcement; prohibiting advance fees by loan brokers; and providing penalties.

APPROPRIATIONS.

SB 1087, PN 2611

By Rep. EVANS

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for coverage for mammographic examinations; providing for long-term care insurance; providing for limits, disclosure and performance standards; and prescribing additional powers and duties of the Insurance Commissioner and the Insurance Department.

APPROPRIATIONS.

SB 1370, PN 2629 (Amended)

By Rep. EVANS

An Act providing grants to Pennsylvania businesses participating in international trade fairs.

APPROPRIATIONS.

SB 1371, PN 2602

By Rep. EVANS

An Act establishing the Pennsylvania Export Partnership Advisory Board and providing for its powers and duties; directing the Department of Commerce to develop certain international marketing initiatives; authorizing the Department of Commerce to participate in and accept contributions for certain trade development activities in cooperation with other nongovernmental entities; establishing the Trade Event Grant Program and the Regional Export Matching Grant Program; and providing for additional duties and responsibilities of the Department of Commerce.

APPROPRIATIONS.

SB 1709, PN 2193

By Rep. EVANS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, extending the expiration date of the Pennsylvania Veterans' Memorial Commission.

APPROPRIATIONS.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**HB 2784, PN 3679**

By Rep. COLE

An Act amending the act of July 22, 1913 (P. L. 928, No. 441), referred to as the "Domestic Animal Disease Suppression Law," further defining "domestic animal."

AGRICULTURE AND RURAL AFFAIRS.

HB 2785, PN 3680

By Rep. COLE

An Act amending the act of June 22, 1931 (P. L. 682, No. 249), referred to as the "Diseased Animal Condemnation Law," further defining "domestic animal" or "animal"; and further providing for compensation of owners of domestic animals.

AGRICULTURE AND RURAL AFFAIRS.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 1371, PN 2602; and SB 1709, PN 2193.**CALENDAR CONTINUED****BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 1118, PN 2587**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the court regarding testamentary trusts; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by

a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights and limitations on rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; further providing for the execution, interpretation, effect, form, implementation and operation of powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; authorizing a bank or trust company to invest their fiduciary accounts in mutual funds which they service; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

Acosta	Durham	Laughlin	Ryan
Adolph	Evans	Lawless	Saloom
Allen	Fairchild	Lee	Saurman
Anderson	Fajt	Leh	Scheetz
Angstadt	Fargo	Lescovitz	Schuler
Argall	Farmer	Levdansky	Scrimenti
Armstrong	Fee	Linton	Semmel
Arnold	Fleagle	Lloyd	Serafini
Barley	Flick	Lucyk	Smith, B.
Battisto	Foster	McCall	Smith, S. H.
Belardi	Freeman	McGeehan	Snyder, D. W.
Belfanti	Freind	McHale	Snyder, G.
Birmelin	Gallen	McHugh	Staback
Bishop	Gamble	McNally	Stairs
Black	Gannon	Maiale	Steelman
Blaum	Geist	Markosek	Steighner
Bowley	George	Marsico	Stetler
Boyes	Gerlach	Mayernik	Stish
Broujos	Gigliotti	Melio	Strittmatter
Brown	Gladeck	Merry	Stuban
Bunt	Godshall	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Haluska	Mihalich	Tangretti
Caltagirone	Hanna	Mundy	Taylor, E. Z.
Cappabianca	Harley	Murphy	Taylor, F.
Carlson	Harper	Nahill	Taylor, J.
Carn	Hasay	Nailor	Telek
Carone	Hayden	Nickol	Thomas
Cawley	Hayes	Noye	Tigue
Cessar	Heckler	Nyce	Tomlinson

Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clark	Hess	Oliver	Tulli
Clymer	Hughes	Perzel	Uliana
Cohen	Itkin	Pesci	Van Horne
Colafella	Jadlowiec	Petrarca	Vance
Colaizzo	James	Petrone	Veon
Cole	Jarolin	Phillips	Vroon
Cornell	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kenney	Preston	Wogan
DeWeese	King	Raymond	Wozniak
Daley	Kosinski	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker
Donatucci	Langtry	Roebuck	

NAYS—0

NOT VOTING—4

Gruitza	Hagarty	Reber	Rudy
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EXCUSED—4

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **SB 1190, PN 1338**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the deposit of moneys and for State depositories.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—187

Acosta	Fairchild	Laughlin	Roebuck
Allen	Fajt	Lawless	Ryan
Anderson	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Armstrong	Fee	Lescovitz	Scheetz
Arnold	Fleagle	Levdansky	Schuler
Barley	Flick	Linton	Scrimenti
Battisto	Foster	Lloyd	Semmel
Belardi	Freeman	Lucyk	Serafini
Belfanti	Freind	McCall	Smith, B.
Birmelin	Gallen	McGeehan	Smith, S. H.
Bishop	Gannon	McHale	Snyder, D. W.
Black	Geist	McHugh	Snyder, G.
Blaum	George	McNally	Staback
Bowley	Gerlach	Maiale	Steelman
Boyes	Gigliotti	Markosek	Steighner

Broujos	Gladeck	Marsico	Stetler
Brown	Godshall	Mayernik	Stish
Bunt	Gruppo	Melio	Strittmatter
Bush	Hagarty	Merry	Stuban
Butkovitz	Haluska	Michlovic	Sturla
Caltagirone	Hanna	Micozzie	Surra
Cappabianca	Harley	Mihalich	Tangretti
Carlson	Harper	Mundy	Taylor, E. Z.
Carn	Hasay	Murphy	Taylor, F.
Carone	Hayden	Nailor	Taylor, J.
Cawley	Hayes	Nickol	Telek
Cessar	Heckler	Noye	Thomas
Chadwick	Herman	Nyce	Tigue
Civera	Hershey	O'Brien	Tomlinson
Clark	Hess	Olasz	Trich
Clymer	Hughes	Oliver	Tulli
Cohen	Itkin	Perzel	Uliana
Colafrilla	Jadlowiec	Pesci	Van Horne
Colaizzo	James	Petrarca	Vance
Cole	Jarolin	Phillips	Veon
Cornell	Johnson	Piccola	Vroon
Cowell	Josephs	Pistella	Wambach
Coy	Kaiser	Pitts	Williams
DeLuca	Kenney	Preston	Wilson
DeWeese	King	Raymond	Wogan
Daley	Kosinski	Reber	Wozniak
Davies	Krebs	Reinard	Wright, D. R.
Dempsey	Kruszewski	Richardson	Wright, M. N.
Dent	Kukovich	Rieger	
Dermody	LaGrotta	Ritter	O'Donnell,
Donatucci	Langtry	Robinson	Speaker
Evans			

NAYS—0

NOT VOTING—10

Adolph	Gamble	Petrone	Stairs
Argall	Gruitza	Rudy	Trello
Durham	Nahill		

EXCUSED—4

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

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

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The House proceeded to third consideration of **SB 792, PN 2443**, entitled:

An Act providing procedures for the consolidation or merger of municipalities other than counties; establishing procedures for allocation of assets and liabilities; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC offered the following amendments No. A4359:

Amend Bill, page 1, lines 1 through 17; page 2, lines 1 through 3, by striking out all of said lines on said pages and inserting Amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, authorizing imposition of an optional county sales, use and hotel occupancy tax; providing for the rate, computation, situs and collection of the tax; creating a County/Municipal Revenue Sharing Fund; providing for disbursement of tax receipts to counties and municipalities; establishing a

maximum base for amusement taxes levied on tickets of admission to theaters of performing arts; and making repeals. Amend Bill, page 2, lines 6 through 30; pages 3 through 15, lines 1 through 30; page 16, lines 1 through 19, by striking out all of said lines on said pages and inserting

Section 1. Title 16 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

**CHAPTER 51
GOVERNMENT TAX REDUCTION,
INTERGOVERNMENTAL COOPERATION
AND PUBLIC SAFETY**

Sec.

- 5101. Short title of chapter.
- 5102. Declaration of intent and policy.
- 5103. Definitions.
- 5104. Imposition of optional county sales and use tax.
- 5105. Rate of tax and uniformity.
- 5106. Discounts.
- 5107. Tax computation.
- 5108. Situs for imposition of tax.
- 5109. Application of State law.
- 5110. Licenses.
- 5111. Rules and regulations.
- 5112. County/Municipal Revenue Sharing Fund.
- 5113. Collection of County/Municipal Revenue Sharing Fund taxes.
- 5114. Adoption of ordinance.
- 5115. Disbursement to counties and municipalities.
- 5116. Exclusion from certain rate limitations.
- 5117. Tax reduction.
- 5118. Maximum amusement tax base on tickets for theaters of performing arts.

§ 5101. Short title of chapter.

This chapter shall be known and may be cited as the Government Tax Reduction, Intergovernmental Cooperation and Public Safety Act.

§ 5102. Declaration of intent and policy.

The General Assembly finds and declares that it is the intent of this chapter to authorize an additional revenue source for counties and other municipalities to assist them in furthering the following goals and objectives:

(1) Reducing reliance upon unfair and inefficient sources of local taxation, especially local real property taxes, admissions taxes and nuisance taxes.

(2) Encouraging intergovernmental cooperation, especially with respect to the financing, support, operations and management of regional civic, recreational and educational assets.

(3) Providing supplemental revenues required by local governments to enhance and improve local services, especially the improvement of local police and other public protection services.

§ 5103. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“County.” A county of the second through the eighth class regardless of form of government. The term includes a county which has adopted a home rule charter or optional plan of government under the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law.

“County commissioners.” The board of county commissioners or other similar body in home rule charter counties.

“Department.” The Department of Revenue of the Commonwealth.

“Fund.” The County/Municipal Revenue Sharing Fund established in section 5112 (relating to County/Municipal Revenue Sharing Fund).

“Municipality.” A city, incorporated town, borough, township or home rule municipality.

“Per capita market value.” The total market value of all real property divided by population as determined by the last decennial census.

“Weighted tax revenues.” The total tax revenues from all sources of a municipality as reported to the Department of Revenue of the Commonwealth divided by the ratio of its per capita market value to the per capita market value of its county.

§ 5104. Imposition of optional county sales and use tax.

(a) Sales.—The board of commissioners in any county may levy, assess and collect upon each separate sale at retail of tangible personal property or services as defined in Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, within that county, a tax on the purchase price. The tax shall be collected by the vendor from the purchaser and shall be paid over to the Commonwealth as provided in regulations.

(b) Use.—In any county which imposes a tax authorized in subsection (a), there shall be levied, assessed and collected upon the use within the county of tangible personal property purchased at retail as defined in Article II of the Tax Reform Code of 1971, and on services purchased at retail a tax at the same rate as imposed pursuant to subsection (a) on the purchase price. The tax shall be paid to the Commonwealth by the person who makes such use as provided in regulations. The use tax shall not be paid to the Commonwealth by any person who has paid any county tax imposed under this act equal to or greater than the tax imposed pursuant to either subsection (a) or this subsection.

(c) Hotel.—In any county which imposes a tax authorized in subsection (a), there shall be levied, assessed and collected an excise tax at the same rate as imposed pursuant to subsection (a) on the rent upon every occupancy of a room or rooms in a hotel in the county. The tax shall be collected by the operator or owner from the occupant and paid over to the Commonwealth as provided in regulations.

§ 5105. Rate of tax and uniformity.

(a) Rate.—The taxes authorized by section 5104 (relating to imposition of optional county sales and use tax) may be imposed only at a rate of 1%.

(b) Uniformity required.—The rate of a tax imposed under section 5104 shall be uniform.

§ 5106. Discounts.

There shall be no discount allowed for any taxes collected and reported under this chapter.

§ 5107. Tax computation.

The tax imposed by section 5104 (relating to imposition of optional county sales and use tax) shall be computed as follows:

- (1) If the purchase price is 50¢ or less, no tax shall be collected.
- (2) If the purchase price is 51¢ or more but less than \$1.51, 1¢ shall be collected.
- (3) If the purchase price is \$1.51 or more but less than \$2.51, 2¢ shall be collected.
- (4) If the purchase price is \$2.51 or more but less than \$3.51, 3¢ shall be collected.
- (5) If the purchase price is \$3.51 or more but less than \$4.51, 4¢ shall be collected.
- (6) If the purchase price is \$4.51 or more but less than \$5.51, 5¢ shall be collected.
- (7) If the purchase price is \$5.51 or more but less than \$6.51, 6¢ shall be collected.
- (8) If the purchase price is \$6.51 or more but less than \$7.51, 7¢ shall be collected.
- (9) If the purchase price is \$7.51, or more but less than \$8.51, 8¢ shall be collected.
- (10) If the purchase price is \$8.51 or more but less than \$9.51, 9¢ shall be collected.

(11) If the purchase price is \$9.51 or more but less than \$10.01, 10¢ shall be collected.

(12) If the purchase price is more than \$10, 1% of each \$10 purchase price plus the above bracket charges upon any fractional part of a \$10 increment shall be collected.

§ 5108. Situs for imposition of tax.

(a) Situs for retail sales.—For purposes of this chapter and except as otherwise provided in this subsection, a sale at retail shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-State destination or to a common carrier for delivery to an out-of-State destination or the United States mails for delivery to an out-of-State destination. In the event a retailer has more than one place of business in this Commonwealth which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which that employee works.

(b) Situs for vehicle, aircraft and motorcraft sales.—The sale at retail or use of a motor vehicle, trailer, semitrailer or mobile home, as defined in 75 Pa.C.S. (relating to vehicles), or of a motorboat, aircraft or other similar tangible personal property, required under either Federal or State laws to be registered or licensed, shall be deemed to have been completed or used at the address of the purchaser or user. The tax due shall be paid by the purchaser or user directly to the Department of Transportation at the time of making application for the issuance of a certificate of title or directly to the department if licensing by the Department of Transportation is not required or obtained.

(c) Situs for utility services.—The sale or use of steam, natural and manufactured gas, electricity, and intrastate telephone and telegraph service shall be deemed to occur in the county where the telephone number under which the service furnished is located or in the county where the telegraph originated or in the county where the meter which registers the service is located, without regard to where the services are rendered.

§ 5109. Application of State law.

Except as otherwise provided in this chapter, the provisions of Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall apply to the taxes imposed by this chapter insofar as they are applicable to such taxes.

§ 5110. Licenses.

The license issued pursuant to Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, or a separate license may be issued by the department for the collection and reporting of the tax imposed under section 5104 (relating to imposition of optional county sales and use tax). The license or licenses shall be nonassignable and subject to renewal periodically at such times as may be required by the department in regulations but in no event more frequently than once within a five-year period. No fee shall be charged for either a license or any renewal. Failure of any person to obtain a license shall not relieve him of liability to pay the taxes imposed by this chapter.

§ 5111. Rules and regulations.

(a) Existing regulations.—The rules and regulations promulgated under section 270 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall be applicable to the tax imposed under section 5104 (relating to imposition of optional county sales and use tax) insofar as such rules and regulations are consistent with section 5104.

(b) Administration and enforcement.—The department shall administer and enforce the provisions of this chapter and is authorized to promulgate and enforce rules and regulations, not inconsistent with the provisions of this chapter, relating to any matter or thing pertaining to the administration and enforcement

of the provisions of this chapter. The department may prescribe the extent to which any of such rules and regulations shall be applied without retroactive effect.

(c) Incorporation by reference.—Part VI of Article II of the Tax Reform Code of 1971 is incorporated by reference into this chapter insofar as applicable.

§ 5112. County/Municipal Revenue Sharing Fund.

There is hereby created a County/Municipal Revenue Sharing Fund. The State Treasurer shall be custodian of the fund, which shall be subject to the provisions of law applicable to funds listed in section 302 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code. Taxes imposed pursuant to this chapter shall be received by the department and paid to the State Treasurer and, along with interest and penalties, less any collection costs allowed under this chapter and any refunds and credits paid, shall be credited to the appropriate fund not less frequently than every two weeks. During any period prior to the credit of moneys to the fund, interest earned on moneys received by the department and paid to the State Treasurer pursuant to this act shall be deposited into the appropriate fund. Moneys credited to the fund shall be distributed as provided in section 5115 (relating to disbursement to counties and municipalities). All moneys in the fund, including, but not limited to, moneys credited to the fund pursuant to this section, prior year encumbrances and the interest earned thereon, shall not lapse or be transferred to any other fund, but shall remain in the County/Municipal Revenue Sharing Fund, and shall at all times be the property of the appropriate County/Municipal Revenue Sharing Fund, and must be used exclusively as provided in this chapter. Pending their disbursement to the appropriate county, moneys received on behalf of or deposited into the fund shall be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be credited to the County/Municipal Revenue Sharing Fund.

§ 5113. Collection of County/Municipal Revenue Sharing Fund taxes.

(a) General rule.—The department is charged with the administration, enforcement and collection of any tax imposed pursuant to section 5104 (relating to imposition of optional county sales and use tax) under the administration, enforcement and collection procedures and subject to the fines, forfeitures, penalties and interest charges as provided for under this chapter, and with respect to any other tax enacted under the authority of this chapter, under the administration, enforcement and collection procedures and subject to the fines, forfeitures, penalties and interest charges as shall be specified in the ordinance enacting such tax.

(b) Costs.—The department, to cover its costs of administration, shall be entitled to retain a sum equal to costs of collection and shall inform the appropriate county in writing monthly of the sum retained and the costs of collection reimbursed. To provide a timely forecast and assure consideration of the sum retained, the department shall estimate its costs of collection for the next succeeding fiscal year and provide the estimates, with all supporting details to the appropriate county.

§ 5114. Adoption of ordinance.

(a) Notice to municipalities.—Any county desiring to impose the tax authorized under section 5104 (relating to imposition of optional county sales and use tax) shall give at least 60 days' written notice to every municipality located in the county of its intent to impose the tax and may adopt an ordinance after the expiration of 60 days after the date of the notice. The ordinance shall state the tax rate and refer to this chapter. The county ordinance shall authorize the imposition of all taxes provided for in section 5104 (relating to imposition of optional county sales and use tax).

(b) Municipal resolutions.—No municipality shall be entitled to a disbursement under section 5115 (relating to disbursement to counties and municipalities) unless one of the following applies:

(1) Prior to enactment of the county ordinance, it adopts a resolution containing the statement:

We strongly urge the county to enact a county sales and use tax and intend to accept disbursements of the sales and use taxes collected.

Any municipality which does not enact a resolution in compliance with this paragraph shall not receive any distribution from funds collected during the first 36 months immediately following the initial date of imposition of the tax.

(2) Prior to October 1 of any year after the enactment of the county ordinance, it adopts a resolution containing the statement:

We support the enactment by the county of the county sales and use tax and strongly urge its continuation and intend to accept disbursements of the sales and use taxes collected.

A certified copy of the resolution shall be delivered to the county commissioners on or before the enactment of the county ordinance or October 15 of any year thereafter, as the case may be.

(c) Adoption ordinance.—A certified copy of the county ordinance shall be delivered to the Department of Community Affairs 120 days prior to the effective date thereof. The county ordinance shall become effective on the first day of January immediately following 120 days after the date of enactment of the county ordinance.

(d) Repeal ordinance.—A certified copy of a repeal ordinance shall be delivered to the Department of Community Affairs by July 1 of the year prior to the effective date of the repeal. The repeal of any such ordinance shall become effective on the January 1 following at least 90 days after the date of enactment of the repeal ordinance.

§ 5115. Disbursement to counties and municipalities.

(a) Disbursement to counties.—At least monthly, the State Treasurer shall disburse the total amount of moneys which are, as of the close of business of the previous month, contained in the County/Municipal Revenue Sharing Fund as a result of the tax imposed pursuant to section 5104 (relating to imposition of optional county sales and use tax) to the appropriate county. The State Treasurer shall make the initial disbursement pursuant to this subsection at the end of the third week of the month immediately following the effective date of the ordinance imposing the tax.

(b) Disbursement to municipalities.—No later than 30 days following receipt of the disbursement from the State Treasurer, a county shall disburse, in the following manner, a portion of the disbursement received from the State Treasurer under subsection (a) to municipalities which are qualified under section 5114 (relating to adoption of ordinance) and which:

(1) impose an earned income tax at a rate equal to or greater than one fourth of 1% under the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, and a real property tax; or

(2) impose a real property tax as expressed in total mills reported to the Department of Community Affairs equal to or greater than 75% of the allowable general purpose millage rate under the applicable municipal code.

For municipalities which have adopted a home rule charter or optional plan under the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law, the applicable code shall be the code under which the municipality was governed prior to adoption of the home rule charter or optional plan.

(c) Calculation of municipal disbursement.—The total disbursement to a municipality shall equal one-half of the disburse-

ment received from the department under subsection (a), as calculated after the deduction of any amounts distributed to a regional asset district as provided by subsection (f), multiplied by a ratio equal to the weighted tax revenues of a municipality divided by the sum of the weighted tax revenues of all municipalities located in the county.

(d) Failure to meet requirements.—If a municipality fails to meet the requirements of this section and section 5114, then the proceeds to which it is otherwise eligible for disbursement shall be retained by the county and may be used by the county for appropriate county expenditures.

(e) Tax distribution listing.—The Department of Community Affairs shall distribute to each county a listing of the proportion of the tax distribution that each municipality is eligible to receive if it has complied with section 5114.

(f) Regional asset district.—

(1) It is hereby determined and declared as a matter of legislative finding:

(i) That the availability of regional civic, recreational and educational assets is vital to the economic growth and development of Pennsylvania and to the health, welfare, education and social development of the citizens of this Commonwealth.

(ii) That local governments lack the resources to adequately maintain, improve and modernize civic, recreational and educational assets and that the Commonwealth faces the imminent threat of serious deterioration or loss of these vital assets.

(iii) That civic, recreational and educational assets serve the residents of an entire region of this Commonwealth and not only the residents of the individual municipalities which finance, support and maintain these assets.

(iv) That new methods of areawide intergovernmental cooperation are essential to preserve and improve this Commonwealth's civic, recreational and educational assets.

(v) That the creation of a partnership between the public and private sectors, educational and civic organizations is needed to enhance the financing, planning and management of this Commonwealth's civic, recreational and educational assets.

(vi) That supplemental sources of public and private revenue are required to preserve and improve this Commonwealth's civic, recreational and educational assets.

(2) In order to further the objectives set forth in the legislative findings contained in paragraph (1), counties and municipalities are hereby authorized to establish regional asset districts to provide for the financing, operation, management, assistance or promotion of regional assets.

(3) Regional asset districts shall be established as municipal authorities pursuant to intergovernmental cooperation agreements which provide for the governance and management of the districts. The intergovernmental cooperation agreements shall be executed by counties and other municipalities in the counties which represent not less than 20% of the total population of the counties. The agreements shall designate regional assets to be supported by the districts, may provide for the transfer of personnel and property to the districts and shall set forth the manner in which districts shall assist in the financing, operation, management, planning, assistance and promotion of such assets. The adoption of an intergovernmental cooperation agreement, notification shall be immediately provided to the department and the portion of funds designated for a regional asset district shall be held in a restricted account and may not be used for any other purpose.

(4) Prior to distributing the total disbursement received from the State Treasurer under subsection (a) to municipalities, a county may designate an amount not to exceed 20% of the total disbursement for use by and transfer to a regional asset district. The remaining funds shall thereafter be distributed as otherwise provided by this section.

(5) Regional assets shall constitute civic facilities, recreational facilities, parks, libraries and educational facilities. In order to be designated as regional assets, the facilities must satisfy at least three of the following requirements:

(i) The facilities must receive substantial financial support from the county or other municipalities.

(ii) The facilities must provide services or benefits to a significant number of persons who are not residents of the county or other municipalities which provide financial support for the assets.

(iii) The facilities must generate substantial annual revenues from user fees or donations collected directly from users of the facilities.

(iv) The facilities must receive a significant level of private or philanthropic support.

(6) A regional asset district and its sponsoring county may pledge all or any part of the revenues to be received by the district in connection with the issuance of bonds or incurring of obligations to secure payment of the bonds and obligations. The Commonwealth, with the signature of the Governor and the State Treasurer, may also pledge such revenues in support of or in connection with the issuance of bonds or the incurring of obligations by the district in order to further secure payment of the bonds and obligations.

(7) Any counties which have not established regional asset districts may elect, prior to distributing the total disbursement received from the State Treasurer under subsection (a) to municipalities, to distribute a portion of the total disbursement received from the State Treasurer to a district created by one or more contiguous counties. Any such counties shall become members of the district upon the amendment of the intergovernmental cooperation agreement and, as necessary, the bylaws and regulations of the district. The funds remaining after the distribution of a portion of the disbursement to the district shall be distributed as otherwise provided by this section. Upon the election of other counties to join a regional asset district, the district may provide for the financing, operation, management, assistance or promotion of any other regional assets, including, but not limited to, civic facilities, recreational facilities, parks, libraries, and educational facilities which benefit all of the residents of the multicounty region which includes counties which are members of the district.

§ 5116. Exclusion from certain rate limitations.

Notwithstanding any other provision of law, the imposition of the tax authorized by section 5104 (relating to imposition of optional county sales and use tax) shall not cause a reduction in the rate of tax imposed pursuant to section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

§ 5117. Tax reduction.

(a) First fiscal year.—Counties and municipalities that receive proceeds from the tax imposed under section 5104 (relating to imposition of optional county sales and use tax) shall, prior to the first full fiscal year in which proceeds are to be received, reduce the existing municipal tax or taxes in an amount at least equivalent to 50% of their proceeds.

(b) Second and subsequent fiscal years.—For the second, third and fourth fiscal years beginning after the receipt of proceeds from the tax imposed under section 5104, the county and municipalities receiving disbursements pursuant to section 5115 (relating to disbursement to counties and municipalities) shall not

increase aggregate tax revenues over the aggregate tax revenues for the fiscal year beginning during the preceding calendar year in an amount greater than:

(1) The average percentage of the annual increase in aggregate tax revenues collected over the immediately preceding five fiscal years.

(2) The average annual percentage increase in the Consumer Price Index for All Urban Consumers, United States City Average, All Items, for the 24-month period immediately preceding the start of that fiscal year, for which statistics are available, and as determined by the Department of Community Affairs.

(c) Exception.—The limitations contained in this section shall not apply to the following taxes:

(1) Taxes levied for emergency services utilized during an emergency declared to be a disaster by the Governor.

(2) Taxes levied under section 401 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act.

(3) Taxes levied to pay interest and principal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, or any prior or subsequent act governing the incurrence of indebtedness.

(4) Taxes levied by any municipality which is declared to be a distressed municipality under the provisions of the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act.

§ 5118. Maximum amusement tax base on tickets for theaters of performing arts.

The tax base upon which an amusement tax may be levied on admission to a theater for the performing arts under the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, shall not exceed 40% of the cost of admission to the theater, if the Pennsylvania Liquor Control Board may issue a license to the theater operators under section 408.6(a.1) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14).

Section 2. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 3. Repeals.

All acts or parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. Effective date.

This act shall take effect as follows:

(1) The addition of 16 Pa.C.S. § 5118 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a similar amendment to the one that I offered about 18 months ago on the 1-percent sales tax for counties and municipalities.

This amendment is essentially a revenue-sharing-and-tax-relief amendment that will be distributed from the sales tax in

counties that choose to exercise an optional 1-percent add-on to the current sales tax. That add-on would of course—

The SPEAKER. Will the gentleman suspend.

For the members on the floor and the members in their offices, to avoid reconsideration votes and changes in the record, it would probably be a good idea to pay close attention to the gentleman's remarks.

The gentleman is in order.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

This amendment simply provides the tools for county governments and local governments to do the job that we continually ask them to do.

In Allegheny County, for example, the proceeds of this tax could mean an additional \$120 million in revenue. The county would have to split that with the municipality. Half of each of their share would then be applied to the reduction of taxes.

AMENDMENTS WITHDRAWN TEMPORARILY

The SPEAKER. Will the gentleman suspend.

The Chair has just been advised that the gentleman's original amendment was circulated but then withdrawn and that amendment 4359 has not yet been circulated on the House floor.

So the Chair would urge the gentleman to withdraw until the amendment is distributed.

Mr. MICHLOVIC. I shall do so, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will be over temporarily.

* * *

The House proceeded to third consideration of **SB 1505, PN 2613**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," adding a definition; and further providing for purposes of the act in relation to forestry.

On the question,

Will the House agree to the bill on third consideration?

Mr. BOWLEY offered the following amendments No. A4171:

Amend Title, page 1, lines 21 and 22, by striking out "purposes of the act" in line 21, all of line 22 and inserting ordinances relating to forestry activities.

Amend Bill, page 1, lines 25 and 26; page 2, lines 1 through 28, by striking out all of said lines and inserting

Section 1. Section 107(a) of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended by adding a definition to read:

Amend Sec. 2 (Sec. 107), page 3, line 6, by inserting after "PURPOSES"

which does not involve any land development

Amend Sec. 3, page 3, line 8, by striking out "3" and inserting

2

Amend Sec. 4, page 3, line 13, by striking out "4" and inserting

3

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

The SPEAKER. On that question, the Chair recognizes Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, this is a highly technical amendment. It has been agreed to by all parties involved. We have been involved in this issue for a long time. It has been now supported by the Pennsylvania Association of Township Supervisors, the Hardwood Lumber Manufacturers Association, the Pennsylvania Landowners Association, and the Pennsylvania Builders Association. Our goal is to amend this bill, get it back to the Senate so that they can adopt it before we adjourn here on November 30.

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—190

Acosta	Durham	Langtry	Ryan
Adolph	Evans	Laughlin	Saloom
Allen	Fairchild	Lawless	Saurman
Anderson	Fajt	Lee	Scheetz
Angstadt	Fargo	Leh	Schuler
Argall	Farmer	Lescovitz	Scrimenti
Armstrong	Fee	Levdanský	Semmel
Arnold	Fleagle	Linton	Serafini
Barley	Flick	Lloyd	Smith, B.
Battisto	Foster	Lucyk	Smith, S. H.
Belardi	Freeman	McCall	Snyder, D. W.
Belfanti	Gallen	McGechan	Snyder, G.
Birmelin	Gamble	McHale	Staback
Bishop	Gannon	McNally	Stairs
Black	Geist	Maiiale	Steelman
Blaum	George	Markosek	Steighner
Bowley	Gerlach	Marsico	Stetler
Boyes	Gigliotti	Mayernik	Stish
Broujos	Gladeck	Melio	Strittmatter
Brown	Godshall	Merry	Stuban
Bunt	Gruitza	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Hagarty	Mihalich	Tangretti
Caltagirone	Haluska	Mundy	Taylor, E. Z.
Cappabianca	Hanna	Murphy	Taylor, F.
Carlson	Harley	Nailor	Taylor, J.
Carn	Harper	Nickol	Telek
Carone	Hasay	Noye	Thomas
Cawley	Hayden	Nyce	Tigue
Cessar	Hayes	O'Brien	Tomlinson
Chadwick	Heckler	Olasz	Trello
Clark	Herman	Oliver	Trich
Clymer	Hershey	Perzel	Tulli
Cohen	Hess	Pesci	Uliana
Colafranca	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Cowell	Johnson	Pistella	Wambach
Coy	Josephs	Pitts	Williams
DeLuca	Kaiser	Preston	Wilson
DeWeese	Kenney	Reber	Wogan
Daley	King	Reinard	Wozniak
Davies	Kosinski	Rieger	Wright, D. R.
Dempsey	Krebs	Ritter	Wright, M. N.
Dent	Kruszewski	Robinson	
Dermoddy	Kukovich	Roebuck	O'Donnell,
Donatucci	LaGrotta	Rudy	Speaker

NAYS—0

NOT VOTING—7

Civera	Hughes	Nahill	Richardson
Freind	McHugh	Raymond	

EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the affirmative, and the amendments were agreed to.

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

Mr. STURLA offered the following amendments No. A4166:

Amend Title, page 1, line 20, by inserting after "acts," providing for and

Amend Title, page 1, line 21, by inserting after "DEFINITION;"

providing for transferable development rights;

Amend Sec. 2, page 2, lines 27 through 30; page 3, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 2. The definitions of "county," "governing body," "municipality" and "transferable development rights" in section 107 of the act are amended and the section is amended by adding a definition to read:

Section 107. Definitions.—(a) The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"County," any county of the second class [A] through eighth [classes] class.

"Forestry," the management of forests and timberlands through developing, cultivating, harvesting, transporting and selling of trees for commercial purposes.

"Governing body," the council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class [A] through eighth [classes] class or as may be designated in the law providing for the form of government.

"Municipality," any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class [A] through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

"Transferable development rights," the attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands [within the municipality] where more intensive development is deemed [by the municipality] to be appropriate.

Amend Bill, page 3, by inserting between lines 12 and 13

Section 4. Section 619.1(d) of the act is amended to read:

Section 619.1. Transferable Development Rights.—***

(d) No development rights shall be transferable beyond the boundaries of the municipality wherein the lands from which the development rights arise are situated[.], except that, in the case of

a joint municipal zoning ordinance involving two or more municipalities, development rights shall be transferable within the boundaries of the municipalities comprising the joint municipal zoning ordinance.

Amend Sec. 4, page 3, line 13, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Sturla.

Mr. STURLA. Mr. Speaker, what this amendment essentially does is allow for a transfer of development rights within the boundaries of municipalities comprising the joint municipal zoning ordinance.

Currently, transfer development rights are not allowed to be transferred outside the boundaries of a municipality. All this is saying is that if you have an agreement that allows you to do joint municipal zoning, you can also transfer development rights within that zone that meets all the constitutional requirements.

The SPEAKER. The Chair recognizes Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a negative vote on this, not so much on the merits of the amendment itself but because the amendment of mine that was adopted earlier was an agreed-to amendment. I am not sure and I do not believe this particular amendment has been agreed to by all the parties involved, and I am asking for a negative vote because I am afraid if this amendment goes in, it will kill the bill when it goes back to the Senate.

The SPEAKER. The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would rise to ask for an affirmative vote.

All this bill is going to be doing is allowing municipalities to work together, giving them the tools that they need in order to meet the needs of our Commonwealth, and I would ask for an affirmative vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. I wonder if I might interrogate the maker of the amendment, Mr. Speaker.

The SPEAKER. The gentleman is willing to be interrogated. The gentleman may proceed.

Mr. HECKLER. Mr. Speaker, would it be correct to say that it is not your desire to change the Bowley amendment which was just adopted by this House?

Mr. STURLA. That is correct.

Mr. HECKLER. However, unfortunately, your amendment was drafted prior to the Bowley amendment and does not include exactly the same language. Is that correct?

Mr. STURLA. That had not been brought to my attention beforehand, but I believe that is probably the case.

Mr. HECKLER. Okay.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

Mr. HECKLER. Mr. Speaker, I wonder if it would be possible to have a ruling of the Chair as to whether this amendment could be divided so that the substance of the maker's amendment could be voted on by this House while leaving the Bowley amendment intact.

The SPEAKER. Where does the gentleman propose to divide the amendment?

Mr. HECKLER. Could we suspend for a moment?

(Conference held at Speaker's podium.)

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 1505 will be over temporarily.

* * *

The House proceeded to third consideration of **SB 1787, PN 2277**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for county employee retirement allowances.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—192

Acosta	Evans	Lawless	Rudy
Adolph	Fairchild	Lee	Ryan
Allen	Fajt	Leh	Saloom
Anderson	Fargo	Lescovitz	Saurman
Angstadt	Farmer	Levdansky	Scheetz
Argall	Fee	Linton	Schuler
Armstrong	Fleagle	Lloyd	Scrimenti
Arnold	Flick	Lueyk	Semmel
Barley	Foster	McCall	Serafini
Battisto	Freeman	McGeehan	Smith, B.
Belardi	Gallen	McHale	Smith, S. H.
Belfanti	Gamble	McHugh	Snyder, D. W.
Birmelin	Gannon	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Surra
Butkovitz	Haluska	Mundy	Tangretti
Caltagirone	Hanna	Murphy	Taylor, E. Z.
Cappabianca	Harley	Nailor	Taylor, F.
Carlson	Harper	Nickol	Taylor, J.
Carn	Hasay	Noye	Telek
Carone	Hayden	Nyce	Thomas
Cawley	Hayes	O'Brien	Tigue
Cessar	Heckler	Olasz	Tomlinson
Chadwick	Herman	Oliver	Trello
Civera	Hershey	Perzel	Trich
Clark	Hess	Pesci	Tulli

Clymer	Itkin	Petrarca	Uliana
Cohen	Jadlowiec	Petrone	Van Horne
Colafella	James	Phillips	Vance
Colaizzo	Jarolin	Piccola	Veon
Cole	Johnson	Pistella	Vroon
Cornell	Josephs	Pitts	Wambach
Cowell	Kaiser	Preston	Williams
Coy	Kenney	Raymond	Wilson
DeLuca	King	Reber	Wogan
DeWeese	Kosinski	Reinard	Wozniak
Daley	Krebs	Richardson	Wright, D. R.
Davies	Kruszewski	Rieger	Wright, M. N.
Dempsey	Kukovich	Ritter	
Dent	LaGrotta	Robinson	O'Donnell,
Dermody	Langtry	Roebuck	Speaker
Donatucci	Laughlin		

NAYS—0

NOT VOTING—5

Durham	Hughes	Nahill	Sturla
Freind			

EXCUSED—4

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

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

* * *

The House proceeded to third consideration of **SB 963, PN 2612**, entitled:

An Act amending the act of May 23, 1945 (P. L. 913, No. 367), entitled, as amended, "Professional Engineers and Professional Land Surveyors Registration Law," providing for the regulation of the profession of geology.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendment No. A4332:

Amend Sec. 8, page 43, line 29, by striking out all of said line and inserting

Section 8. This act shall take effect as follows:

(1) The amendment of section 3 of the act, relating to the unlicensed practice of geology, shall take effect in one year.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, under this legislation it will become illegal to practice professional geology without a license. This amendment postpones that requirement for 1 year in order to allow the board to organize itself and to give out the licenses to those who are eligible.

It has been agreed to by the prime sponsor, Senator Stewart, and I would urge an affirmative vote on the amendment.

The SPEAKER. The Chair recognizes Mr. Davies.
Mr. DAVIES. Mr. Speaker, would the gentleman stand for one or two questions?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. DAVIES. Relative to the amendment, would this in any way have any effect on anyone in teaching and instruction and going out in the field or anything and prohibit anything as far as academia is concerned with the profession and going afield either in an advisory capacity or in actual fieldwork as far as geology on the academic level?

Mr. LLOYD. This amendment does not affect that particular issue. However, there are exemptions in the bill that you might want to look at. This amendment simply corrects a problem with the effective date, which will say that there will be no prohibition on the people that the gentleman is talking about or anybody else who practices professional geology for 1 year. That is all the amendment does.

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

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Acosta	Evans	Laughlin	Rudy
Adolph	Fairchild	Lawless	Ryan
Allen	Fajt	Lee	Saloom
Anderson	Fargo	Leh	Saurman
Angstadt	Farmer	Lescovitz	Scheetz
Argall	Fee	Levdansky	Schuler
Armstrong	Fleagle	Linton	Scrimenti
Arnold	Flick	Lloyd	Semmel
Barley	Foster	Lucyk	Serafini
Battisto	Freeman	McCall	Smith, B.
Belardi	Gallen	McGeehan	Smith, S. H.
Belfanti	Gamble	McHale	Snyder, D. W.
Birmelin	Gannon	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Stuban
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carn	Hasay	Nickol	Taylor, J.
Carone	Hayden	Noye	Telek
Cawley	Hayes	Nyce	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civiera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Cohen	Itkin	Petrarca	Uliana
Colafella	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak

Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Durham			

NAYS—0

NOT VOTING—2

Freind Nahill

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

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

On the question,

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

Bill as amended was agreed to.

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.

YEAS—191

Acosta	Durham	Langtry	Rudy
Adolph	Evans	Laughlin	Ryan
Allen	Fairchild	Lawless	Saloom
Anderson	Fajt	Leh	Saurman
Angstadt	Fargo	Lescovitz	Scheetz
Argall	Farmer	Levdansky	Schuler
Armstrong	Fee	Linton	Scrimenti
Arnold	Fleagle	Lloyd	Semmel
Barley	Flick	Lucyk	Serafini
Battisto	Foster	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Stuban
Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nailor	Taylor, E. Z.
Carlson	Harper	Nickol	Taylor, J.
Carn	Hasay	Noye	Telek
Carone	Hayden	Nyce	Thomas
Cawley	Hayes	O'Brien	Tigue
Cessar	Heckler	Olasz	Tomlinson
Chadwick	Herman	Oliver	Trello
Civera	Hershey	Perzel	Trich
Clark	Hess	Pesci	Tulli
Clymer	Hughes	Petrarca	Uliana
Cohen	Itkin	Petrone	Van Horne
Colafella	Jadlowiec	Phillips	Vance
Colaizzo	James	Piccola	Veon
Cole	Jarolin	Pistella	Vroon
Cornell	Johnson	Pitts	Wambach
Cowell	Josephs	Preston	Williams
Coy	Kaiser	Raymond	Wilson
DeLuca	Kenney	Reber	Wogan
DeWeese	King	Reinard	Wozniak
Daley	Kosinski	Richardson	Wright, D. R.

Davies	Krebs	Rieger	Wright, M. N.
Dempsey	Kruszewski	Ritter	
Dent	Kukovich	Robinson	O'Donnell,
Dermody	LaGrotta	Roebuck	Speaker
Donatucci			

NAYS—1

Lee

NOT VOTING—5

Freind Micozzie Nahill Taylor, F.
Gannon

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **SB 1405, PN 1869**, entitled:

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to sell and convey two tracts of land situate in the Township of Upper Gwynedd, Montgomery County, Pennsylvania, to the Wissahickon Valley Watershed Association, Inc.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A4239:

Amend Title, page 1, line 5, by inserting after "Inc." ; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to grant and convey to the County of Somerset, land situate in the Township of Somerset, Somerset County, Pennsylvania.

Amend Bill, page 4, by inserting between lines 24 and 25

Section 2. The Department of General Services, with the approval of the Governor and the Department of Agriculture, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the County of Somerset, for a consideration of one half of the fair market value as determined by an independent appraiser, the following tract of land lying in the Township of Somerset, Somerset County, Pennsylvania, bounded and described as follows:

Beginning at a concrete monument with Pennsylvania State Plane Coordinates of X. at 1, 636, 553.145 and Y. at 247, 378. 845 and with a bearing and distance from Traverse Station "Somerset" of north 34 degrees 25 minutes 36.5 seconds west 1004.67 feet; thence north 29 degrees 37 minutes 22 seconds east 758.60 feet to a point; thence north 34 degrees 30 minutes 48 seconds west 696.30 feet to an iron pipe; thence north 27 degrees 26 minutes 38 seconds west 328.03 feet to a point; thence south 57 degrees 30 minutes 39 seconds west 496.96 feet to a point; thence north 28 degrees 57 minutes 20 seconds west 164.85 feet to a point; thence north 13 degrees 57 minutes 54 seconds west 1043.08 feet to a point; thence north 66 degrees 54 minutes 10 seconds east 1848.49 feet to a point; thence north 21 degrees 36 minutes 42 seconds west 781.08 feet to a point; thence north 69

degrees 25 minutes 46 seconds east 1045.97 feet to a point; thence south 25 degrees 13 minutes 13 seconds east 1128.28 feet to a point; thence south 29 degrees 36 minutes 35 seconds east 186.84 feet to an iron pin; thence south 17 minutes 39 seconds east 189.63 feet to a point; thence south 33 degrees 48 minutes 54 seconds east 242.12 feet to a point; thence south 55 degrees 18 minutes 55 seconds west 673.42 feet to a point; thence north 58 degrees 03 minutes 13 seconds west 178.91 feet to a point; thence north 62 degrees 09 minutes 38 seconds west 199.26 feet to a point; thence south 68 degrees 45 minutes 42 seconds west 413.37 feet to a point; thence south 38 degrees 28 minutes 37 seconds west 294.08 feet to a point; thence south 39 degrees 25 minutes 59 seconds east 415.90 feet to a point; thence south 38 degrees 18 minutes 51 seconds west 888.12 feet to a point; thence north 84 degrees 29 minutes 22 seconds west 151.29 feet to a point; thence by a curve to the left having a radius of 550 feet, a chord of 600 feet, a tangent of 357.9353 feet, a delta angle of 66 degrees 06 minutes 41.28 seconds and an arc length of 634.6245 feet; thence south 67 degrees 08 minutes 25 seconds west 189.47 feet to a point; thence south 74 degrees 55 minutes 21 seconds west 201.88 feet to a point; thence south 58 degrees 55 minutes 57 seconds west 278.97 feet to a point; thence by a curve to the left having a radius of 400 feet, a chord of 400 feet, a tangent of 230.9401 feet, a delta angle of 60 degrees and an arc length of 418.8790 feet, to a point; thence north 32 degrees 57 minutes 23 seconds west 476.14 feet to the point of beginning.

Containing 200.4793 acres.

Amend Sec. 2, page 4, line 25, by striking out "2. The conveyance" and inserting

3. The conveyances

Amend Sec. 2, page 4, line 29, by striking out "the" and inserting

and

Amend Sec. 3, page 5, line 2, by striking out "3" and inserting

4

Amend Sec. 3, page 5, line 2, by striking out "this sale" and inserting

the sale under section 1

Amend Sec. 4, page 5, line 4, by striking out "4. The deed" and inserting

5. The deeds

Amend Sec. 4, page 5, line 5, by striking out "and" and inserting

. The deed under section 1

Amend Sec. 4, page 5, by inserting between lines 6 and 7

The deed of conveyance under section 2 shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

Amend Sec. 5, page 5, line 7, by striking out "5" and inserting

6

Amend Sec. 5, page 5, line 7, by striking out "conveyance" and inserting

conveyances

Amend Sec. 5, page 5, line 8, by striking out "grantee" and inserting

grantees

Amend Sec. 6, page 5, line 9, by striking out "6" and inserting

7

Amend Sec. 6, page 5, line 9, by inserting after "CONVEYANCE"

under section 1

Amend Sec. 7, page 5, line 18, by striking out "7" and inserting

8

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

The SPEAKER. On that question, the Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would allow the Somerset County commissioners to purchase a portion of the Somerset State Hospital farm for use as an industrial park.

The Department of General Services is in agreement with the amendment. I would ask its adoption.

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

The following roll call was recorded:

YEAS—192

Acosta	Durham	Langtry	Roebuck
Adolph	Evans	Laughlin	Rudy
Allen	Fairchild	Lawless	Ryan
Anderson	Fajt	Lee	Saloom
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Bishop	Gannon	McHugh	Snyder, G.
Black	Geist	McNally	Staback
Blaum	George	Maiale	Stairs
Bowley	Gerlach	Markosek	Steelman
Boyes	Gigliotti	Marsico	Steighner
Broujos	Gladeck	Mayernik	Stetler
Brown	Godshall	Melio	Stish
Bunt	Gruitza	Merry	Strittmatter
Bush	Gruppo	Michlovic	Stuban
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nailor	Taylor, J.
Carone	Hasay	Nickol	Telek
Cawley	Hayden	Noye	Thomas
Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colafrilla	Itkin	Petrone	Vance
Colaizzo	Jadlowiec	Phillips	Veon
Cole	James	Piccola	Vroon
Cornell	Jarolin	Pistella	Wambach
Cowell	Johnson	Pitts	Williams
Coy	Josephs	Preston	Wilson
DeLuca	Kaiser	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	
Dent	Kruszewski	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker
Donatucci	LaGrotta		

NAYS—0

NOT VOTING—5

Freind Petrarca Taylor, F. Tigie
Nahill

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. NYCE offered the following amendments No. A4197:

Amend Title, page 1, line 5, by inserting after "Inc." ; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Northampton Area School District a tract of land situate in East Allen Township, Northampton County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Northampton County a tract of land situate in both East Allen Township and Allen Township, Northampton County, Pennsylvania.

Amend Sec. 1, page 1, line 8, by inserting after "1."

(a)

Amend Sec. 2, page 4, line 25, by striking out "Section 2." and inserting

(b)

Amend Sec. 3, page 5, line 2, by striking out "Section 3." and inserting

(c)

Amend Sec. 4, page 5, line 4, by striking out "Section 4." and inserting

(d)

Amend Sec. 5, page 5, line 7, by striking out "Section 5." and inserting

(e)

Amend Sec. 6, page 5, line 9, by striking out "Section 6." and inserting

(f)

Amend Bill, page 5, by inserting between lines 17 and 18

Section 2. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to sell and convey to the Northampton Area School District the following tract of land situate in East Allen Township, Northampton County, Pennsylvania, for a consideration of one-half the fair market value as determined by an independent appraiser, the following:

All that certain tract or parcel of land commonly known as a part of State Farm No. 1 as shown on a plan entitled "Property Survey for Northampton Area School District - Lands of the Department of Agriculture" as prepared by Hanover Engineering Associates, Inc. dated September 30, 1992, situated north of Nor-Bath Boulevard (SR 0329) and east of Seemsville Road (SR 3021) in East Allen Township, Northampton County, Pennsylvania is described as follows:

Beginning at a railroad spike in Seemsville Road (SR 3021), said spike being a common corner with lands now or formerly Edward F. Cesanek; thence along said lands north 84 degrees 01 minute 45 seconds east, 1716.00 feet to a found concrete monument; thence continuing along the same and along lands now or formerly Richard D. and Barbara A. Nagy north 80 degrees 49 minutes 45 seconds east, 801.40 feet to a found concrete monument, said monument being in line with lands now or formerly Preston F. Vandegrift, 3rd; thence along said Vandegrift lands and along lands now or formerly Timothy P. Laubach and Irene

M. Laubach south 04 degrees 22 minutes 15 seconds east, 606.40 feet to a point; thence continuing along said Laubach lands north 73 degrees 24 minutes 13 seconds east, 115.53 feet to a found concrete monument; thence continuing along the same and crossing the Catasauqua Creek south 00 degrees 28 minutes 27 seconds west, 76.06 feet to an iron pin; thence continuing along said Laubach lands the following two courses:

(1) south 8 degrees 19 minutes 58 seconds west, 114.36 feet to a found iron pipe; thence

(2) south 00 degrees 34 feet 45 seconds west, 102.77 feet to a railroad spike, said spike being set in Tanglewood Road (T.R.406); thence in and along said Tanglewood Road south 05 degrees 51 minutes 42 seconds west, 179.45 feet to an iron pin on the edge of said road; thence along lands now or formerly Collis Truck Parts, Inc. and crossing said Catasauqua Creek south 86 degrees 10 minutes 42 seconds west, 312.19 feet to a found iron pipe; thence continuing along the same south 06 degrees 38 minutes 06 seconds, 126.08 feet to a found concrete monument, said monument being at the northeasterly corner of a masonry wall bordering a burial rounds for the Presbyterian Congregation of East Allen Township; thence along lands now or formerly the Presbyterian Congregation of East Allen Township and along other lands now or formerly Collis Truck Parts, Inc. south 85 degrees 03 minutes 37 seconds west, 488.10 feet to a found concrete monument; thence continuing along said lands of Collis Truck Parts, Inc. south 4 degrees 23 minutes 19 seconds east, 320.77 feet to a found iron pin, said pin being a common corner with lands now or formerly East Allen Township Volunteer Ambulance Corps.; thence along said lands south 85 degrees 36 minutes 41 seconds west, 300.00 feet to a point; thence along the same south 04 degrees 23 minutes 19 seconds east, 443.57 feet to a found iron pin, said pin being 40 feet from the centerline of the Nor-Bath Boulevard (S.R.0329); thence along the same north 84 degrees 05 minutes 23 seconds east, 300.11 feet to a point, said point being in line with lands now or formerly Arlene A. Landes; thence along said lands of Landes south 04 degrees 23 minutes 19 seconds east, 10.00 feet to a point, said point being 30 feet from the centerline of Nor-Bath Boulevard and on the legal right-of-way line of the same; thence along said right-of-way the following two courses:

(1) south 84 degrees 05 minutes 23 seconds west, 300.11 feet to a found iron pipe; thence

(2) south 83 degrees 59 minutes 20 seconds west, 1448.07 feet to a railroad spike in Seemsville Road; thence along Seemsville Road north 4 degrees 44 minutes 15 seconds west, 1877.06 feet to a railroad spike, said spike being the place of beginning.

Containing approximately 4,021,624 square feet or 92.3238 acres.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for educational and related purposes by the Northampton Area School District and if at any time the Northampton Area School District or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees incidental to this conveyance shall be borne by the grantee.

Section 3. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to convey to Northampton County the following tract of land situate in both East Allen Township and Allen Township, Northampton County, Pennsylvania, for a consideration of one-half of the fair market value as determined by an independent appraiser, the following:

All that certain tract or parcel of land situate in both East Allen Township and Allen Township, Northampton County, Pennsylvania, bounded and described as follows:

Beginning at a found concrete monument, said monument is also located at the southwest corner of lands now or formerly of Harold E. Blank et al (DBV 712, Page 1027). Thence continuing along lands of Blank, the following two courses: north 48 degrees 56 minutes 49 seconds east, a distance of 1203.09 feet to a found iron pin; north 06 degrees 31 minutes 06 seconds east, a distance of 143.08 feet to a found concrete monument located at the southwest corner of lands now or formerly of Frank and Berth Astl (DBV D89, Page 378). Thence along lands of Astl north 63 degrees 10 minutes 06 seconds east, a distance of 1209.06 feet to a point, said point being located on the ultimate western right-of-way line of Weaversville Road (SR 3017), said point being perpendicular 40 feet to said center line. Thence along the ultimate western right-of-way line of Weaversville Road, south 39 degrees 52 minutes 17 seconds east, a distance of 51.32 feet to a point. Thence through lands now or formerly of the Commonwealth of Pennsylvania the following five courses (said five courses being the new southerly boundary of lands of Northampton County: south 55 degrees 51 minutes 57 seconds west, a distance of 1675.25 feet to a point; south 48 degrees 56 minutes 49 seconds west, a distance of 816.59 feet to a point; south 60 degrees 31 minutes 48 seconds west, a distance of 758.75 feet to a point; south 35 degrees 55 minutes 36 seconds east, a distance of 353.39 feet to a point; south 60 degrees 46 minutes 15 seconds west, a distance of 2064.34 feet to a point located on the ultimate right-of-way line of Willowbrook Road (T478), said point being 25 feet perpendicular to said center line. Thence along the ultimate eastern right-of-way of Willowbrook Road, the following four courses: north 38 degrees 48 minutes 23 seconds west, a distance of 151.92 feet to a point of curvature; along a curve to the right having a central angle of 19 degrees 29 minutes, a radius of 382.73 feet and an arc length of 130.15 feet to a point; north 19 degrees 19 minutes 23 seconds west, a distance of 213.86 feet to a point; north 20 degrees 35 minutes 49 seconds west, a distance of 614.38 feet to a point of curvature. Thence along a curve return to the right having a central angle of 72 degrees 52 minutes 39 seconds, a radius of 25 feet and an arc length of 31.80 feet to a point on the ultimate southerly right-of-way line of Bullhead Road (T482), said point being 25 feet perpendicular to said center line. Thence along the ultimate southerly right-of-way of Bullhead Road the following six courses: north 52 degrees 16 minutes 50 seconds east, a distance of 140.08 feet to a point; north 50 degrees 42 minutes 36 seconds east, a distance of 419.13 feet to a point; north 51 degrees, 28 minutes 48 seconds east, a distance of 429.34 feet to a point; north 51 degrees 01 minute east, a distance of 244.13 feet to a point of curvature; along a curve to the left having a central angle of 05 degrees 59 minutes 15 seconds, a radius of 2606.34 feet and an arc length of 272.37 feet to a point; north 45 degrees 01 minute 45 seconds east, a distance of 850.25 feet to a point in line with lands now or formerly of Joseph and Diane Nicrone (DBV 551, page 218). Thence along lands of Nicrone, south 45 degrees 07 minutes 17 seconds east, a distance of 1027.20 feet to a found iron pin in line with lands now or formerly of Harold E. Blank et al. Thence along lands of Blank south 45 degrees 41 minutes 12 seconds east, a distance of 232.18 feet to a point, said point of beginning.

Containing 80.4883 acres.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for public and recreational purposes by Northampton County and if at any time Northampton County or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees incidental to this conveyance shall be borne by the grantee.

Amend Sec. 7, page 5, line 18, by striking out "7" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Nyce.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment provides for the transference of two parcels of land at the Allentown State Hospital farm in Allen and East Allen Townships in Northampton County.

It is agreed to by the Department of General Services, and I believe we have agreement with the Senate on this amendment. I would encourage all of the members to support it. Thank you.

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that this is an agreed-to amendment. I urge the House to adopt this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Acosta	Evans	Laughlin	Rudy
Adolph	Fairchild	Lawless	Ryan
Allen	Fajt	Lec	Saloom
Anderson	Fargo	Leh	Saurman
Angstadt	Farmer	Lescovitz	Scheetz
Argall	Fee	Levdansky	Schuler
Armstrong	Fleagle	Linton	Scrimenti
Arnold	Flick	Lloyd	Semmel
Barley	Foster	Lucyk	Serafini
Battisto	Freeman	McCall	Smith, B.
Belardi	Gallen	McGeehan	Smith, S. H.
Belfanti	Gamble	McHale	Snyder, D. W.
Birmelin	Gannon	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Stuban

Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, F.
Carn	Hasay	Nailor	Taylor, J.
Carone	Hayden	Nickol	Telek
Cawley	Hayes	Noye	Thomas
Cessar	Heckler	Nyce	Tigue
Chadwick	Herman	O'Brien	Tomlinson
Civera	Hershey	Olasz	Trello
Clark	Hess	Oliver	Trich
Clymer	Hughes	Perzel	Tulli
Cohen	Itkin	Pesci	Uliana
Colafiglia	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker
Donatucci	Langtry	Roebuck	
Durham			

NAYS—0

NOT VOTING—2

Freind Petrarca

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. PHILLIPS offered the following amendments No. A3091:

Amend Title, page 1, line 5, by inserting after "Inc." , and a tract of land situate in Monroe Township, Snyder County, to Northumberland Boat Club.

Amend Bill, page 4, by inserting between lines 24 and 25

Section 2. The Department of Transportation, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to sell and convey to the Northumberland Boat Club for a consideration equal to the fair market value as determined by an independent appraiser appointed by the Department of Transportation the following tract of land located in Monroe Township, Snyder County, Pennsylvania, bounded and described as follows:

Beginning at an iron pin on the eastern right-of-way line of S.R. 11, formerly L.R.25 Spur, being the same point described for the northwest corner of a parcel conveyed to the Northumberland Boat Club and recorded in Snyder County Deed Book 259, page 143; thence along said right-of-way line the following bearings and distances: north 33 degrees 31 minutes 10 seconds east 74.45 minutes; north 31 degrees 29 minutes 35 seconds east 73.55 minutes; north 30 degrees 21 minutes 27 seconds east 74 minutes; north 28 degrees 55 minutes 14 seconds east 74.35 minutes; thence south 66 degrees 21 minutes 48 seconds east 21.85 minutes to the edge of the Susquehanna River; thence along the edge of the Susquehanna River the following bearings and distances: south

37 degrees 05 minutes 43 seconds east 21.26 minutes; south 7 degrees 19 minutes 19 seconds east 40.41 minutes; south 13 degrees 30 minutes 30 seconds west 55.74 minutes; south 28 degrees 12 minutes 56 seconds west 42.98 minutes; south 48 degrees 59 minutes 58 seconds west 18.78 minutes; south 36 degrees 06 minutes 55 seconds west 116.20 minutes; thence south 36 degrees 06 minutes 50 seconds west 27.54 minutes; thence north 60 degrees 56 minutes 46 seconds west 67.09 minutes to the place of beginning containing approximately 20,873 square feet. Being a portion of right-of-way acquired for S.R.11, formerly L.R.25 Spur, but not needed for construction of the highway.

Amend Sec. 2, page 4, line 25, by striking out "2. The conveyance" and inserting

3. The conveyances

Amend Sec. 3, page 5, line 2, by striking out "3" and inserting

4

Amend Sec. 3, page 5, line 2, by striking out "this sale" and inserting

these conveyances

Amend Sec. 4, page 5, line 4, by striking out "4. The deed" and inserting

5. The deeds

Amend Sec. 5, page 5, line 7, by striking out "5" and inserting

6

Amend Sec. 5, page 5, line 7, by striking out "the" and inserting

each

Amend Sec. 6, page 5, line 9, by striking out "6" and inserting

7

Amend Sec. 6, page 5, line 9, by inserting after "CONVEYANCE"

of the tracts described in section 1

Amend Sec. 7, page 5, line 18, by striking out "7" and inserting

8

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

This amendment would authorize the Department of Transportation, with the approval of the Governor, to sell a tract of land located in Monroe Township, Snyder County, to the Northumberland Boat Club for a consideration equal to the fair market value as determined by an independent appraiser appointed by the Department of Transportation.

It is agreed to by the Department of Transportation. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Acosta	Evans	Laughlin	Rudy
Adolph	Fairchild	Lawless	Ryan
Allen	Fajt	Lee	Saloom
Anderson	Fargo	Leh	Saurman
Angstadt	Farmer	Lescovitz	Scheetz
Argall	Fee	Levdansky	Schuler
Armstrong	Fleagle	Linton	Scrimenti
Arnold	Flick	Lloyd	Semmel
Barley	Foster	Lucy	Serafini

Battisto	Freeman	McCall	Smith, B.
Belardi	Gallen	McGeehan	Smith, S. H.
Belfanti	Gamble	McHale	Snyder, D. W.
Birmelin	Gannon	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Stuban
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, F.
Carn	Hasay	Nailor	Taylor, J.
Carone	Hayden	Nickol	Telek
Cawley	Hayes	Noye	Thomas
Cessar	Heckler	Nyce	Tigue
Chadwick	Herman	O'Brien	Tomlinson
Civera	Hershey	Olasz	Trello
Clark	Hess	Oliver	Trich
Clymer	Hughes	Perzel	Tulli
Cohen	Itkin	Pesci	Uliana
Colafrella	Jadlowiec	Petrarca	Van Horne
Colaizzo	James	Petrone	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Durham			

NAYS—0

NOT VOTING—2

Freind Phillips

EXCUSED—4

Billow Corrigan Kasunic Mrkonc

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. FAIRCHILD offered the following amendments No. A3863:

Amend Title, page 1, line 5, by inserting after "Inc." ; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Hartley Township a tract of land situate in Hartley Township, Union County, Pennsylvania.

Amend Sec. 1, page 1, line 8, by inserting after "1."

(a)

Amend Sec. 2, page 4, line 25, by striking out "Section 2." and inserting

(b)

Amend Sec. 3, page 5, line 2, by striking out "Section 3." and inserting

(c)

Amend Sec. 4, page 5, line 4, by striking out "Section 4." and inserting

(d)

Amend Sec. 5, page 5, line 7, by striking out "Section 5." and inserting

(e)

Amend Sec. 6, page 5, line 9, by striking out "Section 6." and inserting

(f)

Amend Bill, page 5, by inserting between lines 17 and 18

Section 2. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to convey to Hartley Township the following tract of land situate in Hartley Township, Union County, Pennsylvania, for a consideration of one-half of the fair market value, the following:

All that certain tract or parcel of land situate in Hartley Township, Union County, Pennsylvania, more particularly bounded and described as follows:

Beginning at the northeast corner of the within described tract of land; thence along other lands of the Commonwealth of Pennsylvania, south 12 degrees 39 minutes 18 seconds east 1,065 feet to the southeast corner of the within described tract of land; thence along other lands of the Commonwealth of Pennsylvania, south 82 degrees 28 minutes 11 seconds west 1,374.61 feet to a point; thence along land now or formerly of Patti J. Schnure north 19 degrees 48 minutes 54 seconds west 154.66 feet to a point; thence along said land now or formerly of Patti J. Schnure south 64 degrees 32 minutes 17 seconds west 195.22 feet to a point; thence along Laurel Run north 17 degrees 43 minutes 8 seconds west 284.89 feet to a point; thence along Laurel Run north 40 minutes 12 seconds east 239.68 feet to a point; thence along Laurel Run north 28 degrees 44 minutes 36 seconds west 109.36 feet to a point on the southern berm of State Route 3002; thence along State Route 3002 north 62 degrees 49 seconds east 156.03 feet to a point; thence along land of the Laurelton Cemetery south 25 degrees 7 minutes 26 seconds east 151.29 feet to a point; thence along said Laurelton Cemetery north 65 degrees 25 minutes 59 seconds east 179.04 feet to a point; thence along said Laurelton Cemetery north 24 degrees 35 minutes 14 seconds west 160.60 feet to a point on the southern berm of State Route 3002; thence along said State Route 3002 north 64 degrees 1 minute 42 seconds east 316.11 feet to a point; thence along said State Route 3002 north 71 degrees 23 minutes 6 seconds east 476.91 feet to a point; thence along said State Route 3002 north 77 degrees 20 minutes 42 seconds east 471.91 feet to the point of beginning. Containing 32.75 acres of land as per the plot plan prepared by Mid-Penn Engineering Corporation. Whereon there is erected a two story dwelling, bank barn and outbuildings.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for municipal purposes by Hartley Township and if at any time Hartley Township or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania. Further, the deed of conveyance shall contain a clause that no construction or change in land use can commence on the property conveyed prior to notification of and review by the State Preservation Officer of the Pennsylvania Historical and Museum Commission.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees incidental to this conveyance shall be borne by the grantee.

Amend Sec. 7, page 5, line 18, by striking out “7” and inserting

3

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

The following roll call was recorded:

YEAS—194

Acosta	Evans	Laughlin	Rudy
Adolph	Fairchild	Lawless	Ryan
Allen	Fajt	Lee	Saloom
Anderson	Fargo	Leh	Saurman
Angstadt	Farmer	Lescovitz	Scheetz
Argall	Fee	Levdansky	Schuler
Armstrong	Fleagle	Linton	Scrimenti
Arnold	Flick	Lloyd	Semmel
Barley	Foster	Lucyk	Serafini
Battisto	Freeman	McCall	Smith, B.
Belardi	Gallen	McGeehan	Smith, S. H.
Belfanti	Gamble	McHale	Snyder, D. W.
Birmelin	Gannon	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Stuban
Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carn	Hasay	Nickol	Taylor, J.
Carone	Hayden	Noye	Telek
Cawley	Hayes	Nyce	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Colafrella	Itkin	Petrarca	Uliana
Colaizzo	Jadlowiec	Petrone	Van Horne
Cole	James	Phillips	Vance
Cornell	Jarolin	Piccola	Veon
Cowell	Johnson	Pistella	Vroon
Coy	Josephs	Pitts	Wambach
DeLuca	Kaiser	Preston	Williams
DeWeese	Kenney	Raymond	Wilson
Daley	King	Reber	Wogan
Davies	Kosinski	Reinard	Wozniak
Dempsey	Krebs	Richardson	Wright, D. R.
Dent	Kruszewski	Rieger	Wright, M. N.
Dermody	Kukovich	Ritter	
Donatucci	LaGrotta	Robinson	O'Donnell,
Durham	Langtry	Roebuck	Speaker

NAYS—0

NOT VOTING—3

Cohen	Freind	Micozzie
		EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. PETRARCA offered the following amendments No. A4376:

Amend Title, page 1, line 5, by inserting after “Inc.”, and a tract in Tarentum Borough, Allegheny County, to Allegheny Property Development Corporation.

Amend Sec. 1, page 1, line 10, by striking out all of said line and inserting

behalf of the Commonwealth of Pennsylvania to sell and convey:
(1) To

Amend Sec. 1, page 1, line 15, by striking out all of said line and inserting

(i) All that certain lot of ground with the dwelling thereon

Amend Sec. 1, page 3, line 11, by striking out all of said line and inserting

(ii) All that certain lot or piece of ground, situate in the

Amend Sec. 1, page 4, by inserting between lines 24 and 25

(2) To Allegheny Property Development Corporation for fair market value as determined by an independent appraiser appointed by the Department of Transportation the following tract of land in Tarentum Borough, Allegheny County:

Beginning at a point on the dividing line of Parcels 139 and 140 as shown on the plan prepared by the Pennsylvania Department of Transportation for the relocation of Route 1037 (L.R.02276), Section 5B-R/W, Sheet 39 of 151; thence from said point of beginning and along East Tenth Avenue north 57 degrees 38 minutes 39 seconds east, a distance of 118 feet more or less to a point; thence by a line curving to the right concentric to and 25.00 feet offset from the construction centerline of ramp “K,” as shown on the aforementioned plan, and having a radius of 125.00 feet and an arc distance of 276.98 feet, to a point; thence continuing by the same north 4 degrees 36 minutes 16 seconds east, a distance of 171.02 feet to a point; thence by a line parallel to and 57.00 feet east of the construction centerline of Route 1037 as shown on the aforementioned plan north 8 degrees 31 minutes 38 seconds east, a distance of 437.29 feet to a point opposite highway station 49+81; thence by a line perpendicular to Route 1037 south 81 degrees 28 minutes 22 seconds east, a distance of 113.06 feet to a point; thence by a line south 5 degrees 47 minutes 16 seconds west, a distance of 209.24 feet to a point; thence by a line south 18 degrees 54 minutes 53 seconds west, a distance of 183.00 feet to a point; thence by a line south 29 degrees 43 minutes 43 seconds east, a distance of 54.39 feet to a point on the northerly line of East Eleventh Street; thence by a line south 86 degrees 29 minutes 56 seconds east, a distance of 62.49 feet to a point; thence by a line south 29 degrees 43 minutes 43 seconds east, a distance of 44.12 feet to a point; thence by a line south 53 degrees 43 minutes 17 seconds west, a distance of 22.67 feet to a point on line dividing Lots Numbers 139 and 140 aforementioned; thence along said dividing line south 29 degrees 43 minutes 43 seconds east, a distance of 178 feet to a point at the place of beginning. Containing 2.61 acres.

Amend Sec. 2, page 4, line 25, by striking out “conveyance” and inserting

conveyances

Amend Sec. 3, page 5, line 2, by striking out “this sale” and inserting

these conveyances

Amend Sec. 4, page 5, line 4, by striking out “deed” and inserting

deeds

Amend Sec. 5, page 5, line 7, by striking out “conveyance” and inserting

conveyances

Amend Sec. 5, page 5, line 8, by striking out “grantee” and inserting

grantees

Amend Sec. 6, page 5, line 9, by inserting after “CONVEYANCE”

to Wissahickon Valley Watershed Association, Inc.

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Acosta	Evans	Laughlin	Rudy
Adolph	Fairchild	Lawless	Ryan
Allen	Fajt	Lee	Saloom
Anderson	Fargo	Leh	Saurman
Angstadt	Farmer	Lescovitz	Scheetz
Argall	Fee	Levdansky	Schuler
Armstrong	Fleagle	Linton	Scrimenti
Arnold	Flick	Lloyd	Semmel
Barley	Foster	Lucyk	Serafini
Battisto	Freeman	McCall	Smith, B.
Belardi	Gallen	McGeehan	Smith, S. H.
Belfanti	Gamble	McHale	Snyder, D. W.
Birmelin	Gannon	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Stuban
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, F.
Carn	Hasay	Nailor	Taylor, J.
Carone	Hayden	Nickol	Telek
Cawley	Hayes	Noye	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Cohen	Itkin	Petrarca	Uliana
Colafella	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Durham			

NAYS—0

NOT VOTING—2

Freind Nyce

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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.

YEAS—195

Acosta	Evans	Laughlin	Roebuck
Adolph	Fairchild	Lawless	Rudy
Allen	Fajt	Lee	Ryan
Anderson	Fargo	Leh	Saloom
Angstadt	Farmer	Lescovitz	Saurman
Argall	Fee	Levdansky	Scheetz
Armstrong	Fleagle	Linton	Schuler
Arnold	Flick	Lloyd	Scrimenti
Barley	Foster	Lucyk	Semmel
Battisto	Freeman	McCall	Serafini
Belardi	Gallen	McGeehan	Smith, B.
Belfanti	Gamble	McHale	Smith, S. H.
Birmelin	Gannon	McHugh	Snyder, D. W.
Bishop	Geist	McNally	Snyder, G.
Black	George	Maiale	Staback
Blaum	Gerlach	Markosek	Stairs
Bowley	Gigliotti	Marsico	Steelman
Boyes	Gladeck	Mayernik	Steighner
Broujos	Godshall	Melio	Stetler
Brown	Gruitza	Merry	Stish
Bunt	Gruppo	Michlovic	Strittmatter
Bush	Hagarty	Micozzie	Stuban
Butkovitz	Haluska	Mihalich	Sturla
Caltagirone	Hanna	Mundy	Surra
Cappabianca	Harley	Murphy	Tangretti
Carlson	Harper	Nahill	Taylor, E. Z.
Carn	Hasay	Nailor	Taylor, J.
Carone	Hayden	Nickol	Telek
Cawley	Hayes	Noye	Thomas
Cessar	Heckler	Nyce	Tigue
Chadwick	Herman	O'Brien	Tomlinson
Civera	Hershey	Olasz	Trello
Clark	Hess	Oliver	Trich
Clymer	Hughes	Perzel	Tulli
Cohen	Itkin	Pesci	Uliana
Colafella	Jadlowiec	Petrarca	Van Horne
Colaizzo	James	Petrone	Vance
Cole	Jarolin	Phillips	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Durham			

NAYS—0

NOT VOTING—2

Freind Taylor, F.

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of SB 1716, PN 2183, entitled:

An Act designating State Route 4008 as Blair County Veterans Memorial Highway.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta Evans Lawless Rudy
Adolph Fairchild Lee Ryan
Allen Fajt Leh Saloom
Anderson Fargo Lescovitz Saurman
Angstadt Farmer Levdansky Scheetz
Argall Fee Linton Schuler
Armstrong Fleagle Lloyd Scrimenti
Arnold Flick Lucy Semmel
Barley Foster McCall Serafini
Battisto Freeman McGeehan Smith, B.
Belardi Gallen McHale Smith, S. H.
Belfanti Gamble McHugh Snyder, D. W.
Birmelin Gannon McNally Snyder, G.
Bishop Geist Maiale Staback
Black George Markosek Stairs
Blaum Gerlach Marsico Steelman
Bowley Gigliotti Mayernik Steighner
Boyes Gladeck Melio Stetler
Broujos Godshall Merry Stish
Brown Gruitza Michlovic Strittmatter
Bunt Gruppo Micozzie Stuban
Bush Hagarty Mihalich Sturla
Butkovitz Haluska Mundy Surra
Caltagirone Hanna Murphy Tangretti
Cappabianca Harley Nahill Taylor, E. Z.
Carlson Harper Nailor Taylor, F.
Carn Hasay Nickol Taylor, J.
Carone Hayden Noye Telek
Cawley Hayes Nyce Thomas
Cessar Heckler O'Brien Tigue
Chadwick Herman Olasz Tomlinson
Civera Hershey Oliver Trello
Clark Hess Perzel Trich
Clymer Hughes Pesci Tulli
Cohen Itkin Petrarca Uliana
Colafrella Jadlowiec Petrone Van Horne
Colaizzo James Phillips Vance

Cole Jarolin Piccola Veon
Cornell Johnson Pistella Vroon
Cowell Josephs Pitts Wambach
Coy Kaiser Preston Williams
DeLuca Kenney Raymond Wilson
DeWeese King Reber Wogan
Daley Kosinski Reinard Wozniak
Davies Krebs Richardson Wright, D. R.
Dempsey Kruszewski Rieger Wright, M. N.
Dent Kukovich Ritter
Dermody LaGrotta Robinson O'Donnell,
Donatucci Langtry Roebuck Speaker
Durham Laughlin

NAYS—0

NOT VOTING—1

Freind

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

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

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

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 2602, PN 4219, entitled:

An Act providing minimum standards, terms and conditions for the licensing of persons who engage in wholesale distributions in interstate commerce of prescription drugs; and making a repeal.

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

The SPEAKER. On that question, the Chair recognizes Mr. Fee.

Mr. FEE. Mr. Speaker, the Senate simply added one word, "regulations," and I urge the House to concur.

The SPEAKER. Those in favor vote "aye"; those opposed, "no."

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

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

YEAS—196

Acosta Evans Lawless Rudy
Adolph Fairchild Lee Ryan
Allen Fajt Leh Saloom
Anderson Fargo Lescovitz Saurman
Angstadt Farmer Levdansky Scheetz
Argall Fee Linton Schuler
Armstrong Fleagle Lloyd Scrimenti
Arnold Flick Lucy Semmel
Barley Foster McCall Serafini
Battisto Freeman McGeehan Smith, B.
Belardi Gallen McHale Smith, S. H.
Belfanti Gamble McHugh Snyder, D. W.
Birmelin Gannon McNally Snyder, G.
Bishop Geist Maiale Staback

Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Ca. agirone	Hanna	Murphy	Tangretti
Cappabianca	Harl. /	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carone	Hasay	Nickol	Taylor, J.
Cawley	Hayden	Noye	Telek
Cessar	Hayes	Nyce	Thomas
Chadwick	Heckler	O'Brien	Tigue
Civera	Herman	Olasz	Tomlinson
Clark	Hershey	Oliver	Trello
Clymer	Hess	Perzel	Trich
Cohen	Hughes	Pesci	Tulli
Colafella	Itkin	Petrarca	Uliana
Colaizzo	Jadlowiec	Petrone	Van Horne
Cole	James	Phillips	Vance
Cornell	Jarolin	Piccola	Veon
Cowell	Johnson	Pistella	Vroon
Coy	Josephs	Pitts	Wambach
DeLuca	Kaiser	Preston	Williams
DeWeese	Kenney	Raymond	Wilson
Daley	King	Reber	Wogan
Davies	Kosinski	Reinard	Wozniak
Dempsey	Krebs	Richardson	Wright, D. R.
Dent	Kruszewski	Rieger	Wright, M. N.
Derrrody	Kukovich	Ritter	
Donatucci	LaGrotta	Robinson	O'Donnell,
Durham	Langtry	Roebuck	Speaker
	Laughlin		

NAYS—0

NOT VOTING—1

Freind

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

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

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 2195, PN 4233**, as further amended by the House Rules Committee:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the authority to issue permits, for permits for movement of construction equipment and for weighing and measurement of vehicles.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. The Chair recognizes Mr. Lee.

Mr. LEE. Mr. Speaker, may I speak to the prime sponsor of the bill, please?

The SPEAKER. The gentleman, Mr. Lescovitz, indicates he is willing to be interrogated. The gentleman may proceed.

Mr. LEE. Mr. Speaker, could you explain briefly again the provision regarding the issuance of oversized vehicle weight permits, and why are they excluding rural counties or allowing PennDOT to exclude rural counties from issuance of the permits?

Mr. LESCOVITZ. My understanding is the Senate in this bill grandfathered in overweight trucks that were purchased before 1980. There are just a very few of them left. It is a grandfather clause. When we changed the weights back in 1980, it grandfathered those trucks into this bill.

Mr. LEE. Perhaps you are not understanding me. I am talking about the provision which would allow PennDOT to eliminate the issuance of overweight permits from some counties, and why did they want to do that?

Mr. LESCOVITZ. Okay. Is your question— I am sorry. I did not hear you, but is your question, Mr. Speaker, the permission for PennDOT to eliminate permitting offices in specific counties? Yes, Mr. Speaker. There are a number of counties throughout the State that do not have a PennDOT office located in them, and what this does is permit PennDOT to consolidate so that when a county does not have a PennDOT office, now you would go to the next county where there is a PennDOT office to issue that permit. But currently now there is not a PennDOT office in each county, but now PennDOT has to have a permit office in the county. We are just eliminating that so that counties that do not have a PennDOT office no longer have to issue permits in those particular counties.

My understanding is also the ones that they are eliminating are currently only issuing about one or two permits a year. So we are trying to save some money there by eliminating those in those particular counties.

Mr. LEE. Okay. Thank you, Mr. Speaker.

The SPEAKER. Those in favor will vote "aye"; opposed, "no."

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

YEAS—194

Acosta	Durham	Laughlin	Rudy
Adolph	Evans	Lawless	Ryan
Allen	Fairchild	Leh	Saloom
Anderson	Fajt	Lescovitz	Saurman
Angstadt	Fargo	Levdansky	Scheetz
Argall	Farmer	Linton	Schuler
Armstrong	Fee	Lloyd	Scrimenti
Arnold	Fleagle	Lucyk	Semmel
Barley	Flick	McCall	Serafini
Battisto	Foster	McGeehan	Smith, B.
Belardi	Freeman	McHale	Smith, S. H.
Belfanti	Gallen	McHugh	Snyder, D. W.
Birmelin	Gamble	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler

Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carn	Hasay	Nickol	Taylor, J.
Carone	Hayden	Noye	Telek
Cawley	Hayes	Nyce	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Cohen	Itkin	Petrarca	Uliana
Colafella	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker

NAYS—1

Lee

NOT VOTING—2

Freind

Gannon

EXCUSED—4

Billow

Corrigan

Kasunic

Mrkonic

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

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

SB 1405 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which SB 1405 was passed today.

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

The following roll call was recorded:

YEAS—190

Acosta	Fairchild	Lee	Ryan
Adolph	Fajt	Leh	Saloom
Allen	Fargo	Lescovitz	Saurman
Anderson	Farmer	Levdansky	Scheetz
Angstadt	Fee	Linton	Schuler
Argall	Fleagle	Lloyd	Scrimenti
Armstrong	Flick	Lucyk	Semmel
Arnold	Freeman	McCall	Serafini
Barley	Gallen	McGeehan	Smith, B.
Battisto	Gamble	McHugh	Smith, S. H.
Belardi	Gannon	McNally	Snyder, D. W.
Belfanti	Geist	Maiale	Snyder, G.
Birmelin	George	Markosek	Staback

Bishop	Gerlach	Marsico	Stairs
Black	Gigliotti	Mayernik	Stelman
Blaum	Gladeck	Melio	Steighner
Bowley	Godshall	Merry	Stetler
Boyes	Gruitza	Michlovic	Stish
Broujos	Gruppo	Micozzie	Strittmatter
Brown	Hagarty	Mihalich	Stuban
Bunt	Haluska	Mundy	Sturla
Bush	Hanna	Murphy	Surra
Butkovitz	Harley	Nahill	Tangretti
Caltagirone	Harper	Nailor	Taylor, E. Z.
Cappabianca	Hasay	Nickol	Taylor, F.
Carlson	Hayden	Noye	Taylor, J.
Carn	Hayes	Nyce	Telek
Cawley	Heckler	O'Brien	Thomas
Chadwick	Herman	Olasz	Tigue
Civera	Hershey	Oliver	Tomlinson
Clark	Hess	Perzel	Trello
Clymer	Hughes	Pesci	Trich
Cohen	Itkin	Petrarca	Tulli
Colaizzo	Jadlowiec	Petrone	Uliana
Cole	James	Phillips	Van Horne
Cornell	Jarolin	Piccola	Vance
Cowell	Johnson	Pistella	Veon
Coy	Josephs	Pitts	Vroon
DeLuca	Kaiser	Preston	Wambach
DeWeese	Kenney	Raymond	Williams
Daley	King	Reber	Wilson
Davies	Kosinski	Reinard	Wogan
Dempsey	Krebs	Richardson	Wozniak
Dent	Kruszewski	Rieger	Wright, D. R.
Dermody	Kukovich	Ritter	Wright, M. N.
Donatucci	LaGrotta	Robinson	
Durham	Laughlin	Roebuck	O'Donnell,
Evans	Lawless	Rudy	Speaker

NAYS—0

NOT VOTING—7

Carone
Cessar

Colafella
Foster

Freind
Langtry

McHale

EXCUSED—4

Billow

Corrigan

Kasunic

Mrkonic

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

On the question recurring,
Shall the bill pass finally?

BILL PASSED OVER TEMPORARILY

The SPEAKER. The House has before it SB 1405, PN 1869.

This bill will be over temporarily.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. Reinard.
Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to submit some comments for a matter of record.

The SPEAKER. The clerk will accept the gentleman's remarks for the record.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the Members of the Pennsylvania House of Repre-

sentatives the names of nine students in the Council Rock School District who recently participated in an essay contest on "Fire Safety in the Home."

Mr. Speaker, the contest was sponsored by the Society of Chartered Property and Casualty Underwriters and was cosponsored by the school district.

Whereas, Fire Safety in the home is an important subject for the entire family to discuss and practice. The knowledge of understanding what to do in case of a fire can help save a life or prevent serious injury from occurring.

Now therefore, Mr. Speaker and the Members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of the outstanding students: Bonnie Rock, David Steinberg, Michael Kelly, Jody Sutton, Jenny Post, Billy Primrose, Laura Feeney, Daniel Rock, and Mary Primrose.

CONSIDERATION OF SB 792 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC reoffered the following amendments No. A4359:

Amend Bill, page 1, lines 1 through 17; page 2, lines 1 through 3, by striking out all of said lines on said pages and inserting Amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, authorizing imposition of an optional county sales, use and hotel occupancy tax; providing for the rate, computation, situs and collection of the tax; creating a County/Municipal Revenue Sharing Fund; providing for disbursement of tax receipts to counties and municipalities; establishing a maximum base for amusement taxes levied on tickets of admission to theaters of performing arts; and making repeals.

Amend Bill, page 2, lines 6 through 30; pages 3 through 15, lines 1 through 30; page 16, lines 1 through 19, by striking out all of said lines on said pages and inserting

Section 1. Title 16 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 51
GOVERNMENT TAX REDUCTION,
INTERGOVERNMENTAL COOPERATION
AND PUBLIC SAFETY

Sec.

- 5101. Short title of chapter.
- 5102. Declaration of intent and policy.
- 5103. Definitions.
- 5104. Imposition of optional county sales and use tax.
- 5105. Rate of tax and uniformity.
- 5106. Discounts.
- 5107. Tax computation.
- 5108. Situs for imposition of tax.
- 5109. Application of State law.
- 5110. Licenses.
- 5111. Rules and regulations.
- 5112. County/Municipal Revenue Sharing Fund.
- 5113. Collection of County/Municipal Revenue Sharing Fund taxes.
- 5114. Adoption of ordinance.
- 5115. Disbursement to counties and municipalities.
- 5116. Exclusion from certain rate limitations.
- 5117. Tax reduction.
- 5118. Maximum amusement tax base on tickets for theaters of performing arts.

§ 5101. Short title of chapter.

This chapter shall be known and may be cited as the Government Tax Reduction, Intergovernmental Cooperation and Public Safety Act.

§ 5102. Declaration of intent and policy.

The General Assembly finds and declares that it is the intent of this chapter to authorize an additional revenue source for counties and other municipalities to assist them in furthering the following goals and objectives:

(1) Reducing reliance upon unfair and inefficient sources of local taxation, especially local real property taxes, admissions taxes and nuisance taxes.

(2) Encouraging intergovernmental cooperation, especially with respect to the financing, support, operations and management of regional civic, recreational and educational assets.

(3) Providing supplemental revenues required by local governments to enhance and improve local services, especially the improvement of local police and other public protection services.

§ 5103. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"County." A county of the second through the eighth class regardless of form of government. The term includes a county which has adopted a home rule charter or optional plan of government under the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law.

"County commissioners." The board of county commissioners or other similar body in home rule charter counties.

"Department." The Department of Revenue of the Commonwealth.

"Fund." The County/Municipal Revenue Sharing Fund established in section 5112 (relating to County/Municipal Revenue Sharing Fund).

"Municipality." A city, incorporated town, borough, township or home rule municipality.

"Per capita market value." The total market value of all real property divided by population as determined by the last decennial census.

"Weighted tax revenues." The total tax revenues from all sources of a municipality as reported to the Department of Revenue of the Commonwealth divided by the ratio of its per capita market value to the per capita market value of its county.

§ 5104. Imposition of optional county sales and use tax.

(a) Sales.—The board of commissioners in any county may levy, assess and collect upon each separate sale at retail of tangible personal property or services as defined in Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, within that county, a tax on the purchase price. The tax shall be collected by the vendor from the purchaser and shall be paid over to the Commonwealth as provided in regulations.

(b) Use.—In any county which imposes a tax authorized in subsection (a), there shall be levied, assessed and collected upon the use within the county of tangible personal property purchased at retail as defined in Article II of the Tax Reform Code of 1971, and on services purchased at retail a tax at the same rate as imposed pursuant to subsection (a) on the purchase price. The tax shall be paid to the Commonwealth by the person who makes such use as provided in regulations. The use tax shall not be paid to the Commonwealth by any person who has paid any county tax imposed under this act equal to or greater than the tax imposed pursuant to either subsection (a) or this subsection.

(c) Hotel.—In any county which imposes a tax authorized in subsection (a), there shall be levied, assessed and collected an excise tax at the same rate as imposed pursuant to subsection (a) on the rent upon every occupancy of a room or rooms in a hotel in the county. The tax shall be collected by the operator or owner from the occupant and paid over to the Commonwealth as provided in regulations.

§ 5105. Rate of tax and uniformity.

(a) Rate.—The taxes authorized by section 5104 (relating to imposition of optional county sales and use tax) may be imposed only at a rate of 1%.

(b) Uniformity required.—The rate of a tax imposed under section 5104 shall be uniform.

§ 5106. Discounts.

There shall be no discount allowed for any taxes collected and reported under this chapter.

§ 5107. Tax computation.

The tax imposed by section 5104 (relating to imposition of optional county sales and use tax) shall be computed as follows:

- (1) If the purchase price is 50¢ or less, no tax shall be collected.
- (2) If the purchase price is 51¢ or more but less than \$1.51, 1¢ shall be collected.
- (3) If the purchase price is \$1.51 or more but less than \$2.51, 2¢ shall be collected.
- (4) If the purchase price is \$2.51 or more but less than \$3.51, 3¢ shall be collected.
- (5) If the purchase price is \$3.51 or more but less than \$4.51, 4¢ shall be collected.
- (6) If the purchase price is \$4.51 or more but less than \$5.51, 5¢ shall be collected.
- (7) If the purchase price is \$5.51 or more but less than \$6.51, 6¢ shall be collected.
- (8) If the purchase price is \$6.51 or more but less than \$7.51, 7¢ shall be collected.
- (9) If the purchase price is \$7.51, or more but less than \$8.51, 8¢ shall be collected.
- (10) If the purchase price is \$8.51 or more but less than \$9.51, 9¢ shall be collected.
- (11) If the purchase price is \$9.51 or more but less than \$10.01, 10¢ shall be collected.
- (12) If the purchase price is more than \$10, 1% of each \$10 purchase price plus the above bracket charges upon any fractional part of a \$10 increment shall be collected.

§ 5108. Situs for imposition of tax.

(a) Situs for retail sales.—For purposes of this chapter and except as otherwise provided in this subsection, a sale at retail shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-State destination or to a common carrier for delivery to an out-of-State destination or the United States mails for delivery to an out-of-State destination. In the event a retailer has more than one place of business in this Commonwealth which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which that employee works.

(b) Situs for vehicle, aircraft and motorcraft sales.—The sale at retail or use of a motor vehicle, trailer, semitrailer or mobile home, as defined in 75 Pa.C.S. (relating to vehicles), or of a motorboat, aircraft or other similar tangible personal property, required under either Federal or State laws to be registered or licensed, shall be deemed to have been completed or used at the address of the purchaser or user. The tax due shall be paid by the purchaser or user directly to the Department of Transportation at the time of making application for the issuance of a certificate of title or directly to the department if licensing by the Department of Transportation is not required or obtained.

(c) Situs for utility services.—The sale or use of steam, natural and manufactured gas, electricity, and intrastate telephone and telegraph service shall be deemed to occur in the county where the telephone number under which the service fur-

nished is located or in the county where the telegraph originated or in the county where the meter which registers the service is located, without regard to where the services are rendered.

§ 5109. Application of State law.

Except as otherwise provided in this chapter, the provisions of Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall apply to the taxes imposed by this chapter insofar as they are applicable to such taxes.

§ 5110. Licenses.

The license issued pursuant to Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, or a separate license may be issued by the department for the collection and reporting of the tax imposed under section 5104 (relating to imposition of optional county sales and use tax). The license or licenses shall be nonassignable and subject to renewal periodically at such times as may be required by the department in regulations but in no event more frequently than once within a five-year period. No fee shall be charged for either a license or any renewal. Failure of any person to obtain a license shall not relieve him of liability to pay the taxes imposed by this chapter.

§ 5111. Rules and regulations.

(a) Existing regulations.—The rules and regulations promulgated under section 270 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall be applicable to the tax imposed under section 5104 (relating to imposition of optional county sales and use tax) insofar as such rules and regulations are consistent with section 5104.

(b) Administration and enforcement.—The department shall administer and enforce the provisions of this chapter and is authorized to promulgate and enforce rules and regulations, not inconsistent with the provisions of this chapter, relating to any matter or thing pertaining to the administration and enforcement of the provisions of this chapter. The department may prescribe the extent to which any of such rules and regulations shall be applied without retroactive effect.

(c) Incorporation by reference.—Part VI of Article II of the Tax Reform Code of 1971 is incorporated by reference into this chapter insofar as applicable.

§ 5112. County/Municipal Revenue Sharing Fund.

There is hereby created a County/Municipal Revenue Sharing Fund. The State Treasurer shall be custodian of the fund, which shall be subject to the provisions of law applicable to funds listed in section 302 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code. Taxes imposed pursuant to this chapter shall be received by the department and paid to the State Treasurer and, along with interest and penalties, less any collection costs allowed under this chapter and any refunds and credits paid, shall be credited to the appropriate fund not less frequently than every two weeks. During any period prior to the credit of moneys to the fund, interest earned on moneys received by the department and paid to the State Treasurer pursuant to this act shall be deposited into the appropriate fund. Moneys credited to the fund shall be distributed as provided in section 5115 (relating to disbursement to counties and municipalities). All moneys in the fund, including, but not limited to, moneys credited to the fund pursuant to this section, prior year encumbrances and the interest earned thereon, shall not lapse or be transferred to any other fund, but shall remain in the County/Municipal Revenue Sharing Fund, and shall at all times be the property of the appropriate County/Municipal Revenue Sharing Fund, and must be used exclusively as provided in this chapter. Pending their disbursement to the appropriate county, moneys received on behalf of or deposited into the fund shall be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be credited to the County/Municipal Revenue Sharing Fund.

§ 5113. Collection of County/Municipal Revenue Sharing Fund taxes.

(a) General rule.—The department is charged with the administration, enforcement and collection of any tax imposed pursuant to section 5104 (relating to imposition of optional county sales and use tax) under the administration, enforcement and collection procedures and subject to the fines, forfeitures, penalties and interest charges as provided for under this chapter, and with respect to any other tax enacted under the authority of this chapter, under the administration, enforcement and collection procedures and subject to the fines, forfeitures, penalties and interest charges as shall be specified in the ordinance enacting such tax.

(b) Costs.—The department, to cover its costs of administration, shall be entitled to retain a sum equal to costs of collection and shall inform the appropriate county in writing monthly of the sum retained and the costs of collection reimbursed. To provide a timely forecast and assure consideration of the sum retained, the department shall estimate its costs of collection for the next succeeding fiscal year and provide the estimates, with all supporting details to the appropriate county.

§ 5114. Adoption of ordinance.

(a) Notice to municipalities.—Any county desiring to impose the tax authorized under section 5104 (relating to imposition of optional county sales and use tax) shall give at least 60 days' written notice to every municipality located in the county of its intent to impose the tax and may adopt an ordinance after the expiration of 60 days after the date of the notice. The ordinance shall state the tax rate and refer to this chapter. The county ordinance shall authorize the imposition of all taxes provided for in section 5104 (relating to imposition of optional county sales and use tax).

(b) Municipal resolutions.—No municipality shall be entitled to a disbursement under section 5115 (relating to disbursement to counties and municipalities) unless one of the following applies:

(1) Prior to enactment of the county ordinance, it adopts a resolution containing the statement:

We strongly urge the county to enact a county sales and use tax and intend to accept disbursements of the sales and use taxes collected.

Any municipality which does not enact a resolution in compliance with this paragraph shall not receive any distribution from funds collected during the first 36 months immediately following the initial date of imposition of the tax.

(2) Prior to October 1 of any year after the enactment of the county ordinance, it adopts a resolution containing the statement:

We support the enactment by the county of the county sales and use tax and strongly urge its continuation and intend to accept disbursements of the sales and use taxes collected.

A certified copy of the resolution shall be delivered to the county commissioners on or before the enactment of the county ordinance or October 15 of any year thereafter, as the case may be.

(c) Adoption ordinance.—A certified copy of the county ordinance shall be delivered to the Department of Community Affairs 120 days prior to the effective date thereof. The county ordinance shall become effective on the first day of January immediately following 120 days after the date of enactment of the county ordinance.

(d) Repeal ordinance.—A certified copy of a repeal ordinance shall be delivered to the Department of Community Affairs by July 1 of the year prior to the effective date of the repeal. The repeal of any such ordinance shall become effective on the January 1 following at least 90 days after the date of enactment of the repeal ordinance.

§ 5115. Disbursement to counties and municipalities.

(a) Disbursement to counties.—At least monthly, the State Treasurer shall disburse the total amount of moneys which are, as of the close of business of the previous month, contained in the County/Municipal Revenue Sharing Fund as a result of the tax imposed pursuant to section 5104 (relating to imposition of optional county sales and use tax) to the appropriate county. The State Treasurer shall make the initial disbursement pursuant to this subsection at the end of the third week of the month immediately following the effective date of the ordinance imposing the tax.

(b) Disbursement to municipalities.—No later than 30 days following receipt of the disbursement from the State Treasurer, a county shall disburse, in the following manner, a portion of the disbursement received from the State Treasurer under subsection (a) to municipalities which are qualified under section 5114 (relating to adoption of ordinance) and which:

(1) impose an earned income tax at a rate equal to or greater than one fourth of 1% under the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, and a real property tax; or

(2) impose a real property tax as expressed in total mills reported to the Department of Community Affairs equal to or greater than 75% of the allowable general purpose millage rate under the applicable municipal code.

For municipalities which have adopted a home rule charter or optional plan under the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law, the applicable code shall be the code under which the municipality was governed prior to adoption of the home rule charter or optional plan.

(c) Calculation of municipal disbursement.—The total disbursement to a municipality shall equal one-half of the disbursement received from the department under subsection (a), as calculated after the deduction of any amounts distributed to a regional asset district as provided by subsection (f), multiplied by a ratio equal to the weighted tax revenues of a municipality divided by the sum of the weighted tax revenues of all municipalities located in the county.

(d) Failure to meet requirements.—If a municipality fails to meet the requirements of this section and section 5114, then the proceeds to which it is otherwise eligible for disbursement shall be retained by the county and may be used by the county for appropriate county expenditures.

(e) Tax distribution listing.—The Department of Community Affairs shall distribute to each county a listing of the proportion of the tax distribution that each municipality is eligible to receive if it has complied with section 5114.

(f) Regional asset district.—

(1) It is hereby determined and declared as a matter of legislative finding:

(i) That the availability of regional civic, recreational and educational assets is vital to the economic growth and development of Pennsylvania and to the health, welfare, education and social development of the citizens of this Commonwealth.

(ii) That local governments lack the resources to adequately maintain, improve and modernize civic, recreational and educational assets and that the Commonwealth faces the imminent threat of serious deterioration or loss of these vital assets.

(iii) That civic, recreational and educational assets serve the residents of an entire region of this Commonwealth and not only the residents of the individual municipalities which finance, support and maintain these assets.

(iv) That new methods of areawide inter-governmental cooperation are essential to preserve and

improve this Commonwealth's civic, recreational and educational assets.

(v) That the creation of a partnership between the public and private sectors, educational and civic organizations is needed to enhance the financing, planning and management of this Commonwealth's civic, recreational and educational assets.

(vi) That supplemental sources of public and private revenue are required to preserve and improve this Commonwealth's civic, recreational and educational assets.

(2) In order to further the objectives set forth in the legislative findings contained in paragraph (1), counties and municipalities are hereby authorized to establish regional asset districts to provide for the financing, operation, management, assistance or promotion of regional assets.

(3) Regional asset districts shall be established as municipal authorities pursuant to intergovernmental cooperation agreements which provide for the governance and management of the districts. The intergovernmental cooperation agreements shall be executed by counties and other municipalities in the counties which represent not less than 20% of the total population of the counties. The agreements shall designate regional assets to be supported by the districts, may provide for the transfer of personnel and property to the districts and shall set forth the manner in which districts shall assist in the financing, operation, management, planning, assistance and promotion of such assets. The adoption of an intergovernmental cooperation agreement, notification shall be immediately provided to the department and the portion of funds designated for a regional asset district shall be held in a restricted account and may not be used for any other purpose.

(4) Prior to distributing the total disbursement received from the State Treasurer under subsection (a) to municipalities, a county may designate an amount not to exceed 20% of the total disbursement for use by and transfer to a regional asset district. The remaining funds shall thereafter be distributed as otherwise provided by this section.

(5) Regional assets shall constitute civic facilities, recreational facilities, parks, libraries and educational facilities. In order to be designated as regional assets, the facilities must satisfy at least three of the following requirements:

(i) The facilities must receive substantial financial support from the county or other municipalities.

(ii) The facilities must provide services or benefits to a significant number of persons who are not residents of the county or other municipalities which provide financial support for the assets.

(iii) The facilities must generate substantial annual revenues from user fees or donations collected directly from users of the facilities.

(iv) The facilities must receive a significant level of private or philanthropic support.

(6) A regional asset district and its sponsoring county may pledge all or any part of the revenues to be received by the district in connection with the issuance of bonds or incurring of obligations to secure payment of the bonds and obligations. The Commonwealth, with the signature of the Governor and the State Treasurer, may also pledge such revenues in support of or in connection with the issuance of bonds or the incurring of obligations by the district in order to further secure payment of the bonds and obligations.

(7) Any counties which have not established regional asset districts may elect, prior to distributing the total disbursement received from the State Treasurer under subsection (a) to municipalities, to distribute a portion of the total disbursement received from the State Treasurer to a district created by one or more contiguous counties. Any such coun-

ties shall become members of the district upon the amendment of the intergovernmental cooperation agreement and, as necessary, the bylaws and regulations of the district. The funds remaining after the distribution of a portion of the disbursement to the district shall be distributed as otherwise provided by this section. Upon the election of other counties to join a regional asset district, the district may provide for the financing, operation, management, assistance or promotion of any other regional assets, including, but not limited to, civic facilities, recreational facilities, parks, libraries, and educational facilities which benefit all of the residents of the multicounty region which includes counties which are members of the district.

§ 5116. Exclusion from certain rate limitations.

Notwithstanding any other provision of law, the imposition of the tax authorized by section 5104 (relating to imposition of optional county sales and use tax) shall not cause a reduction in the rate of tax imposed pursuant to section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

§ 5117. Tax reduction.

(a) First fiscal year.—Counties and municipalities that receive proceeds from the tax imposed under section 5104 (relating to imposition of optional county sales and use tax) shall, prior to the first full fiscal year in which proceeds are to be received, reduce the existing municipal tax or taxes in an amount at least equivalent to 50% of their proceeds.

(b) Second and subsequent fiscal years.—For the second, third and fourth fiscal years beginning after the receipt of proceeds from the tax imposed under section 5104, the county and municipalities receiving disbursements pursuant to section 5115 (relating to disbursement to counties and municipalities) shall not increase aggregate tax revenues over the aggregate tax revenues for the fiscal year beginning during the preceding calendar year in an amount greater than:

(1) The average percentage of the annual increase in aggregate tax revenues collected over the immediately preceding five fiscal years.

(2) The average annual percentage increase in the Consumer Price Index for All Urban Consumers, United States City Average, All Items, for the 24-month period immediately preceding the start of that fiscal year, for which statistics are available, and as determined by the Department of Community Affairs.

(c) Exception.—The limitations contained in this section shall not apply to the following taxes:

(1) Taxes levied for emergency services utilized during an emergency declared to be a disaster by the Governor.

(2) Taxes levied under section 401 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act.

(3) Taxes levied to pay interest and principal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, or any prior or subsequent act governing the incurring of indebtedness.

(4) Taxes levied by any municipality which is declared to be a distressed municipality under the provisions of the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act.

§ 5118. Maximum amusement tax base on tickets for theaters of performing arts.

The tax base upon which an amusement tax may be levied on admission to a theater for the performing arts under the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, shall not exceed 40% of the cost of admission to the theater, if the Pennsylvania Liquor Control Board may issue a license to the theater operators under section

408.6(a.1) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14).

Section 2. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 3. Repeals.

All acts or parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. Effective date.

This act shall take effect as follows:

(1) The addition of 16 Pa.C.S. § 5118 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, amendment 4359 essentially establishes an optional 1-percent sales tax for the other 66 counties in the Commonwealth of Pennsylvania. I remind you that there is one county that already has that option. They have exercised that option. That county is the county of Philadelphia, the city of Philadelphia. They already have this 1 percent, and that 1 percent is helping them. They are still in the process of climbing out of financial disaster.

Some of our other cities are still in financial crisis. This amendment provides them the tools and the money to help to climb out of that financial crisis.

The amendment essentially allows the county commissioners to, by resolution, pass a 1-percent sales tax added on to the 6 percent that we currently have, on the same tax base, on the same items. I would remind you that those items do not include food, clothing, medicine, many paper products, many of the things that our senior citizens and people on fixed incomes have to purchase. Those items are exempt from Pennsylvania sales tax. They would be exempt from this 1 percent as well.

The proceeds of the sales tax after being collected by the State, the State would not take any of the revenue except a very small cost of the cost of collecting and distributing the money. It would remand the entire amount back to the county and to the municipalities. The county would then have to send half of their share to the municipalities based upon the tax-revenue-sharing proposals that we had in the 1989 tax reform legislation. That formula is very similar to Richard Nixon's famous tax reform legislation. It is a good formula. The formula helps municipalities that are in the most trouble. The formula helps those municipalities that have the lowest incomes and need the assistance.

There is also a provision in this legislation, in this amendment, that would allow the counties to set up a regional asset district under the Municipality Authorities Act. They could take up to a maximum of 20 percent of the proceeds of this 1

percent and apply it to a regional asset district. Then certain regional assets, like parks, like zoos, perhaps stadiums, maybe libraries—it is going to be up to the county and the people there—could be paid for by that regional asset district and be pulled out of the county and the city budget. In Allegheny County and in the city of Pittsburgh, this means that our zoo, that our conservatory, that our aviary all would be funded in large part by the proceeds of this regional asset district. It would also mean that certain parks that are deteriorating - Frick Park, Schenley Park - could in essence be handled by this revenue and taken off the obligation and the burden from the city and the county.

There is one very important point to remember about this tax. This tax is no observer of boundary lines in the sense that those people that come to your county, if you have a rural county, and next week you are going to get 10,000, 20,000, 50,000 visitors, those 50,000 visitors would be spending money in your county, whether they are buying shotgun shells, whether they are buying equipment for hunting. Those sales taxes would be part of your revenue for your county, and they would help you pay for the costs incurred by having an influx of 50,000 people during hunting season or having an influx of 20,000 and 30,000 people during fishing season. I think it is very important for you to remember that this can help your county and your municipalities.

In Allegheny County, that nonresident portion of the proceeds is a full 25 percent or more, and when you consider that at the same time we are requiring that half of the money that goes to counties and cities is being used for tax relief, and the counties and cities also use mainly the property tax, this is a very important property-tax-reduction vehicle. It is a very important revenue-sharing vehicle.

I ask the members of the House and urge them only to add that one penny more and give your counties and your municipalities the ability to get some additional revenues and, at the same time, lower their property taxes. I urge adoption of the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, in all due respect to my esteemed colleague, the gentleman who just spoke—and I do have great respect for him—I rise in opposition to this particular amendment.

Asking the members to vote for a tax increase is something that is not easy to do, and I give Representative Michlovic a lot of credit in getting up and doing just that, and I also know that we definitely need some form of tax reform in this State.

The most onerous tax that I think any of us ever hear from our constituents about is in fact the property tax, and certainly we need to do things to reduce that property tax. However, in my opinion, the best tax is the tax that most reflects and is mostly a barometer of what people can really afford to pay. The best tax and the fairest tax is the tax that in fact reflects a person's ability to pay; unfortunately, the sales tax does not meet that criteria.

If we were proposing today some sort of tax reform whereby we would have some kind of an increase in the

income tax, as we did several years ago, I think it would be much fairer. However, the way the current legislation is proposed, we are asking folks that are not going to make any more money in many cases to pay more tax.

For that reason, Mr. Speaker, I rise in opposition to this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, like my distinguished colleague, Mr. Markosek, I have to respectfully disagree with Mr. Michlovic's proposal, and I would just like to do so for the following reasons.

I represent many constituents upon whom this sales tax would very heavily impact. While Mr. Markosek often hears about the onerous nature of the property tax, I often hear about the onerous nature of the sales tax.

As a former city councilman in the city of Pittsburgh, I can appreciate the need for local governments to find a way to finance their operations, to finance capital projects, and as a former city councilman, I have voted, when necessary, for tax increases, and all of us who did the right thing and the responsible thing in voting for taxes in our last budget know how difficult that task is.

My quarrel is not with whether or not this tax is necessary; my quarrel is with whether or not my constituents and constituents of yours who already pay the sales tax need to be burdened at this point with another 1 percent.

Mr. Speaker, there are many items that are excluded from our present sales tax, but those are not the items that we are talking about today. We are talking about the many items that are included and the people who have to pay tax on those items. It is on behalf of those constituents, those people, that I rise in opposition to the Michlovic amendment.

When I first came to this legislature, tax reform was high on the agenda, and I supported tax reform. Unfortunately, the voters of Pennsylvania rejected our wisdom, and we do not have tax reform. I believe that Mr. Michlovic's proposal should be seen in the context of tax reform and should be considered in our next session when, hopefully, we will form a tax review commission to look at the overall tax structure in the Commonwealth of Pennsylvania.

I have supported legislation to create such a commission, and I would encourage the leadership of this House for the next session to put in place such a commission that would look at the overall tax structure in this Commonwealth and once again address tax reform.

I am also concerned that if we increase taxes by way of this optional county sales tax, that we more clearly define the beneficiaries. Who are the people to benefit? In the city of Pittsburgh, in my city, my mayor has already indicated that next year's budget will not, will not contain any increase in taxes. If Mr. Michlovic is right, then the city of Pittsburgh does not need to use the optional county sales tax.

I certainly appreciate the concern to help our urban areas, because I represent a district that is in an urban area. All of my district is in the city of Pittsburgh, and many of you represent urban areas that have constituents much like mine who

will be negatively impacted if this county optional sales tax is passed.

Lastly, I am concerned that the timing of this proposal is such that many of you who seriously want tax reform, who seriously would consider allowing our counties and municipalities a greater opportunity to handle their own financial burden, will feel that you cannot and will not and must not support this option.

I would respectfully request that Mr. Michlovic withdraw this amendment and give this House an opportunity to consider his concept within the parameters of total tax reform in the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I rise in favor of the Michlovic amendment. I would like to remind the House that there is no such thing as a good tax; all taxes are bad, and if we operated on that premise, we would pass no taxes whatsoever. Nevertheless, there are counties and municipalities within those counties that are screaming for help. The county of Erie - the only major tax that it has is a real estate tax. They have no income tax. They have nothing else. This particular amendment would give them the option, if they want to adopt it, to have a sales tax and then be compelled to lower real estate taxes, which are very aggressive and regressive.

Mr. Speaker, those of us who are waiting for tax reform can wait and wait and wait, because it is not going to happen. We have an opportunity. We have an opportunity to put the onus on the commissioners or the county executives. No one says they have to adopt this measure, but if they do adopt it, they must comply by lowering the real estate tax.

Now, the city of Erie, which is the largest third-class city in the Commonwealth of Pennsylvania, city council would have the onus, by resolution, to tell the county that they want this 1-percent sales tax. It is about time we put the emphasis on local government again and let them decide if they want the tax or not.

I am 100 percent in favor of the Michlovic amendment, and I would like the House to support it.

The SPEAKER. The Chair recognizes Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I strongly oppose the Michlovic amendment.

You know, we heard about local governments; we heard about counties. We certainly have not heard about the taxpayers out there. When we are talking about revitalizing the economy in Pennsylvania and all over this country, it certainly is not the time to be taking more money out of their pockets. We hear about property tax reform. There is nothing in here that caps property tax reform or cuts the property tax or caps it.

You know, one of the hardest taxes as far as senior citizens, if we keep talking about taxes, is the school tax. This does not even address our school district taxes.

Mr. Speaker, if we are going to try to revitalize the economy, then it is time we defeat amendments like this that

take more money out of the economy. We talk about the municipalities and counties needing help. They need a vehicle, a tool. Well, they do have a tool, Mr. Speaker. They have a tool that was passed in 1972 called Act 62, which is the Home Rule Charter Law, which gives them the power to raise the taxes that they so desire without coming to Harrisburg. But, Mr. Speaker, they cannot sell that to their constituency out there.

Let us make government more efficient. We have to cut government, and this is not the way and not the time to be passing this type of amendment to take more money out of their pockets.

I ask for the defeat of the Michlovic amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this. Contrary to what the previous speaker said, this legislation will give municipalities and counties the opportunity to reduce property taxes. Not only will it give them the opportunity to reduce property taxes, it will mandate that they reduce property taxes. So if you are truly listening to the senior citizens in your communities who now face serious concerns with paying their property tax, this gives the opportunity for real relief. And not only to your taxpayers, it gives the opportunity for relief to the business community in your district that owns property also, and it does that with a tax that I believe is not regressive but is fair.

The Pennsylvania sales tax has numerous exclusions - food, clothing, medicines, a lot of other exclusions. Those exclusions mean that compared to residents of Ohio or New Jersey, that the residents of Pennsylvania are probably paying about the equivalent of a 3-percent sales tax here. That is why this tax is not regressive.

A prior speaker indicated that he would support a tax that is more progressive, such as a wage tax. Well, let me tell you that if we offered today an increased wage tax, I am sure that individual would not support it, because they understand that a wage tax is a bad tax at this time. A sales tax in Pennsylvania very much reflects discretionary spending, and it is for that reason that I believe it is very progressive.

The final point has to do with municipalities in this Commonwealth. One of the reasons Pennsylvania has been traditionally a very successful State is because of our cities, because of the Eries and Scrantons and Altoonas and Pittsburghs and Philadelphias. Those cities have been the centers of commerce and culture and recreation, and in many cases, the centers for health and research, and many of those uses that have made Pennsylvania a great State are tax exempt. They do not pay any property tax. It is estimated that as high as 30 to 40 percent of some of our municipalities in Pennsylvania are tax exempt. They bear the burden for the whole region in which they are located to provide those services.

This tax gives us, for the first time, an opportunity to move to a regional concept of sharing both the wealth and the cost,

and if for no other reason, I think that is the single most important reason to vote for this legislation, that without regional support, regional funds, the very essence of what creates great cities - the culture, the commerce, the health care - are in jeopardy, because cities can no longer afford to give away the land without any taxes.

I urge you to vote for this. It is my belief that this is the single most important vote you will make on behalf of municipalities and counties in this State over the last 10 years. It is critical to the survival of this State's municipalities and ultimately of this State that we provide tax relief to municipalities. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—57

Acosta	Harper	McNally	Stetler
Belardi	Hayden	Maiale	Sturla
Belfanti	Heckler	Melio	Taylor, J.
Bishop	Hughes	Michlovic	Thomas
Butkovitz	Itkin	Murphy	Tigue
Caltagirone	Jarolin	O'Brien	Trich
Cappabianca	Josephs	Oliver	Van Horne
Carn	Kenney	Perzel	Veon
Cole	Kosinski	Pistella	Williams
Cowell	Kruszewski	Richardson	Wogan
DeWeese	Kukovich	Rieger	Wright, D. R.
Evans	Lescovitz	Roebuck	
Foster	Linton	Scrimenti	O'Donnell,
Freeman	Lloyd	Staback	Speaker
Hanna	McGeehan	Steelman	

NAYS—137

Adolph	Dent	King	Reinard
Allen	Dermoddy	Krebs	Ritter
Anderson	Donatucci	LaGrotta	Robinson
Angstadt	Durham	Langtry	Rudy
Argall	Fairchild	Laughlin	Ryan
Armstrong	Fajt	Lawless	Saloom
Arnold	Fargo	Lee	Saurman
Barley	Farmer	Leh	Scheetz
Battisto	Fee	Levdansky	Schuler
Birmelin	Fleagle	Lucyk	Semmel
Black	Flick	McCall	Serafini
Blaum	Gallen	McHale	Smith, B.
Bowley	Gamble	Markosek	Smith, S. H.
Boyes	Gannon	Marsico	Snyder, D. W.
Broujos	Geist	Mayernik	Snyder, G.
Brown	George	Merry	Stairs
Bunt	Gerlach	Micozzie	Steighner
Bush	Gigliotti	Mihalich	Strish
Carlson	Gladeck	Mundy	Strittmatter
Carone	Godshall	Nahill	Stuban
Cawley	Gruitza	Nailor	Surra
Cessar	Gruppo	Nickol	Tangretti
Chadwick	Hagarty	Noye	Taylor, E. Z.
Civera	Haluska	Nyce	Telek
Clark	Harley	Olasz	Tomlinson
Clymer	Hasay	Pesci	Trello
Cohen	Hayes	Petrarca	Tulli
Colafella	Herman	Petrone	Uliana
Colaizzo	Hershey	Phillips	Vance
Cornell	Hess	Piccola	Vroon
Coy	Jadlowiec	Pitts	Wambach
DeLuca	James	Preston	Wilson
Daley	Johnson	Raymond	Wozniak
Davies	Kaiser	Reber	Wright, M. N.
Dempsey			

NOT VOTING—3

Freind McHugh Taylor, F.

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

The question was determined in the affirmative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GAMBLE offered the following amendments No. A3284:

Amend Title, page 1, line 2, by striking out "other than counties"

Amend Table of Contents, page 1, by inserting after line 17 Section 209. Court review of transitional plan.

Amend Sec. 101, page 2, line 9, by striking out "Uniform"

Amend Sec. 102, page 3, by inserting between lines 2 and 3 "Contiguous territory." A territory of which a portion abuts the boundary of another municipality, including territory separated from the exact boundary of another municipality by a street, road, railroad or highway, or by a river or other natural or artificial stream of water.

Amend Sec. 201, page 4, line 14, by removing the period after "counties"

Amend Sec. 201, page 4, line 17, by inserting after "municipality," , if each of the municipalities is contiguous to at least one of the other consolidating or merging municipalities, and if together such municipalities would form a consolidated or merged municipality.

Amend Sec. 202, page 6, by inserting between lines 14 and 15

(6) In the case of a merger, where the surviving municipality is a city which had previously adopted an optional charter pursuant to the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law, whether the resulting merged municipality will continue to operate under the optional charter.

Amend Sec. 202, page 6, line 15, by striking out "(6)" and inserting

(7)

Amend Sec. 202, page 6, line 30, by striking out "(7)" and inserting

(8)

Amend Sec. 202, page 7, line 2, by striking out "(8)" and inserting

(9)

Amend Sec. 202, page 7, line 12, by striking out "(9)" and inserting

(10)

Amend Sec. 203, page 9, by inserting between lines 3 and 4

(6) In the case of a merger, where the surviving municipality is a city which had previously adopted an optional charter pursuant to the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law, whether the resulting merged municipality will continue to operate under the optional charter.

Amend Sec. 203, page 9, line 4, by striking out "(6)" and inserting

(7)

Amend Sec. 204, page 9, line 22, by inserting after "merger" as set forth in the joint agreement or initiative petition

Amend Sec. 204, page 10, lines 7 through 19, by striking out all of said lines and inserting

(b) Approval.—Consolidation or merger shall not be effective unless the referendum question is approved by a majority of the electors voting in each of the municipalities in which the referendum is held. If in any one of the municipalities in which the referendum is held a majority in favor of consolidation or merger does not result, the referendum shall fail and consolidation or merger shall not take place. The same question described in the consolidation or merger proposal shall not be voted on again for a period of five years.

(c) Subsequent referenda.—The five-year moratorium on voting the same consolidation or merger question as provided in subsection (b) shall be deemed not to apply to any subsequent referendum question involving a consolidation or merger of any combination of two or more contiguous municipalities if the referendum question differs or is dissimilar in any way from a previous referendum question which was not approved as provided for in subsection (b).

Amend Sec. 205, page 10, line 26, by inserting after "shall" within a reasonable time thereafter

Amend Bill, page 14, by inserting between lines 26 and 27 Section 209. Court review of transitional plan.

After the approval of a referendum pursuant to section 204, any person who is a resident of a municipality to be consolidated or merged may petition the court of common pleas to order the appropriate municipal governing bodies to:

(1) implement the terms of a transitional plan and schedule adopted pursuant to section 202 or 205; or

(2) adopt or amend a transitional plan or schedule, if the court finds that the failure to do so will result in the unreasonable perpetuation of the separate forms and classifications of government existing in the affected municipalities prior to the approval of the referendum.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, this amendment was recommended by the Local Government Commission. It reinstates the requirement that municipalities must be contiguous to one another to effectuate a consolidation or merger. It removes the word "uniform" from the title of the proposed law since SB 792 does not apply to the cities of Pittsburgh and Philadelphia. There are four or five similar changes, and we ask your support of the amendment.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I rise to strongly support the Gamble amendment and urge members on both sides of the aisle to support it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

Acosta	Fairchild	Lawless	Ryan
Adolph	Fajt	Lee	Saloom
Allen	Fargo	Leh	Saurman
Angstadt	Farmer	Lescovitz	Scheetz
Argall	Fee	Levdansky	Schuler
Armstrong	Fleagle	Linton	Scrimenti
Arnold	Flick	Lloyd	Semmel
Barley	Foster	Lucyk	Serafini
Battisto	Freeman	McCall	Smith, B.
Belardi	Gallen	McGeehan	Smith, S. H.
Belfanti	Gamble	McHale	Snyder, D. W.

Birmelin	Gannon	McHugh	Snyder, G.
Bishop	Geist	McNally	Staback
Black	George	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Bowley	Gigliotti	Marsico	Steighner
Boyes	Gladeck	Mayernik	Stetler
Broujos	Godshall	Melio	Stish
Brown	Gruitza	Merry	Strittmatter
Bunt	Gruppo	Michlovic	Stuban
Bush	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Nailor	Taylor, E. Z.
Carn	Harper	Nickol	Taylor, F.
Carone	Hasay	Noye	Taylor, J.
Cawley	Hayden	Nyce	Telek
Cessar	Hayes	O'Brien	Thomas
Chadwick	Heckler	Olasz	Tigue
Civera	Herman	Oliver	Tomlinson
Clark	Hershey	Perzel	Trello
Clymer	Hess	Pesci	Trich
Cohen	Hughes	Petrarca	Tulli
Colafella	Itkin	Petrone	Uliana
Colaizzo	Jadlowiec	Phillips	Van Horne
Cole	James	Piccola	Vance
Cornell	Jarolin	Pistella	Veon
Cowell	Johnson	Pitts	Vroon
Coy	Josephs	Preston	Wambach
DeLuca	Kaiser	Raymond	Williams
DeWeese	Kenney	Reber	Wilson
Daley	King	Reinard	Wogan
Davies	Kosinski	Richardson	Wozniak
Dempsey	Krebs	Rieger	Wright, D. R.
Dent	Kruszewski	Ritter	Wright, M. N.
Dermody	Kukovich	Robinson	
Donatucci	LaGrotta	Roebuck	O'Donnell,
Durham	Langtry	Rudy	Speaker
Evans	Laughlin		

NAYS—3

Anderson	Murphy	Nahill
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NOT VOTING—2

Butkovitz	Freind
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EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. FOSTER offered the following amendments No. A3310:

Amend Sec. 205, page 10, lines 23 and 24, by striking out "otherwise than by joint agreement of municipal governing bodies under section 202," and inserting

by petition of electors under section 203,

Amend Sec. 207, page 14, line 3, by striking out "FINANCIALLY DISTRESSED MUNICIPALITIES" and inserting Municipalities Financial Recovery

Amend Sec. 301, page 16, lines 9 and 10, by striking out "and as much of section 421 as reads as follows: "under provisions of this chapter""

Amend Sec. 301, page 16, lines 11 and 12, by striking out "Financially Distressed Municipalities" and inserting Municipalities Financial Recovery

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

The SPEAKER. On that question, the Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

This amendment is purely technical in nature, correcting the name of the act, and it is an agreed-to amendment. I ask for your support.

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

The following roll call was recorded:

YEAS—195

Acosta	Evans	Lawless	Rudy
Adolph	Fairchild	Lee	Ryan
Allen	Fajt	Leh	Saloom
Anderson	Fargo	Lescovitz	Saurman
Angstadt	Farmer	Levdansky	Scheetz
Argall	Fee	Linton	Schuler
Armstrong	Fleagle	Lloyd	Scrimenti
Arnold	Flick	Lucyk	Semmel
Barley	Foster	McCall	Serafini
Battisto	Freeman	McGeehan	Smith, B.
Belardi	Gallen	McHale	Smith, S. H.
Belfanti	Gamble	McHugh	Snyder, D. W.
Birmelin	Gannon	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carn	Hasay	Nickol	Taylor, J.
Carone	Hayden	Noye	Telek
Cawley	Hayes	Nyce	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Cohen	Jadlowiec	Petrarca	Uliana
Colafella	James	Petrone	Van Horne
Colaizzo	Jarolin	Phillips	Vance
Cole	Johnson	Piccola	Veon
Cornell	Josephs	Pistella	Vroon
Cowell	Kaiser	Pitts	Wambach
Coy	Kenney	Preston	Williams
DeLuca	King	Raymond	Wilson
DeWeese	Kosinski	Reber	Wogan
Daley	Krebs	Reinard	Wozniak
Davies	Kruszewski	Richardson	Wright, D. R.
Dempsey	Kukovich	Rieger	Wright, M. N.
Dent	LaGrotta	Ritter	
Dermody	Langtry	Robinson	O'Donnell,
Donatucci	Laughlin	Roebuck	Speaker
Durham			

NAYS—0

NOT VOTING—2

Freind	Itkin
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EXCUSED—4

Billow Corrigan Kasunic Mrkonic
 The question was determined in the affirmative, and the amendments were agreed to.

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

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.

YEAS—196

Acosta	Evans	Lawless	Rudy
Adolph	Fairchild	Lee	Ryan
Allen	Fajt	Leh	Saloom
Anderson	Fargo	Lescovitz	Saurman
Angstadt	Farmer	Levdansky	Scheetz
Argall	Fee	Linton	Schuler
Armstrong	Fleagle	Lloyd	Scrimenti
Arnold	Flick	Lucyk	Semmel
Barley	Foster	McCall	Serafini
Battisto	Freeman	McGeehan	Smith, B.
Belardi	Gallen	McHale	Smith, S. H.
Belfanti	Gamble	McHugh	Snyder, D. W.
Birmelin	Gannon	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carn	Hasay	Nickol	Taylor, J.
Carone	Hayden	Noye	Telek
Cawley	Hayes	Nyce	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Cohen	Itkin	Petrarca	Uliana
Colaella	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Durham	Laughlin		

NAYS—0

NOT VOTING—1

Freind

EXCUSED—4

Billow Corrigan Kasunic Mrkonic
 The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.
 Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

CONSIDERATION OF SB 1405 CONTINUED

On the question recurring,
 Shall the bill pass finally?
 The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—196

Acosta	Evans	Lawless	Rudy
Adolph	Fairchild	Lee	Ryan
Allen	Fajt	Leh	Saloom
Anderson	Fargo	Lescovitz	Saurman
Angstadt	Farmer	Levdansky	Scheetz
Argall	Fee	Linton	Schuler
Armstrong	Fleagle	Lloyd	Scrimenti
Arnold	Flick	Lucyk	Semmel
Barley	Foster	McCall	Serafini
Battisto	Freeman	McGeehan	Smith, B.
Belardi	Gallen	McHale	Smith, S. H.
Belfanti	Gamble	McHugh	Snyder, D. W.
Birmelin	Gannon	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carn	Hasay	Nickol	Taylor, J.
Carone	Hayden	Noye	Telek
Cawley	Hayes	Nyce	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Cohen	Itkin	Petrarca	Uliana
Colaella	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	

Dermody Donatucci Durham	LaGrotta Langtry Laughlin	Robinson Roebuck	O'Donnell, Speaker
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NAYS—0

NOT VOTING—1

Freind

EXCUSED—4

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

CONSIDERATION OF SB 962 CONTINUED

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that SB 962 was agreed to for the third time.

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

Mr. CESSAR offered the following amendment No. A4413:

Amend Sec. 5, page 2, lines 23 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages and inserting allocated as follows: A minimum of 85% or such higher amount as may be determined by the county of the additional revenue shall be set aside in a separate account to be used to fund affordable housing efforts in the county. Fifteen percent of the amount allocated under this paragraph may be used by the county for the administrative costs associated with the affordable housing efforts.

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

The SPEAKER. On that question, the Chair recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

All we are doing is changing the percentages of the money that is allocated. What we are doing is saying that 85 percent of the money shall be used for the program, 15 percent to be used for the costs.

I think this is an agreed-to amendment, Mr. Speaker, and I urge everyone on this side and the other side of the aisle to vote for it.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. I wonder if the maker of the amendment would stand for a brief interrogation.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. HECKLER. Mr. Speaker, is it correct that the intent of your amendment is that at least 85 percent of the funds generated by the fee increase called for in this bill would be used for the affordable housing purposes described in the bill, and that the only other purpose for which funds would then be used would be the administrative costs associated with the affordable housing effort?

Mr. CESSAR. Mr. Speaker, you are absolutely correct.

Mr. HECKLER. Thank you, Mr. Speaker. I have nothing else.

The SPEAKER. The Chair recognizes Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I believe that the gentleman, Mr. Cessar, has an excellent idea. I would encourage all members to vote for the Cessar amendment.

The SPEAKER. The Chair recognizes Mr. Armstrong.

Mr. ARMSTRONG. I would like to interrogate the maker of the amendment, please.

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

Mr. ARMSTRONG. Mr. Speaker, could you explain the difference between the 60/40 percent and the 85/15 percent, because it is my understanding that out of the 60 percent of the original intent of the bill, 15 percent of that take would go for the administrative costs of the recorder of deeds. Am I correct in saying so?

Mr. CESSAR. You are absolutely correct, Mr. Speaker.

The 40 percent that would have been left in the amount of money would have been given to the county commissioners to do as they wish, and we eliminated that money. So 85 percent of the money now will be used strictly for the program.

Mr. ARMSTRONG. All right. Thank you for that time.

I have a point, please. I want to speak on the amendment, please.

The SPEAKER. The gentleman is in order.

Mr. ARMSTRONG. Thank you for your moment of consideration, Mr. Speaker, and I would also ask for all the members to support this amendment at this point. Thank you.

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

The following roll call was recorded:

YEAS—180

Acosta	Evans	Langtry	Roebuck
Adolph	Fairchild	Laughlin	Rudy
Anderson	Fajt	Lawless	Saloom
Angstadt	Fargo	Lee	Saurman
Armstrong	Farmer	Leh	Scheetz
Arnold	Fee	Lescovitz	Schuler
Barley	Fleagle	Levdansky	Semmel
Battisto	Flick	Linton	Serafini
Belardi	Foster	Lucyk	Smith, S. H.
Belfanti	Freeman	McCall	Snyder, D. W.
Birmelin	Gallen	McGeehan	Snyder, G.
Bishop	Gamble	McHale	Staback
Black	Gannon	McHugh	Stairs
Blaum	Geist	McNally	Stelman
Boyes	George	Maiale	Steighner
Broujos	Gerlach	Markosek	Stetler
Brown	Gigliotti	Marsico	Stish
Bunt	Gladeck	Mayernik	Strittmatter
Bush	Godshall	Melio	Stuban

Butkovitz	Gruitza	Merry	Sturla
Caltagirone	Gruppo	Michlovic	Tangretti
Cappabianca	Hagarty	Micozzie	Taylor, E. Z.
Carlson	Haluska	Mihalich	Taylor, F.
Carn	Hanna	Mundy	Taylor, J.
Carone	Harley	Murphy	Telek
Cawley	Harper	Nailor	Thomas
Cessar	Hasay	Nyce	Tigue
Chadwick	Hayden	O'Brien	Tomlinson
Civera	Heckler	Olasz	Trello
Clymer	Herman	Oliver	Trich
Cohen	Hershey	Perzel	Tulli
Colafrella	Hughes	Petrarca	Uliana
Colaizzo	Itkin	Petrone	Van Horne
Cole	Jadlowiec	Phillips	Veon
Cornell	James	Piccola	Vroon
Cowell	Jarolin	Pistella	Wambach
Coy	Johnson	Pitts	Williams
DeLuca	Josephs	Preston	Wilson
DeWeese	Kaiser	Raymond	Wogan
Daley	Kenney	Reber	Wozniak
Davies	King	Reinard	Wright, D. R.
Dempsey	Kosinski	Richardson	Wright, M. N.
Dent	Krebs	Rieger	
Dermody	Kruszewski	Ritter	O'Donnell,
Donatucci	Kukovich	Robinson	Speaker
Durham	LaGrotta		

NAYS—15

Allen	Hayes	Noye	Smith, B.
Argall	Hess	Pesci	Surra
Bowley	Lloyd	Ryan	Vance
Clark	Nickol	Scrimenti	

NOT VOTING—2

Freind	Nahill
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EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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?

The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I urge the members who voted in opposition to this bill this morning to do the same thing once again. The bill is no better than it was before, and I would urge that we cast negative votes and bring this matter up at a time when it can be thoroughly considered.

The SPEAKER. The Chair recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

Since Peck is retiring, I would just like to take this opportunity to completely disagree with you, Peck. I think this is good legislation. It should be passed. It is something that we need, and I urge everybody to support this bill. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—101

Acosta	Evans	McHale	Snyder, D. W.
Arnold	Fajt	McHugh	Staback
Battisto	Freeman	McNally	Steelman
Belardi	Gamble	Maiale	Steighner
Bishop	Gigliotti	Markosek	Stetler
Blaum	Gruitza	Mayernik	Stish
Broujos	Haluska	Melio	Sturla
Bunt	Hanna	Michlovic	Tangretti
Butkovitz	Harper	Mihalich	Taylor, J.
Caltagirone	Hayden	Mundy	Thomas
Cappabianca	Heckler	Murphy	Tigue
Carn	Hughes	O'Brien	Tomlinson
Carone	Itkin	Olasz	Trello
Cessar	James	Oliver	Trich
Civera	Jarolin	Petrarca	Van Horne
Cohen	Josephs	Petrone	Veon
Colafrella	Kaiser	Pistella	Wambach
Colaizzo	Kenney	Preston	Williams
Cole	Kosinski	Reinard	Wilson
Cornell	Krebs	Richardson	Wogan
Cowell	Kruszewski	Rieger	Wozniak
Coy	Kukovich	Ritter	Wright, M. N.
DeLuca	Levdansky	Robinson	
DeWeese	Linton	Roebuck	O'Donnell,
Dermody	Lloyd	Rudy	Speaker
Donatucci	McGeehan	Scrimenti	

NAYS—95

Adolph	Fairchild	King	Reber
Allen	Fargo	LaGrotta	Ryan
Anderson	Farmer	Langtry	Saloom
Angstadt	Fee	Laughlin	Saurman
Argall	Fleagle	Lawless	Scheetz
Armstrong	Flick	Lee	Schuler
Barley	Foster	Leh	Semmel
Belfanti	Gallen	Lescovitz	Serafini
Birmelin	Gannon	Lucyk	Smith, B.
Black	Geist	McCall	Smith, S. H.
Bowley	George	Marsico	Snyder, G.
Boyes	Gerlach	Merry	Stairs
Brown	Gladeck	Micozzie	Strittmatter
Bush	Godshall	Nahill	Stuban
Carlson	Gruppo	Nailor	Surra
Cawley	Hagarty	Nickol	Taylor, E. Z.
Chadwick	Harley	Noye	Taylor, F.
Clark	Hasay	Nyce	Telek
Clymer	Hayes	Perzel	Tulli
Daley	Herman	Pesci	Uliana
Davies	Hershey	Phillips	Vance
Dempsey	Hess	Piccola	Vroon
Dent	Jadlowiec	Pitts	Wright, D. R.
Durham	Johnson	Raymond	

NOT VOTING—1

Freind

EXCUSED—4

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that the House rules be suspended to permit immediate consideration of HR 423 and HR 424.

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

The following roll call was recorded:

YEAS—195

Acosta	Evans	Lawless	Rudy
Adolph	Fairchild	Lee	Ryan
Allen	Fajt	Leh	Saloom
Anderson	Fargo	Lescovitz	Saurman
Angstadt	Farmer	Levdansky	Scheetz
Argall	Fee	Linton	Schuler
Armstrong	Fleagle	Lloyd	Scrimenti
Arnold	Flick	Lucyk	Semmel
Barley	Foster	McCall	Serafini
Battisto	Gallen	McGeehan	Smith, B.
Belardi	Gamble	McHale	Smith, S. H.
Belfanti	Gannon	McHugh	Snyder, D. W.
Birmelin	Geist	McNally	Snyder, G.
Bishop	George	Maiale	Staback
Black	Gerlach	Markosek	Stairs
Blaum	Gigliotti	Marsico	Steelman
Bowley	Gladeck	Mayernik	Steighner
Boyes	Godshall	Melio	Stetler
Broujos	Gruitza	Merry	Stish
Brown	Gruppo	Michlovic	Strittmatter
Bunt	Hagarty	Micozzie	Stuban
Bush	Haluska	Mihalich	Sturla
Butkovitz	Hanna	Mundy	Surra
Caltagirone	Harley	Murphy	Tangretti
Cappabianca	Harper	Nahill	Taylor, E. Z.
Carlson	Hasay	Nailor	Taylor, F.
Carn	Hayden	Nickol	Taylor, J.
Carone	Hayes	Noye	Telek
Cawley	Heckler	Nyce	Thomas
Cessar	Herman	O'Brien	Tigue
Chadwick	Hershey	Olasz	Tomlinson
Civera	Hess	Oliver	Trello
Clark	Hughes	Perzel	Trich
Clymer	Itkin	Pesci	Tulli
Cohen	Jadlowiec	Petrarca	Uliana
Colafrella	James	Petrone	Van Horne
Colaizzo	Jarolin	Phillips	Vance
Cole	Johnson	Piccola	Veon
Cornell	Josephs	Pistella	Vroon
Cowell	Kaiser	Pitts	Wambach
Coy	Kenney	Preston	Williams
DeLuca	King	Raymond	Wilson
DeWeese	Kosinski	Reber	Wogan
Daley	Krebs	Reinard	Wozniak
Davies	Kruszewski	Richardson	Wright, D. R.
Dempsey	Kukovich	Rieger	Wright, M. N.
Dent	LaGrotta	Ritter	
Dermody	Langtry	Robinson	O'Donnell,
Donatucci	Laughlin	Roebuck	Speaker
Durham			

NAYS—0

NOT VOTING—2

Freeman Freind

EXCUSED—4

Billow Corrigan Kasunic Mrkonich

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTIONS ADOPTED

The SPEAKER. HR 423 is called up by the gentleman, Mr. Saurman, which will be read by the clerk.

The following resolution was read:

House Resolution No. 423

A RESOLUTION

Recognizing the valuable service performed by home health care agencies.

WHEREAS, Home health care is a vital health care service available to citizens of this Commonwealth; and

WHEREAS, Home health care services are given to patients regardless of their race, religion, nationality or ability to pay; and

WHEREAS, Home health care services enable patients to be treated at home, thereby keeping family members together; and

WHEREAS, Home health care fosters more rapid recovery, earlier hospital discharge and reduced admissions to institutions; and

WHEREAS, Most persons prefer to remain with their families in the comfort and security of their homes; and

WHEREAS, The number and variety of treatments and therapies available to patients in their homes is increasing; and

WHEREAS, There is growing evidence that home health care is an economical means of treating patients; therefore be it

RESOLVED, That the House of Representatives proclaim November 29 through December 5, 1992, as "Home Health Care Week" and ask the citizens of this Commonwealth to do likewise in recognition and appreciation of the valuable service provided by home health care agencies.

George E. Saurman

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Evans	Lawless	Rudy
Adolph	Fairchild	Lee	Ryan
Allen	Fajt	Leh	Saloom
Anderson	Fargo	Lescovitz	Saurman
Angstadt	Farmer	Levdansky	Scheetz
Argall	Fee	Linton	Schuler
Armstrong	Fleagle	Lloyd	Scrimenti
Arnold	Flick	Lucyk	Semmel
Barley	Foster	McCall	Serafini
Battisto	Freeman	McGeehan	Smith, B.
Belardi	Gallen	McHale	Smith, S. H.
Belfanti	Gamble	McHugh	Snyder, D. W.
Birmelin	Gannon	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carn	Hasay	Nickol	Taylor, J.

Carone	Hayden	Noye	Telek
Cawley	Hayes	Nyce	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Cohen	Itkin	Petrarca	Uliana
Colafella	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Durham	Laughlin		

NAYS—0

NOT VOTING—1

Freind

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

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

* * *

The SPEAKER. The gentleman, Mr. Itkin, calls up HR 424, which will be read by the clerk.

The following resolution was read:

House Resolution No. 424

A RESOLUTION

Memorializing Congress to direct the Environmental Protection Agency to revise vehicle emissions and maintenance program requirements.

WHEREAS, The 1990 amendments to the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.) mandate states in the Northeast Ozone Transport Region to implement enhanced I/M programs; and

WHEREAS, The Environmental Protection Agency (EPA) issued the program requirements on November 5, 1992, establishing performance standards for enhanced vehicle inspection and maintenance programs; and

WHEREAS, These regulations preclude a state in the Northeast Ozone Transport Region from implementing a decentralized test and repair program that will meet the enhanced I/M performance standard; and

WHEREAS, The EPA has determined that the only approved high-tech test available for use in enhanced I/M programs is the I/M 240 which, due to its costs, effectively eliminates a small businessperson from participating in this test program; and

WHEREAS, The United States General Accounting Office concluded that the EPA had not adequately evaluated alternative I/M test procedures; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to direct the EPA to expeditiously evaluate and establish alternatives to the I/M 240 test procedure to allow states to choose lower-cost test equipment thus providing small businesspersons within the Com-

monwealth of Pennsylvania the opportunity to offer emission test services; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

Ivan Itkin
Dennis E. Leh
Phyllis Mundy
Eugene G. Saloom
Karl W. Boyes
Edward J. Haluska
Nicholas A. Colafella
Victor John Lescovitz
George E. Saurman
Joseph M. Uliana
Robert E. Nyce
Jim Gerlach

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta	Evans	Lee	Ryan
Adolph	Fairchild	Leh	Saloom
Allen	Fajt	Lescovitz	Saurman
Anderson	Fargo	Levdansky	Scheetz
Angstadt	Farmer	Lloyd	Schuler
Argall	Fee	Lucyk	Scrimenti
Armstrong	Fleagle	McCall	Semmel
Arnold	Flick	McGeehan	Serafini
Barley	Foster	McHale	Smith, B.
Battisto	Gallen	McHugh	Smith, S. H.
Belardi	Gamble	McNally	Snyder, D. W.
Belfanti	Gannon	Maiale	Snyder, G.
Birmelin	Geist	Markosek	Staback
Bishop	George	Marsico	Stairs
Black	Gerlach	Mayernik	Steelman
Blaum	Gigliotti	Melio	Steighner
Bowley	Gladeck	Merry	Stetler
Boyes	Godshall	Michlovic	Stish
Broujos	Gruitza	Micozzie	Strittmatter
Brown	Gruppo	Mihalich	Stuban
Bunt	Hagarty	Mundy	Sturla
Bush	Haluska	Murphy	Surra
Butkovitz	Hanna	Nahill	Tangretti
Caltagirone	Harley	Nailor	Taylor, E. Z.
Cappabianca	Harper	Nickol	Taylor, F.
Carlson	Hasay	Noye	Taylor, J.
Carn	Hayden	Nyce	Telek
Carone	Hayes	O'Brien	Thomas
Cawley	Heckler	Olasz	Tigue
Cessar	Herman	Oliver	Tomlinson
Chadwick	Hershey	Perzel	Trello
Civera	Hess	Pesci	Trich
Clark	Itkin	Petrarca	Tulli
Clymer	Jadlowiec	Petrone	Uliana
Cohen	James	Phillips	Van Horne
Colafella	Jarolin	Piccola	Vance
Colaizzo	Johnson	Pistella	Veon
Cole	Kaiser	Pitts	Vroon
Cornell	Kenney	Preston	Wambach
Cowell	King	Raymond	Williams
Coy	Kosinski	Reber	Wilson
DeLuca	Krebs	Reinard	Wogan
Daley	Kruszewski	Richardson	Wozniak
Davies	Kukovich	Rieger	Wright, D. R.
Dempsey	LaGrotta	Ritter	Wright, M. N.
Dent	Langtry	Robinson	
Dermody	Laughlin	Roebuck	O'Donnell,
Donatucci	Lawless	Rudy	Speaker
Durham			

NAYS—1

Josephs

NOT VOTING—5

DeWeese
Freeman

Freind

Hughes

Linton

EXCUSED—4

Billow

Corrigan

Kasunic

Mrkonic

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

I rise to correct the record.

On HR 424 my vote was not recorded. I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes Mr. Anderson.

Mr. ANDERSON. Mr. Speaker, I would also like to correct the record.

On amendment 3284 to SB 792, I was recorded in the negative. I would like to be recorded in the affirmative. Thanks.

The SPEAKER. The Chair recognizes Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

On SB 1405, amendment 3091, I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes Mr. Nyce.

Mr. NYCE. Mr. Speaker, I would like to correct the record.

On SB 1405, amendment 4376, I would like to be shown in the affirmative. Thank you.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1086, PN 1805**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

On the question,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments No. A3864:

Amend Title, page 1, line 16, by inserting after "to" expenses of a national security valuing committee,

Amend Bill, page 3, line 8, by striking out all of said line and inserting

Section 3. Section 211.1 of the act is repealed.

Section 4. The act is amended by adding sections to read:

Section 211.2. Assessments to Defray Expenses of an Approved Security Valuing Committee of a National Association

of Insurance Commissioners.—(a) The purpose of this section is to provide a means of making funds available, not in excess of two hundred fifty thousand dollars in any one year, to any security valuing committee of a national association of insurance commissioners, as selected and approved by the Insurance Commissioner, to defray the expenses of such committee in the investigation, analyses and valuation of securities and the determination of the amortizability of bonds owned by insurance companies, for the purpose of furnishing to the several states on a uniform basis, information needed in the supervision of insurance companies licensed to transact business in the several states.

(b) The Insurance Commissioner shall have authority to contract with any such security valuing committee to make available to the insurance department the analyses, reports and information developed by the committee and, after taking into consideration similar payments which may be made by other states, to make payment to such committee to the extent authorized herein, on account of the expenses of the committee, from funds obtained through assessments for such purpose under this section.

(c) The Insurance Commissioner shall periodically obtain from any such security valuing committee a verified budget estimate of the receipts and of the expenses to be incurred by the committee for a stated period not exceeding one year, with appropriate explanations of the estimates therein contained.

(d) If the Insurance Commissioner shall be satisfied as to the reasonableness of such budget estimate, he shall determine the portion of the funds required by such budget estimate, to be assessed as hereinafter provided, by deducting from such budget estimate or from the sum of two hundred fifty thousand dollars, whichever is less, any amounts received or receivable by any such security valuing committee from other states whose laws do not substantially conform to the method of assessment herein provided, and applying to the remainder the proportion which the total investments in securities of domestic life insurers bear to the total investments in securities of life insurers domiciled in this and other states whose laws authorize and require assessments on substantially the same base as herein provided. The Insurance Commissioner shall thereafter, as soon as convenient, by notice stating the method of computation thereof, assess the amount to be paid on account of such expense pro rata upon all domestic life insurers in the proportion which the total investments in securities of each domestic life insurer shall bear to the total investments in securities of all such insurers: Provided, That the aggregate amount assessed upon all domestic life insurers pursuant to this section in any one year shall not exceed an amount determined by applying to the "remainder," referred to in the first sentence of this subsection, the proportion which the total investments in securities of domestic life insurers bear to seventy-five per centum of the total investments in securities of all life insurers domiciled in all the states of the United States and the District of Columbia. The total investments in securities of any life insurer, for purposes of this section, shall be the total admitted value of stock and bonds reported as such in its annual statement last filed prior to such assessment with the Insurance Department or with the supervisory official of its state of domicile. Upon receipt of such notice each such insurer shall, within thirty days, pay said assessment to the Insurance Commissioner. The Insurance Commissioner shall deposit all moneys collected by him pursuant to this section in an account entitled "Insurance Commissioner Security Valuation Expense Account," in a bank or trust company in the Commonwealth. Such moneys shall be paid by the Insurance Commissioner to the approved security valuing committee of a national association of insurance commissioners, after audit by the Auditor General.

(e) The Insurance Commissioner shall require annually and at such other times as he may deem it necessary or advisable, a duly certified audit of receipts and disbursements and statements

of assets and liabilities, showing the details of the financial operations of the approved security valuing committee.

Section 211.3. Funding for Department.—(a) There is hereby established a separate account in the State Treasury to be known as the Insurance Department Administration Fund. This fund shall be used solely for the budget of the Insurance Department. All interest and dividends earned by the moneys in the fund shall be credited to the fund.

(b) All fees and other payments collected under the following provisions shall be paid into the fund:

(1) Sections 211, 212 and 216 of this act.
 (2) Section 612-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," except for fees collected under section 612-A(8) which shall not be included.

(3) Section 10 of the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor."

(4) Section 203 of the act of November 25, 1970 (P.L.716, No.232), known as "The Pennsylvania Insurance Guaranty Association Act."

(5) Section 602 of the act of July 29, 1977 (P.L.105, No.38), known as the "Fraternal Benefit Society Code."

(6) Section 3 of the act of December 20, 1983 (P.L.260, No.72), referred to as the Public Adjuster Licensing Law.

(7) Section 3303(b) of the act of December 19, 1984 (P.L.1182, No.224), known as the "Insurance Premium Finance Company Act."

(c) The moneys in the fund shall be appropriated annually to the Insurance Department by the General Assembly in accordance with procedures of Article VI of "The Administrative Code of 1929."

Amend Sec. 4, page 5, line 30, by striking out "4" and inserting

5

Amend Sec. 5, page 6, line 18, by striking out "5" and inserting

6

Amend Sec. 6, page 7, line 9, by striking out "6" and inserting

7

Amend Sec. 7, page 7, line 28, by striking out "7" and inserting

8

Amend Sec. 7 (Sec. 313), page 9, lines 1 and 2, by striking out "the National Association of Insurance Commissioners" and inserting

a national association of insurance commissioners

Amend Sec. 8, page 9, line 3, by striking out "8" and inserting

9

Amend Sec. 9, page 9, line 4, by striking out "9" and inserting

10

Amend Sec. 10, page 9, line 17, by striking out "10" and inserting

11

Amend Sec. 11, page 10, line 7, by striking out "11" and inserting

12

Amend Sec. 12, page 10, line 8, by striking out "12" and inserting

13

Amend Sec. 12 (Sec. 701), page 10, lines 14 and 15, by striking out all of said lines and inserting

"Actuary" means an individual who has demonstrated to the satisfaction of the Insurance Department that the individual has

the educational background necessary for the practice of actuarial science and who subscribes to a professional code of conduct approved by the department.

Amend Sec. 12, page 10, by inserting after line 30

"Qualified United States financial institution" means an institution that meets all of the following:

(1) Is organized or (in the case of a United States office of a foreign banking organization) licensed, under the laws of the United States or any state thereof.

(2) Is regulated, supervised and examined by United States Federal or state authorities having regulatory authority over banks and trust companies.

(3) Has been determined by either the commissioner or a securities evaluation office of a national association of insurance commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

Amend Sec. 12 (Sec. 701), page 12, by inserting between lines 6 and 7

"Retrocession" means the transaction whereby a reinsurer cedes all or part of the reinsurance it has assumed to another reinsurer.

Amend Sec. 12 (Sec. 701), page 12, lines 7 through 20, by striking out all of said lines

Amend Sec. 12 (Sec. 801), page 23, lines 23 and 24, by striking out all of said lines and inserting

"Actuary" means an individual who has demonstrated to the satisfaction of the Insurance Department that the individual has the educational background necessary for the practice of actuarial science and who subscribes to a professional code of conduct approved by the department.

Amend Sec. 12 (Sec. 902), page 33, lines 7 and 8, by striking out all of said lines

Amend Sec. 12 (Sec. 903), page 34, lines 3 and 4, by striking out "the Examiners' Handbook adopted by the NAIC" and inserting

an examiners' handbook adopted by a national association of insurance commissioners

Amend Sec. 12 (Sec. 903), page 34, lines 19 and 20, by striking out "the NAIC Financial" in line 19, all of line 20 and inserting

a national association of insurance commissioners accreditation program; or

Amend Sec. 12 (Sec. 904), page 35, lines 4 and 5, by striking out "the Examiners' Handbook adopted by the NAIC" and inserting

an examiners' handbook adopted by a national association of insurance commissioners

Amend Sec. 12 (Sec. 905), page 40, lines 12 and 13, by striking out "THE NAIC" and inserting

a national association of insurance commissioners

Amend Sec. 13, page 42, line 12, by striking out "13" and inserting

14

Amend Sec. 14, page 42, line 18, by striking out "14" and inserting

15

Amend Sec. 15, page 42, line 20, by striking out "15" and inserting

16

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does a number of technical changes to the bill, and it has one substantive issue. The technical changes, it changes the references to the NAIC (National Association of Insurance Commissioners) to "a national association of insurance commissioners." It has a couple of definitional changes. The substantive part of this bill is it would provide a dedicated source of funding—

Mr. GODSHALL. Mr. Speaker, do we have this amendment?

The SPEAKER. For what purpose does the gentleman rise?

Mr. GODSHALL. I am trying to find out if we have a copy of this amendment.

Mr. MURPHY. Yes. It has been circulated.

The SPEAKER. There are two amendments to be offered by the gentleman. The first amendment has been circulated. It is amendment No. 3864, and it is the understanding of the Chair that that amendment has been circulated.

Does the gentleman have a copy?

Mr. MURPHY. It has been circulated.

Mr. GODSHALL. No, I do not, sir. Could I get a copy?

The SPEAKER. The clerk is requested to deliver a copy of the amendment to the gentleman.

The gentleman may continue.

Mr. MURPHY. The substantive part of this legislation is to provide for a dedicated source of funding to the Insurance Department. This would require no new taxes, no new fee increases. It would take the existing funds coming in from interest and other charges and fees already imposed on the insurance industry.

No State comparable to Pennsylvania in premium volume spends less on regulating this multitrillion-dollar industry than we do. New York spends five times as much as Pennsylvania; Florida, three times as much; Texas, four and a half times as much. Even States with considerably less premium volume than Pennsylvania spend more on regulation. North Carolina spends almost twice as much as we do but has one-third the premium volume of Pennsylvania. Ohio, with only half the premium volume of Pennsylvania, even funds this department at a higher level than Pennsylvania.

What this issue is about is twofold. We are requiring the Insurance Department to pursue much more aggressive regulation under the solvency bills. We are not really providing any additional funding for them to do that.

In addition, time and again I receive complaints from insurance agents and companies that it takes forever, it takes forever for our Insurance Department to approve products in Pennsylvania that are available in Ohio or West Virginia or New York or other States, and that puts Pennsylvania insurance companies and Pennsylvania agents at a competitive disadvantage. If we are going to have good regulation of the insurance industry that benefits both the consumers and the industry, then that regulation has got to be done in a timely and aggressive way. It is for that reason that I believe that it is important to dedicate a funding source that comes from the fees that we already collect. Again, I want to repeat myself that this does not require any increase in taxes. What it does is

take the fees that have been collected, are being collected, and dedicate them to regulating an industry that is critical to the financial success of this Commonwealth, critical to many of our taxpayers and their investments, and critical for the industry itself to be able to compete in the national and the global market.

It is for all those reasons that this dedicated revenue source is important, and I encourage you to support this amendment.

The SPEAKER. The Chair recognizes Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to support the amendment of Representative Murphy for all the reasons that he has just cited.

I want to read a couple of paragraphs taken from written testimony from a public hearing before the Insurance Committee held June 26, 1991, on insurance solvency, and it is written testimony of Henry G. Hager, as we all know, the representative of the Insurance Federation of Pennsylvania. This is what Mr. Hager had to say in his written testimony:

The General Assembly must make sure that the Department is sufficiently staffed to carry out its expanded functions, both in manpower and equipment. Insurers have always paid in licensing fees and filing costs more than the Department's budget. That amount will increase with this budget.

I hope that this increased revenue will be used to increase the Department's budget in identifying and correcting insolvent insurers.

I think that where the industry and where people like you and me who want to protect the consumers agree is that the amendment is a good one and that we all should be voting for it. Thank you, Mr. Speaker.

The SPEAKER. Is the gentleman, Mr. Reinard, seeking recognition?

Mr. REINARD. Yes. Thank you, Mr. Speaker.

Mr. Speaker, I rise to object to the amendment, and what Representative Murphy attempts to do under this amendment is correct. He wants to take the moneys that are currently raised in various fees collected by the Insurance Department, which ultimately end up in the General Fund, which ultimately is used for all different departments of State's funding, and dedicate those only to the department.

Now, it is kind of funny, but, Mr. Speaker, this is the first time you can think of a department of State says, wait a minute; we do not want the funding. They are happy with the funding that they get directly through the General Fund. It is a level that they are not looking for. It is a type of funding that is being etched into stone, which they are not looking for, and I would ask the House to object and defeat the Murphy amendment.

The SPEAKER. The Chair recognizes Mr. Colaizzo.

Mr. COLAIZZO. Mr. Speaker, I rise to talk against this amendment. A similar amendment to HB 1669 was previously defeated in the House Insurance Committee. The department opposes the amendment.

This amendment is inconsistent with the Governor's budget proposal, which recommends the increase of certain fees and dedicates \$3.5 million to the department. In addition, the

Governor's budget also specifies that the money is to be used principally for financial solvency regulation. This amendment does not specifically earmark this money for use in solvency regulation.

This amendment eliminates the requirement that an actuary be a member in good standing with the American Academy of Actuaries, which sets standards of professional conduct for its members. Most actuaries are experts in only part of the broad spectrum of actuarial practice. The academy imposes a responsibility on its members to issue an opinion only on subject matters for which the actuary is qualified. This means that a member of the academy is precluded from issuing an opinion on a subject matter not familiar to the actuary. Clearly, removal of this provision may subject this provision to differing interpretations.

I ask the ladies and gentlemen on both sides of the aisle to vote this amendment down. Thank you.

The SPEAKER. The Chair recognizes Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I also totally agree with the comments given by Representative Colaizzo and Representative Reinard and ask for a "no" vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—59

Belardi	Freeman	Linton	Richardson
Bishop	Gamble	Lloyd	Rieger
Blaum	Gigliotti	McGeehan	Robinson
Bowley	Gruitza	McHale	Roebuck
Butkovitz	Hanna	McNally	Scrimenti
Caltagirone	Harper	Maiale	Staback
Cappabianca	Hayden	Melio	Steelman
Carn	Hughes	Michlovic	Sturla
Cawley	Itkin	Mundy	Taylor, F.
Cohen	James	Murphy	Tigue
Cole	Jarolin	Oliver	Trello
Cowell	Josephs	Pesci	Williams
Coy	Kosinski	Petrone	
DeLuca	Kruszewski	Pistella	O'Donnell,
DeWeese	Kukovich	Preston	Speaker
Fajt			

NAYS—135

Acosta	Durham	Laughlin	Schuler
Adolph	Evans	Lawless	Semmel
Allen	Fairchild	Lee	Serafini
Anderson	Fargo	Leh	Smith, B.
Angstadt	Farmer	Lescovitz	Smith, S. H.
Argall	Fee	Lucyk	Snyder, D. W.
Armstrong	Fleagle	McCall	Snyder, G.
Arnold	Flick	McHugh	Stairs
Barley	Foster	Markosek	Steighner
Battisto	Gallen	Marsico	Stetler
Belfanti	Gannon	Mayernik	Stish
Birmelin	Geist	Merry	Strittmatter
Black	George	Micozzie	Stuban
Boyes	Gerlach	Mihalich	Surra
Broujos	Gladeck	Nailor	Tangretti
Brown	Godshall	Nickol	Taylor, E. Z.
Bunt	Gruppo	Noye	Taylor, J.
Bush	Hagarty	Nyce	Telek
Carlson	Haluska	O'Brien	Thomas
Carone	Harley	Olasz	Tomlinson
Cessar	Hasay	Perzel	Trich
Chadwick	Hayes	Petrarca	Tulli

Civera	Heckler	Phillips	Uliana
Clark	Herman	Piccola	Van Horne
Clymer	Hershey	Pitts	Vance
Colaifella	Hess	Raymond	Veon
Colaizzo	Jadlowiec	Reber	Vroon
Cornell	Johnson	Reinard	Wambach
Daley	Kaiser	Ritter	Wilson
Davies	Kenney	Rudy	Wogan
Dempsey	King	Ryan	Wozniak
Dent	Krebs	Saloom	Wright, D. R.
Dermody	LaGrotta	Saurman	Wright, M. N.
Donatucci	Langtry	Scheetz	

NOT VOTING—3

Freind	Levdansky	Nahill
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EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments No. A4431:

Amend Title, page 1, line 13, by inserting after "authority," for licensing of lending institutions, public utilities and holding companies to sell insurance,

Amend Bill, page 9, by inserting between lines 16 and 17

Section 10. Section 641(b) of the act, added December 30, 1974 (P.L.1148, No.365), is amended and subsection (a) is amended by adding a clause to read:

Section 641. Lending Institutions, Public Utilities and Holding Companies Not to be Licensed.—(a) As used in this section:

(5.1) "Credit unemployment insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is unemployed as defined in the policy.

(b) No lending institution, public utility, bank holding company, savings and loan holding company or any subsidiary or affiliate of the foregoing, or officer or employe thereof, may, directly or indirectly, be licensed or admitted as an insurer or be licensed to sell insurance in this State either as a broker or as an agent except that a lending institution or bank holding company, subsidiary or affiliate of a lending institution may be licensed to sell credit life, health and accident insurance and credit unemployment insurance as regulated under the act of September 2, 1961 (P.L.1232, No.540), known as the "Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance," and to sell and underwrite title insurance in accordance with regulations promulgated by the Insurance Commissioner.

Amend Sec. 10, page 9, line 17, by striking out "10" and inserting

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Amend Sec. 11, page 10, line 7, by striking out "11" and inserting

12

Amend Sec. 12, page 10, line 8, by striking out "12" and inserting

13

Amend Sec. 13, page 42, line 12, by striking out "13" and inserting

14

Amend Sec. 14, page 42, line 18, by striking out "14" and inserting

15

Amend Sec. 15, page 42, line 20, by striking out "15" and inserting

16

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, this amendment would provide for credit unemployment insurance, meaning that an individual could buy unemployment insurance on post-personal loans or auto insurance or other forms of credit that they would be investing in.

It is my understanding that both the Insurance Department and the industry supports this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Colaizzo.

Mr. COLAIZZO. Mr. Speaker, I rise to support this amendment. This amendment is agreed to by the industry and the Insurance Department, and I urge people on both sides of the aisle to vote in favor of this amendment.

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

The following roll call was recorded:

YEAS—196

Table listing names of members who voted YEAS, including Acosta, Adolph, Allen, Anderson, Angstadt, Argall, Armstrong, Arnold, Barley, Battisto, Belardi, Belfanti, Birmelin, Bishop, Black, Blaum, Bowley, Boyes, Broujos, Brown, Bunt, Bush, Butkovitz, Caltagirone, Cappabianca, Carlson, Carn, Carone, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, and Cowell.

Table listing names of members who did not vote, including Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dent, Dermody, Donatucci, Durham, Kaiser, Kenney, King, Kosinski, Krebs, Kruszewski, Kukovich, LaGrotta, Langtry, Laughlin, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robinson, Roebuck, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, M. N., and O'Donnell, Speaker.

NAYS—0

NOT VOTING—1

Freind

EXCUSED—4

Table listing names of members who were excused: Billow, Corrigan, Kasunic, and Mrkonc.

The question was determined in the affirmative, and the amendments were agreed to.

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

Bill as amended was agreed to.

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.

YEAS—194

Table listing names of members who voted YEAS, including Acosta, Adolph, Allen, Anderson, Angstadt, Argall, Armstrong, Arnold, Barley, Battisto, Belardi, Belfanti, Birmelin, Bishop, Black, Blaum, Bowley, Boyes, Broujos, Brown, Bunt, Bush, Butkovitz, Caltagirone, Cappabianca, Carlson, Carn, Carone, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, and Cowell.

Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kenney	Preston	Wogan
Daley	King	Raymond	Wozniak
Davies	Kosinski	Reber	Wright, D. R.
Dempsey	Krebs	Reinard	Wright, M. N.
Dent	Kruszewski	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind Rudy Snyder, D. W.

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **SB 48, PN 1948**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of a computer.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'BRIEN offered the following amendments No. A4288:

Amend Title, page 1, line 2, by inserting after "for" aggravated assault and for

Amend Sec. 1, page 1, line 6, by striking out "Section" where it appears the second time and inserting Sections 2702 and

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting are

Amend Sec. 1, page 1, by inserting between lines 7 and 8 § 2702. Aggravated assault.

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

(1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;

(2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a police officer, judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, State law enforcement official, local law enforcement official, Federal law enforcement official or person employed to assist or assisting any law enforcement official sheriff, deputy sheriff, liquor control enforcement agent, firefighter, county adult probation or parole officer, county juvenile probation or parole officer or an agent of the Pennsylvania Board of Probation and Parole in the performance of duty or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty;

(3) attempts to cause or intentionally or knowingly causes bodily injury to a police officer, judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, State law enforcement official, local law enforcement official, Federal law enforcement official or person employed to assist or assisting any law enforcement official sheriff, deputy sheriff, liquor control enforcement agent, firefighter or county adult probation or parole officer, county juvenile probation or parole officer or an agent of the Pennsylvania Board of Probation and Parole in the performance of duty;

(4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon; [or]

(5) attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member, other employee or student of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school[.]; or

(6) attempts by physical menace to put a police officer, judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, State law enforcement official, local law enforcement official, Federal law enforcement official or person employed to assist or assisting any law enforcement official sheriff, deputy sheriff, liquor control enforcement agent, firefighter, county adult probation or parole officer, county juvenile probation or parole officer or an agent of the Pennsylvania Board of Probation and Parole, while in the performance of duty, in fear of imminent serious bodily injury.

(b) Grading.—Aggravated assault under subsection (a)(1) and (2) is a felony of the first degree. Aggravated assault under subsection (a)(3), (4) [and (5)], (5) and (6) is a felony of the second degree.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Mr. Speaker, this is a bipartisan amendment. Representative Mayernik and I are offering this amendment jointly. It basically expands the class of persons covered under the aggravated assault category to include members of the judiciary, prosecutors, police, firefighters, sheriffs, deputy sheriffs, liquor control enforcement agents, et cetera. By placing any of the above in fear of immediate loss of life or serious bodily injury, the penalty would be elevated from a misdemeanor to a second-degree felony.

To illustrate a case in point, if an individual points a gun in the face of a law enforcement officer, it is currently considered a misdemeanor or simple assault. This will provide the penalty that is fitting this type of crime. I believe that this offense is entirely unacceptable and is befitting of elevation of the penalties.

Incidentally, this amendment had passed this House unanimously in June of last year in the form of HB 1547, so I ask the members' support. Thank you.

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

The following roll call was recorded:

YEAS—190

Adolph	Durham	Laughlin	Rudy
Allen	Evans	Lawless	Ryan
Anderson	Fairchild	Lee	Saloom
Angstadt	Fajt	Leh	Saurman
Argall	Fargo	Lescovitz	Scheetz
Armstrong	Farmer	Levdansky	Schuler
Arnold	Fee	Linton	Scrimenti
Barley	Fleagle	Lloyd	Semmel
Battisto	Flick	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Stritmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nailor	Taylor, J.
Carone	Hasay	Nickol	Telek
Cawley	Hayden	Noye	Thomas
Cessar	Hayes	Nyce	Tigue
Chadwick	Heckler	O'Brien	Tomlinson
Civera	Herman	Olasz	Trello
Clark	Hershey	Oliver	Trich
Clymer	Hess	Perzel	Tulli
Cohen	Hughes	Pesci	Uliana
Colaifella	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	Jarolin	Phillips	Veon
Cornell	Johnson	Piccola	Vroon
Cowell	Josephs	Pistella	Wambach
Coy	Kaiser	Pitts	Williams
DeLuca	Kenney	Preston	Wilson
DeWeese	King	Raymond	Wogan
Daley	Kosinski	Reber	Wozniak
Davies	Krebs	Reinard	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker

NAYS—3

Acosta	James	Richardson
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NOT VOTING—4

Foster	Freind	Nahill	Snyder, G.
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EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. MAYERNIK offered the following amendments No. A4398:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for a prohibited offensive weapons exemption for liquor control enforcement officers;

Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Sections 908(d) and 3933 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 908. Prohibited offensive weapons.

(d) Exemptions.—The use and possession of blackjacks by the following persons in the course of their duties are exempt from this section:

(1) Police officers, as defined by and who meet the requirements of the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

(2) Police officers of first class cities who have successfully completed training which is substantially equivalent to the program under the Municipal Police Education and Training Law.

(3) Pennsylvania State Police officers.

(4) Sheriffs and deputy sheriffs of the various counties who have satisfactorily met the requirements of the Municipal Police Education and Training Law.

(5) Police officers employed by the Commonwealth who have satisfactorily met the requirements of the Municipal Police Education and Training Law.

(6) Deputy sheriffs with adequate training as determined by the Pennsylvania Commission on Crime and Delinquency.

[(7) Liquor Control Board agents who have satisfactorily met the requirements of the Municipal Police Education and Training Law.]

(8) Liquor control enforcement officers who have successfully completed the Liquor Control Enforcement Training Program as provided by the Pennsylvania State Police.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

This would amend section 908 of the Crimes Code to further clarify the carrying of blackjacks by liquor control enforcement officers. The language was always present in this statute, reading "Liquor Control Board agents," but when we changed it to put the guidance under the State Police about 3, 4 years ago, we did not change the title, so we are now changing that title to be "liquor control enforcement officers" so that they can continue to carry them.

On the question recurring,

Will the House agree to the amendments?

(Members proceeded to vote.)

VOTE STRICKEN

Mr. MIHALICH. Mr. Speaker, may I speak on the amendment?

The SPEAKER. The clerk will strike the vote.

The Chair recognizes Mr. Mihalich.

Mr. MIHALICH. Before we vote on this amendment here, I want everybody here to understand what this does. This

would legalize or allow the Liquor Control Board enforcement agents to carry blackjacks. In my experience at least, there are many good agents out there, but there are many agents out there, too, who I think would not wield these kinds of weapons judiciously and not in the best interest of the Control Board, the State, and I would not want to see them having blackjacks or any other kind of weapon like that.

For that reason, Mr. Speaker, I ask for a “no” vote on this amendment.

The SPEAKER. The Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Just to address the gentleman’s remarks, that is correct; it would permit the liquor control enforcement officers to carry blackjacks, but they have to go through the Liquor Control Enforcement Training Program as provided by the State Police, which they are presently attending and have attended in the past. The only reason why we are changing this is because about 3, 4 years ago we changed their title. I can see how the gentleman would be perplexed because we should not let them carry blackjacks, but yet they carry guns and they carry badges and they carry powers of arrest and they carry handcuffs, but yet he does not want them to carry a blackjack to defend themselves whenever somebody is inebriated or intoxicated when violating the liquor control law. A lot of times they have to do physical arrests, and it is necessary to take into consideration that they do carry guns now and they are properly trained.

I would ask for an affirmative vote just to continue what we have already been doing. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Mihalich.

Mr. MIHALICH. In western Pennsylvania, earlier this year a very, very unfortunate thing happened. In my opinion, what it was, a Rambo-type operation took place, a raid on the place, on the legion home that was having a party to raise funds for a fellow who needed a new heart, or a heart transplant. The courts have ruled that there was no undue force, but nevertheless, whether it was undue or not, the recipient, after being accidentally pushed in the heart during this arrest, the fellow who needed the heart died. It is a matter of question as to whether or not it was intentional or not. I do not know the answer to that, but I do know of other instances where State Police liquor control officers have not acted like State Police.

The Pennsylvania State Police have a reputation of being one of the best State Police forces in the Nation, bar none. These liquor control enforcement officers, as I said, many of them are good and responsible people, but from my experience and from my knowledge, I know that there are some Rambo types out there, and I know that giving them blackjacks might give them the reason to use them unnecessarily or to apply undue force.

For that reason, Mr. Speaker, I ask for a “no” vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—185

Acosta	Donatucci	LaGrotta	Ryan
Adolph	Durham	Langtry	Saloom
Allen	Evans	Laughlin	Saurman
Anderson	Fairchild	Lawless	Scheetz
Angstadt	Fajt	Lee	Schuler
Argall	Fargo	Leh	Scrimenti
Armstrong	Farmer	Lescovitz	Semmel
Arnold	Fee	Levdansky	Serafini
Barley	Fleagle	Linton	Smith, B.
Battisto	Flick	Lloyd	Smith, S. H.
Belardi	Foster	Lucyk	Snyder, D. W.
Belfanti	Gallen	McCall	Snyder, G.
Birmelin	Gamble	McGeehan	Staback
Bishop	Gannon	McHale	Steelman
Black	Geist	McHugh	Steighner
Blaum	George	McNally	Stetler
Bowley	Gerlach	Maiale	Stish
Boyes	Gigliotti	Markosek	Strittmatter
Broujos	Gladeck	Marsico	Stuban
Brown	Godshall	Mayerik	Sturla
Bunt	Gruitza	Merry	Surra
Bush	Gruppo	Michlovic	Tangretti
Butkovitz	Hagarty	Micozzie	Taylor, E. Z.
Caltagirone	Haluska	Mundy	Taylor, F.
Cappabianca	Hanna	Murphy	Taylor, J.
Carlson	Harley	Nahill	Telek
Carn	Harper	Nailor	Tigue
Carone	Hasay	Nickol	Tomlinson
Cawley	Hayden	Noye	Trello
Cessar	Hayes	Nyce	Trich
Chadwick	Heckler	O’Brien	Tulli
Civera	Herman	Olasz	Uliana
Clark	Hershey	Oliver	Van Horne
Clymer	Hess	Petrone	Vance
Colafella	Hughes	Phillips	Veon
Colaizzo	Itkin	Piccola	Vroon
Cole	Jadlowiec	Pistella	Wambach
Cornell	James	Pitts	Williams
Cowell	Jarolin	Preston	Wilson
Coy	Johnson	Raymond	Wogan
DeLuca	Kaiser	Reber	Wozniak
DeWeese	Kenney	Reinard	Wright, D. R.
Daley	King	Rieger	Wright, M. N.
Davies	Kosinski	Ritter	
Dempsey	Krebs	Robinson	O’Donnell,
Dent	Kruszewski	Roebuck	Speaker
Dermodity	Kukovich	Rudy	

NAYS—8

Freeman	Melio	Pesci	Richardson
Josephs	Mihalich	Petrarca	Thomas

NOT VOTING—4

Cohen	Freind	Perzel	Stairs
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EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the affirmative, and the amendments were agreed to.

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 48 will be over temporarily.

RESOLUTION

Mr. HUGHES called up HR 366, PN 3961, entitled:

A Resolution memorializing the United States Congress to conduct an investigation into the conviction of Mumia Abu-Jamal.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Mr. McGeehan.
Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to vehemently oppose this resolution, not only as a member of this House but probably more importantly as the grandson of a Philadelphia police officer. And as a friend of the Philadelphia police and as a Philadelphian, I remember Officer Daniel Faulkner's murder, but I must confess that I did not really remember all the facts surrounding this particular case. Let me tell the members this though: The one overriding concern in this resolution is the person convicted of this crime is a cop killer.

Again, I did not remember all the facts, so I requested newspapers from that long-ago event. It happened in December of 1981, and I just wanted to share with you some of the news reports that happened on that particular day about this ugly and brutal crime.

Now, I have a copy of the front page of the Philadelphia Daily News, and in this simple headline it tells the whole story. It says, "Death of a Cop: 4 Tell Police of Shooting." Now, let me just read to you some of the accounts and some of the eyewitness accounts of those people that were there that night. It starts off:

Four witnesses to the shooting early yesterday of Police Officer Daniel Faulkner say they saw a man run across a parking lot at 13th and Locust streets, fire a shot at Faulkner, then shoot again at the fallen officer from close range....

The witnesses - three men and a woman - each saw different portions of the events leading to Faulkner's shooting, but all their versions agreed when they described the actual shooting....

It goes on to say the actual account that night that four eyewitnesses gave of that brutal slaying.

Faulkner, who was assigned to the 6th Police District at 11th and Winter streets, was on routine patrol shortly after 3:30 a.m. He was driving east on Locust near 13th when he spotted a blue Volkswagen going south - the wrong way - on 13th.

The officer called for a backup...then flagged down the VW by shining his exterior spotlight on the car. The driver of the VW stopped, got out and put his hands on top of the car as if he were about to be frisked.

As Faulkner approached the VW, the man, later identified as Cook—

who is Mr. Jamal's brother—

cursed at the officer. Angry words were exchanged and a fight erupted. Robert Harkins, a cab driver who had just turned east on Locust from 13th, told KYW Radio and police that he saw "the cop standing there and the guy had his hand on the cop. He swung the cop around and hit him."

Police said that during the fight Faulkner punched Cook on the left ear.

At this point, the witnesses told police, a man came running across a parking lot on the northeast corner of 13th and Locust, a gun in his hand. He fired several shots as he got close to Faulkner and Cook....Several witnesses reported seeing muzzle flashes....

The bullet that hit Faulkner in the back was believed to be from this first barrage....The officer spun around, drew his own gun and fired once before hitting the ground....It is believed that his shot hit Jamal in the chest....

The man kept coming toward the fallen officer...until he stood over him.

And then—

He fired a bullet into Faulkner's head from point-blank range....

Well, Mr. Speaker, I find it interesting that not once in this resolution is the name of Officer Daniel Faulkner mentioned. So let me tell you some of the things that the Philadelphia Inquirer, that the Philadelphia Daily News, that the mayor of Philadelphia, that the police commissioner of Philadelphia, that his fellow law enforcement officers had to say about Daniel Faulkner, because he was not just a police officer; he was not an anonymous person. He was a living, breathing human being who was shot down execution style on that cold December night.

He was raised in South Philadelphia. He was one of six sons. He was about to turn 26 years old when he was brutally murdered, and he left a 24-year-old widow just shy of their first wedding anniversary. He was a motivated policeman who planned to take a test for promotion, was close to receiving an associate's degree. He had received numerous citations for his outstanding service, and in fact, he graduated second in his class at the police academy.

So, Mr. Speaker, whether you believe the police version of what happened that night or whether you believe the independent testimony of four eyewitnesses or whether you have faith in a jury who found Mr. Jamal guilty, they cannot all be wrong.

Mr. Speaker, I urge defeat of this resolution.

The SPEAKER. The Chair recognizes Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I would just like to tell the members of this House how difficult it is to contain my outrage that we are even debating something like this on the floor of the House. Twelve million people in Pennsylvania are looking down at this body asking—and rightfully so—do we not have something better to do? And probably, and probably we do have something better to do. Maybe there should be a resolution congratulating every police officer for the difficult job that he does out there and maybe we should give the prosecutors in this case a congratulatory resolution for using the weapons and the tools that this legislative body has seen fit to give them.

Mr. Speaker, let me just expound a little bit on the information that Mike McGeehan gave you. Mr. Cook was stopped, and Mumia Abu-Jamal ran across the street because he was

driving his cab in that neighborhood and saw his brother stopped by a police officer. He ran over no further than 9 inches from Officer Faulkner's back and pulled the trigger. Officer Faulkner was able to get one shot off that felled Abu-Jamal to the ground. Abu-Jamal then fired four shots no further than 20 inches away, one in the center of Officer Faulkner's face. The bullet went through his brain.

And let me tell the members of this House one other bit of information that happened on that day. Both the defendant and Officer Faulkner were taken to Thomas Jefferson Hospital for treatment. When Officer Faulkner was lying on the gurney with the doctors trying to save his life, picture if you will the defendant coming in and approaching Officer Faulkner's partner, and I ask you all to use your imagination for the two words that I am not going to use because I respect this institution, but the first begins with an "m" and the second begins with an "f." And let me just read to the members of this House what this guy said when he was brought to that hospital. He said, "I shot the m----- f---er and I hope the m----- f---er dies."

While the doctors and the nurses in the emergency room were trying to find a room so that they could treat the defendant, they had to take him by the very gurney that Officer Faulkner was lying on, and he repeated that statement again not 1 foot from that gurney: "I shot the m----- f---er and I hope the m----- f---er dies."

Well, this case, Mr. Speaker, was appealed through the State courts all the way to the Pennsylvania Supreme Court, and the conviction of Mumia Abu-Jamal was rightfully affirmed. Mumia never questioned, himself, never questioned his own guilt. He just did not want to die. Is that not sad, Mr. Speaker? He saw fit to viciously and without reservation execute a Philadelphia police officer, but now he does not want to die.

Well, Mr. Speaker, let me tell you what he based his appeals on. If there is ever a case for limiting frivolous and too frequent appeals, this should be the very case. He went before the Pennsylvania Supreme Court and said he was denied his right to representation because he wanted a nonlawyer by the name of John Africa, the founder and the leader of MOVE, to represent him. I will quote in his own statement where he alleged that his appointed counsel conspired with the court and with the prosecution, that the trial was the result of a failed police attempt to execute him. He said, "Just as police tried to kill my brothers and sisters of the family Africa on August the 8th, 1978, they failed, and hence, a so called trial was conducted to complete the execution." The defendant concluded by shouting, "Long live MOVE. Long live John Africa."

I want the members of this House to also remember that another police officer died on that very day and his name was Jim Ramp, and we are not here congratulating the police officers or even to offer a condolence resolution for the family of Jim Ramp either.

Mr. Speaker, another one of his appeals was based on the fact that one of the character witnesses that he brought to the

sentencing hearing unfairly prejudiced the jury because the prosecutor pointed out that this witness had spoken and written favorably about cop killers. Does that surprise you? Then another point of his appeal, that his First Amendment rights were violated. Mr. Speaker, this is a guy who is a member of the Black Panthers. In his own prior statement he said, "Political power grows out of the barrel of a gun." That is his statement.

The newspaper article which the prosecutor referred to, that the defendant alleged was a violation of his constitutional rights, said that he and the Black Panther Party viewed both the party and himself as engaged in a genocidal war with police. Well, the First Amendment claim was flatly rejected by the court, noting that questioning was completely within the scope of cross examination at a death penalty hearing.

And finally, Mr. Speaker, it is this legislative body that decided that one of the aggravating circumstances that qualifies a first-degree murderer to be sentenced to the death penalty is the killing of a police officer.

Mr. Speaker, I ask that this resolution be flat out rejected by this House, and I again am outraged beyond imagination that we have taken whatever few minutes this is to give this even that recognition. Every time, Mr. Speaker, that we debate something like this on the floor, just picture the family of Officer Faulkner. They have to relive every agonizing moment of that execution. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Hughes.

POINT OF ORDER

Mr. LAWLESS. Mr. Speaker, point of order.

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

Mr. LAWLESS. Mr. Speaker, I would like to move the previous question. We have spent enough time on something ridiculous—

The SPEAKER. The gentleman sought a point of order. The Chair interrupted debate for the purpose of the point of order. If the gentleman has a point of order, state it. If the gentleman is instead waiting for an opportunity to make a motion, we will recognize him in due course.

Mr. LAWLESS. May I make a motion, Mr. Speaker?

I would like to move the previous question.

The SPEAKER. The gentleman is not in order.

The gentleman will have the opportunity at the time he is called upon. It is the practice of the Chair to try and balance the debate and call on the members as they rise, with the exception of a point of order, which the Chair will always permit to interrupt debate.

The Chair recognizes Mr. Hughes.

Mr. HUGHES. Mr. Speaker, I rise at a time where I am very familiar with the comments of Mr. McGeehan and the previous speaker as they relate to the service of police officers around this State and throughout this Nation.

We are very supportive of the works that they have done and honored them and attempt to honor them on a continual

basis. The sacrifices that they have made to their families and to the community in general should be brought forward on a regular occasion and they should be applauded for such, including, including Officer Faulkner, Officer Ramp, and their families.

This issue, first and foremost, so that the members can understand, so that the members can be very clear, asks for a congressional investigation of the circumstances around the conviction of Mumia Abu-Jamal. That is all that we are requesting; that is all that we are asking for. If we are to spend all of the time that we could spend on this matter looking through the entire history of the conviction at every level through the court proceedings, members would have the opportunity to see the kinds of transgressions of justice that occurred throughout the process, throughout the process. All that we are asking for is that the process of the judiciary, the process of justice, the process of determining right and wrong in our legal system be analyzed, be looked at, and some kind of extra body outside the city of Philadelphia and the State of Pennsylvania bring forward some analysis of this particular matter. It is a tragedy; it is a tragedy what occurred to Officer Faulkner.

The case of Mumia Abu-Jamal is involved and enveloped in the whole environment of the situation and the issues around the MOVE organization. We all know that. We all are honest about that, and we all understand that. But what we must do is rise above ourselves and rise above our fears and rise above our prejudices and look forward and look towards the issues of justice. There is no more important issue within our Nation than the protections of the First Amendment rights, and if those matters had been violated in any way, shape, or form, they should be brought forward, because but for the grace of God, there could go I. There could be any one of us who could be involved in a situation that would cause our rights and our privileges within this country to be denied us by some entity, some entity that has the power and the influence to in fact do such.

All we are asking for, Mr. Speaker, all we are asking for is that we rise above the inflammatory headlines, that we rise above the deep-felt emotion around this period of time and all of the issues that surround this particular case and this particular environment and look towards what is good and right within us as individuals and what is good and right within our judicial system and try to make changes and try to seek justice. If there is nothing there, then the Congress will have done its work and the matters can be moved forward. If there is something there, then we can all learn and grow and be a better society for it.

We prayed for—some of you may not believe it—but we prayed for the Faulkner family and the Ramp family. We prayed for their grieving; we prayed for their concerns; we prayed for the loss of a loved one, and we honored the officers who were involved in this matter.

We must move forward now to another level. We must move forward now to another situation. We must move forward now to another instance in this whole case, and that

is the pursuit, the pursuit of what is right and what is appropriate in the judicial system. This resolution does not call for any action to occur in this House or by State government except to memorialize the United States Congress to look into and investigate the conviction of Mumia Abu-Jamal. It is not asking members to choose sides. It is not asking members to take a stand one way or the other on the situation. What it is asking members is to recognize the volatility of the environment that has existed for many years, to move beyond that and ask for another entity within the governmental process of this country to look into this situation and see if there was any injustice done. If that is not the case, then we will move on. If that is the case, then we will deal with it at that point. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. King.

Mr. KING. Thank you, Mr. Speaker.

Certainly I want to commend the eloquence of Representative O'Brien and certainly want to speak to the vile and obscene gesture that brings this matter before this House.

And I want to thank all of you who are prepared to put up a "no" vote on this resolution on behalf of all those officers who go out every day, and one of them is my son. Thank you.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, anybody who has been here more than a year has heard me stand up time after time and suggest that there are certain things that are definitely inappropriate for us to do, and this is one of them - inappropriate in a sense that to begin with, the United States Congress has no business looking at anything that our courts do in Pennsylvania or in any other State unless it is dealing with a Federal court. I think that is lesson plan No. 1. I mean, it is just inappropriate.

I do not know what they could do if they did look into it, to be honest with you. They cannot impeach a State court judge, to the best of my knowledge. They cannot reverse the Supreme Court of Pennsylvania, to the best of my knowledge, so that bringing them into this is an opportunity to let half a dozen Congressmen come up to the City of Brotherly Love, I suppose, and do a TV show, and that is inappropriate also.

As I look at this House resolution, one of the things that truly bothers me is the way it has been worded. It starts off by putting the bunny in the hat: "Substantial errors at trial and questions of law call into question the fairness of this conviction." Who determined that there were substantial errors at that trial? If there were substantial errors, I suggest they certainly should have been cleared up at the appellate court level.

I just think this is one of those resolutions that tends to pit people against one another and serves no useful purpose except a public airing of dissatisfaction with what one of the courts did.

MOTION TO RECOMMIT

Mr. RYAN. Accordingly, Mr. Speaker, I am moving at this time that this House resolution be recommitted to the Committee on Rules.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.
The board should read, motion to recommit to Rules.

Is the gentleman, Mr. Richardson, seeking recognition to speak on the motion? The gentleman is in order.

The matter at hand is the motion to recommit.

The gentleman is recognized.

Mr. RICHARDSON. Thank you, Mr. Speaker.

It is always strange to me and odd to me that when it comes to an issue that deals with anything that has any moral fiber to it, that it seems like we lose the guts and the heart and the will to deal with the debate that is at hand.

Mr. RYAN. Pardon me. Mr. Speaker?

The SPEAKER. Will the gentleman suspend?

MOTION WITHDRAWN

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, rather than to continue this, I will withdraw my motion to recommit and ask that it be brought up and we just kill the resolution.

On the question recurring,
Will the House adopt the resolution?

The SPEAKER. We are back to the resolution.
The Chair recognizes Mr. Thomas.

Mr. THOMAS. Mr. Speaker, that was going to be exactly my comment. I think the previous speaker, Mr. Ryan, was correct when he said that this issue has the capacity to divide folk in a way that we should not be divided, and to that end I was going to encourage the House to move and resolve this one way or the other.

On this issue, I am extremely upset that many of my colleagues have gotten into the substance of whether or not Abu-Jamal did in fact kill Officer Faulkner, and the resolution, as I understand it, does not reach the substantive question and does not even ask this House to resolve that question one way or the other. I think all of us in this House share the anguish and the pain of Faulkner's family. We share the anguish and the pain anytime, anytime someone loses their life.

So, please, I am asking for my colleagues on both sides of the aisle, do not deal with the substantive question. The only thing that the resolution is asking is whether or not Congress should be memorialized to investigate the circumstances around the issue. It does not ask whether the Pennsylvania General Assembly should investigate the circumstances around this issue. It does not ask whether or not Pennsylvania courts should do so. It only asks whether or not Congress should be memorialized to investigate the circumstances around this, and that should be the beginning and ending of our question as it relates to this resolution. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, when I saw this resolution when it surfaced prior to the election, I decided to do a little work on it on my own. So I went back and I read a great deal of the transcript from the trial. I read some of the briefs that were filed on appeal to the U.S. Supreme Court, to the Pennsylvania Supreme Court. I ascertained that Officer Faulkner's last partner was a constituent of mine, Officer Peter Dailey.

I cannot add to the comprehensive description or the eloquent description that both Representatives McGeehan and O'Brien gave concerning the actual crime, the execution murder of Officer Daniel Faulkner, but I want to just briefly address why this resolution is not necessary, outrageous though it may be.

There were at least two, possibly three writs of certiorari to the United States Supreme Court that were denied, that were filed by Mumia Abu-Jamal's attorneys, one of whom I know and one of whom I regard as a very competent appellate attorney. Mumia Abu-Jamal, I should mention, has already been described as a MOVE sympathizer, and in keeping with MOVE tactics, disrupted his trial almost 300 times. Each time, since he was being tried before Judge Albert F. Sabo and a jury, the jury had to be very laboriously escorted from the courtroom and down the hall until Mumia Abu-Jamal would calm down. He usually only calmed down for a minute or so and then began another outburst, requiring a quite lengthy trial.

He was found guilty before Judge Sabo and a jury over 10 years ago, the summer of 1982. He has had those writs of certiorari that I mentioned up to the U.S. Supreme Court; they were denied. His direct appeal to the Pennsylvania Supreme Court was a failure. In a majority opinion by Judge Stephen Zappala—not known as a bulwark for the Commonwealth in criminal cases in Pennsylvania—he summarily took care of each and every one of the 20 issues raised by Mumia Abu-Jamal's attorney.

Now, I mentioned that this trial ended over 10 years ago. It has been 10 years, and Mumia Abu-Jamal and his attorneys have not seen fit to even bother to file a postconviction hearing act petition, which is a remedy that is available to all criminal defendants once found guilty in the Commonwealth. It has been 10 years. There are plenty of things that Mr. Jamal could have done. He could have filed Federal writs of habeas corpus or his attorney could have done so. That was never done. He was found guilty. The judicial system gave him every benefit of the doubt. It gave him much more of a chance than he ever gave Officer Daniel Faulkner as he lay there wounded on Locust Street back in 1981.

Mr. Speaker, this is an outrageous resolution. It is not only outrageous, it is unnecessary. I ask my colleagues to vote this down. Thank you.

The SPEAKER. The Chair recognizes Mr. Richardson.

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

I have listened with interest now to all those persons who have spoken, particularly those who represent police officers

here in this House of Representatives, and I noted that none of the individuals that spoke, not only were they not there at the time that this took place but emphatically tried to make it convincing that they knew more about the case than anyone else. Well, there are some of us who have had some opportunity to explore also the circumstances surrounding this case from another point of view, and unfortunately, it is not being fairly distributed in terms of his comments, because once anything like this that derives from a black-white situation is in this House, it automatically swings the other way without a thought being given to what has taken place in terms of the facts.

Now, just as clearly and succinctly as facts were laid out about what took place down there on 13th Street on that night in 1981 on that side, there are some clear facts that need to be pointed out on this side as they resulted directly from this case being tried in the Philadelphia court system.

Number one, there was never a fair trial in the city of Philadelphia. Judge Sabo, who was the judge who in fact heard the case, was the individual that denied any black jurors from being seated on the jury whatsoever. I thought we were in the Commonwealth of Pennsylvania; we were allowed the right to be able to have a person of your peers to be seated on a particular jury. We can show facts that there were 11 African-American persons that were challenged and denied the right to sit on the jury. I did not hear any of those who have spoken bring that fact out at all.

The other fact is that at the time of the shooting, while it has been so emphatic that this shooting took place directly by this individual gentleman—and again we must point out that all we are asking is that the facts be heard and that we memorialize Congress in order to deal with that—that only one side is being pushed on all the members here. So automatically, if it is a police officer, we automatically believe that that has got to be true. Well, we have members who are police officers on our side of the aisle as well, and they have gone through a lot every single day in putting their lives on the line. So this is not anything new or different that we are dealing with. Alphonso Deal, a member of this House of Representatives, was a former police officer before he came, an outstanding officer who put his life on the line every single day. That has never changed.

And when you look at the conflicting evidence that deals with trials and appeals, the instructions to the jury and the ignoring of precedents, whether Judge Albert Sabo presided over Jamal's trial, sitting as a homicide judge since 1974, he has sentenced 26 people to death, more than any other judge in the country, and 22 out of 26 of those persons were black men. So I want to let you know that you start off in a deficit from the very beginning, because no one wants to deal with the fact that there has been a political prisoner.

I happen to know Mumia Abu-Jamal. Before he had this problem with the court system, he was a radio announcer at WDAS in Philadelphia, a radio station that is listened to widely by many individuals from all across the city of Philadelphia, and long before he joined any part of the MOVE

organization or part of the Panther organization, he had always been an outspoken critic and a black journalist who was recognized in the city of Philadelphia as being a stardom individual who had a number of potentialities in terms of going on in journalism. None of those things are being pointed out here today. You are only hearing one side, which is why Representative Hughes tried his best to say we only want to memorialize Congress. We were not giving the innocence or the guilt of the case. What we said is that it needs to be investigated, because there are some facts that never get heard.

They assassinated Malcolm X. They assassinated Dr. Martin Luther King. They assassinated and got rid of Marcus Garvey. They assassinated a number of our heroes within our community when talking about heroes that went down. But they were at the despise of the Federal Government and the despise of the government that took these individuals down, because they were afraid that these folks were too outspoken. And I think that a lot of times we never factor any of those points in. So today we want to say to you, why were blacks deliberately excluded from the jury that heard Jamal's case, denying him a true trial and a jury of his peers? Why is it that evidence seriously questions Jamal's guilt and points to his possible innocence?

Number one, many of the witnesses that you talked about described Mumia Abu-Jamal, as an assailant, as heavy and shorter than what Jamal actually was. So when these facts came out, these things were denied as evidence to deal with even having the case overturned. Another described a man who wore his hair in an Afro like I have mine. If anybody knew Mumia Abu-Jamal, he wore his hair in dreadlocks. There could not have been a distinction and a change different from an Afro than dreadlocks.

Another testimony described someone with dreadlocks running away from the scene. Jamal, as heard and listened to by Representative O'Brien, was shot, and therefore, was on his knees. He could not have run anywhere. So the facts are not clear. So while you point emphatically that these facts are clear, they are not clear, and it is unfair to allow anyone to stand on this floor and give the facts as if they are the gospel when they were not at the scene; they were not a part of the trial; they did not give a doggone about the trial then, and the only reason they are raising it now is because it is being moved as a political prisoner in this Commonwealth to allow us to have at least the Federal Government and Washington, DC, to memorialize Congress to allow them to look into and investigate this case. That is all.

Now, if you can pass judgment by being the judge, jury, and executioner here, then we are in the wrong business, because that is not our job or our role. Our job is to help pass laws and to direct them. But when we get in the business of feeling that we can make a determination on somebody else's life without having any facts just because of what somebody brought to you, I think we are on the wrong side of the coin in dealing with this particular issue. I could go on further, but I will not. I will just point out two other things and then I will sit down.

The trial violated Abu-Jamal's First Amendment rights of freedom of speech and association. Because he was associated with MOVE automatically made him guilty. Because he was a member of the Black Panther Party, it automatically made him guilty. If you heard the Representatives who spoke before I did, they pointed out over and over again that he was a member of the Black Panther Party. What does that mean? That he is a bad guy because he is a member of the Black Panther Party? But when you start hearing this, you invoke a certain gender in the minds of those individuals who hear it, so automatically you get scared. Well, many of us belonged to civil rights and human rights organizations back in the past. Does that make us bad guys because we belonged to them? In the eyesight of those who would say it, yes, and I think that that is the problem. We are looked upon in disdain before we even have an opportunity to open our mouths and show the history of the problems that have been stemming for a long time. Racism is still alive and well. Nobody wants to deal with that. Let us deal with the facts as they are, and we brought them here to you today.

Why was the United States Supreme Court treating Jamal's case differently than any other case? In March of 1992 the United States Supreme Court overturned the death sentence of a Delaware man by the name of David Dawson due to the evidence submitted by the prosecution at a sentencing hearing concerning his affixation and his affiliation with the Iran Brotherhood - a white-racist prison organization.

In 1987 Dawson had been sentenced to death by a largely white jury for murdering a Delaware woman just hours after he escaped from prison. In 1986, in the ruling of the Dawson case, the court took issue with the credibility of the prosecution's evidence. Writing for the majority, Chief Justice Rehnquist indicated that the court would have ruled otherwise had the prosecution submitted expert testimony on the Brotherhood and made more explicit its relevance to Dawson's character, providing the organization had committed or endorsed unlawful acts. I point that out to show that it is always different if you do not have the facts, and the facts have not been properly submitted in this particular case.

I would ask for you to give us the opportunity to allow this to go to Washington to afford us the opportunity to be able to listen and have them be memorialized to investigate this particular case surrounding the conviction of Mumia Abu-Jamal. That is all. Thank you all very much.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—40

Acosta	Coy	James	Richardson
Battisto	DeWeese	Jarolin	Robinson
Belardi	Daley	Josephs	Saloom
Bishop	Dermoddy	Kruszewski	Steighner
Broujos	Fee	Kukovich	Thomas
Cappabianca	George	Laughlin	Trello
Carn	Gigliotti	Lescovitz	Veon
Cawley	Harper	Melio	Wambach
Colaizzo	Hughes	Oliver	Williams
Cowell	Itkin	Preston	Wright, D. R.

NAYS—152

Adolph	Farmer	Lucyk	Scheetz
Allen	Fleagle	McCall	Schuler
Anderson	Flick	McGeehan	Scrimenti
Angstadt	Foster	McHale	Semmel
Argall	Freeman	McHugh	Serafini
Armstrong	Gallen	McNally	Smith, B.
Arnold	Gamble	Markosek	Smith, S. H.
Barley	Gannon	Marsico	Snyder, D. W.
Belfanti	Geist	Mayernik	Snyder, G.
Birmelin	Gerlach	Merry	Staback
Black	Gladeck	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steelman
Bowley	Gruitza	Mihalich	Stetler
Boyes	Gruppo	Mundy	Stish
Brown	Hagarty	Murphy	Strittmatter
Bunt	Haluska	Nahill	Suban
Bush	Hanna	Nailor	Sturla
Butkovitz	Harley	Nickol	Surra
Caltagirone	Hasay	Noye	Tangretti
Carlson	Hayden	Nyce	Taylor, E. Z.
Carone	Hayes	O'Brien	Taylor, F.
Cessar	Heckler	Olasz	Taylor, J.
Chadwick	Herman	Perzel	Telek
Civera	Hershey	Pesci	Tigue
Clark	Hess	Petrarca	Tomlinson
Clymer	Jadlowiec	Petrone	Trich
Colaifella	Johnson	Phillips	Tulli
Cole	Kaiser	Piccola	Uliana
Cornell	Kenney	Pistella	Van Horne
DeLuca	King	Pitts	Vance
Davies	Kosinski	Raymond	Vroon
Dempsey	Krebs	Reber	Wilson
Dent	LaGrotta	Reinard	Wogan
Donatucci	Langtry	Ritter	Wozniak
Durham	Lawless	Roebuck	Wright, M. N.
Evans	Lee	Rudy	
Fairchild	Leh	Ryan	O'Donnell,
Fajt	Levdansky	Saurman	Speaker
Fargo	Lloyd		

NOT VOTING—5

Cohen	Linton	Maiale	Rieger
Freind			

EXCUSED—4

Billow	Corrigan	Kasunic	Mrkonic
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The question was determined in the negative, and the resolution was not adopted.

CONSIDERATION OF SB 1505 CONTINUED

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

(Amendment A4166, offered by Mr. Sturla on November 23, 1992, was withdrawn.)

Mr. STURLA offered the following amendments No. A4440:

- Amend Title, page 1, line 20, by inserting after "acts," providing for and
- Amend Title, page 1, line 21, by inserting after "DEFINITION;" providing for transferable development rights;
- Amend Sec. 2, page 2, lines 27 through 30; page 3, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 2. The definitions of "county," "governing body," "municipality" and "transferable development rights" in section 107 of the act are amended to read:

Section 107. Definitions.—(a) The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"County," any county of the second class [A] through eighth [classes] class.

"Governing body," the council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class [A] through eighth [classes] class or as may be designated in the law providing for the form of government.

"Municipality," any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class [A] through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

"Transferable development rights," the attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands [within the municipality] where more intensive development is deemed [by the municipality] to be appropriate.

Amend Bill, page 3, by inserting between lines 12 and 13

Section 4. Section 619.1(d) of the act is amended to read:

Section 619.1. Transferable Development Rights.—***

(d) No development rights shall be transferable beyond the boundaries of the municipality wherein the lands from which the development rights arise are situated[.], except that, in the case of a joint municipal zoning ordinance involving two or more municipalities, development rights shall be transferable within the boundaries of the municipalities comprising the joint municipal zoning ordinance.

Amend Sec. 4, page 3, line 13, by striking out "4" and inserting

5

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

The SPEAKER. On that question, the Chair recognizes Mr. Sturla.

Mr. STURLA. Mr. Speaker, this is basically the same amendment that I had offered earlier; however, it has been altered to coincide with the Bowley amendment.

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

The following roll call was recorded:

YEAS—189

Table with 4 columns of names: Acosta, Adolph, Allen, Anderson, Angstadt, Argall, Armstrong, Arnold, Barley, Durham, Evans, Fairchild, Fajt, Fargo, Farmer, Fee, Fleagle, Flick, Laughlin, Lawless, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucy, Roebuck, Rudy, Ryan, Saloom, Saurman, Scheetz, Schuler, Semmel, Scrafini

Table with 4 columns of names: Battisto, Belardi, Belfanti, Birmelin, Bishop, Black, Blaum, Boyes, Broujos, Brown, Bunt, Bush, Butkovitz, Caltagirone, Cappabianca, Carlson, Carn, Carone, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dent, Dermody, Donatucci, Foster, Freeman, Gallen, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Haluska, Hanna, Harley, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Hughes, Itkin, Jadowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kenney, King, Kosinski, Krebs, Kruszewski, Kukovich, LaGrotta, Langtry, McCall, McGeehan, McHale, McHugh, McNally, Maiale, Markosek, Marsico, Mayermik, Melio, Merry, Michlovic, Micozzie, Mihalich, Mundy, Murphy, Nailor, Nickol, Noye, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pistella, Pitts, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robinson, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steelman, Steighner, Stetler, Stish, Strittmatter, Stuban, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Tigie, Tomlinson, Trello, Trich, Uliana, Van Horne, Vance, Veon, Wambach, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, M. N., O'Donnell, Speaker

NAYS—5

Table with 4 columns of names: Bowley, Hagarty, Nahill, Tulli, Vroon

NOT VOTING—3

Table with 4 columns of names: Freind, Harper, Scrimenti, EXCUSED—4

Table with 4 columns of names: Billow, Corrigan, Kasunic, Mrkonic

The question was determined in the affirmative, and the amendments were agreed to.

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

Mrs. LANGTRY offered the following amendments No. A4355:

Amend Title, page 1, line 21, by inserting after "DEFINITION;"

applying the provisions of the act to second class counties;

Amend Bill, page 1, lines 25 and 26; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 1. The title of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended to read:

AN ACT

To empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and

second classes including those within a county of the second class and counties of the [second class A] second through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for mediation; providing for transferable development rights; providing for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts.

Section 2. Section 105 of the act is amended to read:

Amend Sec. 2, page 2, lines 27 and 28, by striking out all of said lines and inserting

Section 3. The definition of "county" in section 107(a) of the act is amended and the subsection is amended by adding a definition to read:

Amend Sec. 2 (Sec. 107), page 3, by inserting between lines 3 and 4

"County," any county of the [second class A] second through eighth classes.

Amend Sec. 3, page 3, line 8, by striking out "3" and inserting

4

Amend Sec. 4, page 3, line 13, by striking out "4" and inserting

5

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

The SPEAKER. On that question, the Chair recognizes Mrs. Langtry.

Mrs. LANGTRY. Mr. Speaker, this amendment brings Allegheny County under the Municipalities Planning Code, and this is agreed to by Allegheny County.

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

The following roll call was recorded:

YEAS—196

Acosta	Evans	Lawless	Rudy
Adolph	Fairchild	Lee	Ryan
Allen	Fajt	Leh	Saloom
Anderson	Fargo	Lescovitz	Saurman
Angstadt	Farmer	Levdansky	Scheetz
Argall	Fee	Linton	Schuler
Armstrong	Fleagle	Lloyd	Scrimenti
Arnold	Flick	Lucyk	Semmel
Barley	Foster	McCall	Serafini
Battisto	Freeman	McGeehan	Smith, B.
Belardi	Gallen	McHale	Smith, S. H.
Belfanti	Gamble	McHugh	Snyder, D. W.
Birmelin	Gannon	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban

Bush	Hagarty	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, F.
Carn	Hasay	Nickol	Taylor, J.
Carone	Hayden	Noye	Telek
Cawley	Hayes	Nyce	Thomas
Cessar	Heckler	O'Brien	Tigue
Chadwick	Herman	Olasz	Tomlinson
Civera	Hershey	Oliver	Trello
Clark	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Tulli
Cohen	Itkin	Petrarca	Uliana
Colafella	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Williams
DeLuca	Kenney	Raymond	Wilson
DeWeese	King	Reber	Wogan
Daley	Kosinski	Reinard	Wozniak
Davies	Krebs	Richardson	Wright, D. R.
Dempsey	Kruszewski	Rieger	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Durham	Laughlin		

NAYS—0

NOT VOTING—1

Freind

EXCUSED—4

Billow Corrigan Kasunic Mrkonic

The question was determined in the affirmative, and the amendments were agreed to.

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

The SPEAKER. The gentleman, Mr. Gamble, offers the following amendment, which the clerk will read.

Mr. GAMBLE. Mr. Speaker, is that to SB 1505?

The SPEAKER. Yes, sir.

Mr. GAMBLE. We are withdrawing our amendment because I am told that Representative Langtry has a similar amendment.

The SPEAKER. The Langtry amendment has been adopted.

Mr. GAMBLE. I withdraw.

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

Bill as amended was agreed to.

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.

YEAS—193

Acosta	Fairchild	Lawless	Ryan
Adolph	Fajt	Lee	Saloom
Allen	Fargo	Leh	Saurman
Anderson	Farmer	Lescovitz	Scheetz
Angstadt	Fee	Levdansky	Schuler
Argall	Fleagle	Linton	Scrimenti
Armstrong	Flick	Lloyd	Semmel
Arnold	Foster	Lucyk	Serafini
Barley	Freeman	McCall	Smith, B.
Battisto	Gallen	McGeehan	Smith, S. H.
Belardi	Gamble	McHale	Snyder, D. W.
Belfanti	Gannon	McHugh	Snyder, G.
Birmelin	Geist	McNally	Staback
Bishop	George	Maiale	Stairs
Black	Gerlach	Markosek	Steelman
Blaum	Gigliotti	Marsico	Steighner
Bowley	Gladeck	Mayernik	Stetler
Boyes	Godshall	Melio	Stish
Broujos	Gruitza	Merry	Strittmatter
Brown	Gruppo	Michlovic	Stuban
Bunt	Hagarty	Micozzie	Sturla
Bush	Haluska	Mihalich	Surra
Butkovitz	Hanna	Mundy	Tangretti
Caltagirone	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, F.
Carn	Hasay	Nailor	Taylor, J.
Carone	Hayden	Nickol	Telek
Cawley	Hayes	Noye	Thomas
Cessar	Heckler	Nyce	Tigue
Chadwick	Herman	O'Brien	Tomlinson
Civera	Hershey	Olasz	Trello
Clark	Hess	Oliver	Trich
Clymer	Hughes	Perzel	Tulli
Cohen	Itkin	Pesci	Uliana
Colaafella	Jadlowiec	Petrarca	Van Horne
Colaizzo	James	Petrone	Vance
Cole	Jarolin	Phillips	Veon
Cornell	Johnson	Piccola	Vroon
Cowell	Josephs	Pistella	Wambach
Coy	Kaiser	Pitts	Williams
DeLuca	Kenney	Preston	Wilson
DeWeese	King	Raymond	Wogan
Daley	Kosinski	Reber	Wozniak
Davies	Krebs	Reinard	Wright, D. R.
Dempsey	Kruszewski	Richardson	Wright, M. N.
Dent	Kukovich	Ritter	
Dermody	LaGrotta	Robinson	O'Donnell,
Donatucci	Langtry	Roebuck	Speaker
Durham	Laughlin	Rudy	

NAYS—0

NOT VOTING—4

Cappabianca	Evans	Freind	Rieger
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EXCUSED—4

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

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

CONSERVATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

I would like to call a meeting of the Conservation Committee at the rear of the chamber upon your declaration of recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Evans, who announces a meeting of the Appropriations Committee in the rear of the House immediately upon the call of the recess.

ANNOUNCEMENT BY MR. McCALL

The SPEAKER. The Chair recognizes Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, the northeast delegation will meet tomorrow morning at 9 a.m. in room 40E. The northeast delegation, tomorrow morning, 9 a.m., room 40E.

ANNOUNCEMENT BY MR. KOSINSKI

The SPEAKER. The Chair recognizes Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

I would like to remind the members that my farewell party is still on, despite the fact that it was supposed to end at 6 o'clock, and if you know me, there is plenty of food still available. It is in room 300, which is my office. So please come up. I do not want to cart the stuff back to Philadelphia.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, the House is going to recess until the call of the Chair for business purposes and then reconvene at 11 o'clock tomorrow morning. It is not the expectation of the Chair at this point that there will be votes cast, but in any event, the members ought to be prepared to be here at 11 o'clock tomorrow morning.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. James.

Mr. JAMES. On SB 48, amendment A4288, I was recorded as voting "no." I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes the lady, Mrs. Rudy. Mrs. RUDY. Thank you, Mr. Speaker.

On SB 1086 my switch failed to operate and I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes Mr. Sturla.

Mr. STURLA. Mr. Speaker, on SB 1787 I was out of my seat. I wish to be voted in the affirmative.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 2602, PN 4234

An Act providing minimum standards, terms and conditions for the licensing of persons who engage in wholesale distributions in interstate commerce of prescription drugs; and making a repeal.

SB 88, PN 1328

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," reducing minimum age requirements of minors who sell newspapers or merchandise in public places.

RESOLUTION REPORTED FROM COMMITTEE**HR 410, PN 4186**

By Rep. DeWEESE

A Resolution recognizing October 23, 1993, as the tenth anniversary of the bombing of the United States Marine Corps Barracks in Beirut, Lebanon.

RULES.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 1688, PN 2120**

By Rep. CALTAGIRONE

An Act amending the act of August 21, 1953 (P. L. 1273, No. 361), entitled "The Private Detective Act of 1953," further providing for renewal of licenses.

JUDICIARY.

REPORT SUBMITTED

The SPEAKER. The Chair recognizes Mr. Markosek, who presents the interim report of the House select committee on meeting the needs of older drivers, November 1991 and 1992, pertaining to HR 168.

(Copy of report is on file with the Chief Clerk.)

**1992 SURPLUS PROPERTY
DISPOSITION PLAN**

The SPEAKER. The Chair acknowledges receipt from the Governor of the 1992 Surplus Property Disposition Plan, which will be included in the record.

The following communication was submitted:

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

To the General Assembly of the
Commonwealth of Pennsylvania:

By the authority vested in me by Article XXIV-A of the act of April 9, 1929 (Public Law 177, Number 175), known as "The Administrative Code of 1929," added by Section 5 of the Act of July 1, 1981 (Public Law 143, Number 48) and entitled "Disposition of Commonwealth Surplus Land," I transmit herewith the 1992 Surplus Property Disposition Plan.

The annual Surplus Property Disposition plan, required by Article XXIV-A, provides for the systematic management of commonwealth-owned real estate assets and the efficient disposition of surplus holdings. The plan also ensures that all convey-

ances are made for fair consideration predicated upon fair market value.

Contained in the plan for 1992 are nineteen (19) properties whose usefulness to state government has ceased; however, they are useful and valuable for other purposes. Any special considerations, such as zoning restrictions, retention of mineral rights, and easements or leases presently in effect, have been identified.

Pursuant to Article XXIV-A, the plan was transmitted to the Chairman and the Minority Chairman of the House and the Senate State Government Committees. The House and Senate committees conducted a joint public hearing on September 30, 1992 as part of their review of the plan and advised the Department of General Services of their findings.

The Department of General Services also invited public comment on the plan through publication in the *Pennsylvania Bulletin*, Volume 22, Number 35, August 29, 1992. In addition, pursuant to Article XXIV-A, the department requested and received approval of the plan by the Attorney General as to form and legality.

Legislative consideration of the sale of the property contained in the plan will result in substantial benefits to the commonwealth, including the return of idle real estate to the local tax rolls, the reduction of state exposure to liability and other insurance risks, and the elimination of excessive security and maintenance costs.

I, therefore, transmit to you and urge your approval of the 1992 Surplus Property Disposition Plan.

Robert P. Casey
Governor

(Copy of plan is on file with the Journal clerk.)

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 3060 By Representatives MELIO, SALOOM,
CLYMER, KOSINSKI and CORRIGAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of alcohol by minors and for false identification to obtain alcohol by minors.

Referred to Committee on JUDICIARY, November 23, 1992.

No. 3061 By Representatives SAURMAN, NOYE,
FARGO, DEMPSEY, KREBS,
GODSHALL, GERLACH, GEIST,
TOMLINSON, HANNA, HERSHEY and
LEH

An Act establishing within the Department of Public Welfare the Welfare-to-Work Program; providing for selection of counties; establishing a Voluntary Advisory Board; providing for funding, program eligibility and plans and reports; and making an appropriation.

Referred to Committee on HEALTH AND WELFARE,
November 23, 1992.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 1408, PN 2575**

By Rep. GEORGE

An Act designating the Yellow Breeches Creek as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; and providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

CONSERVATION.

BILL REREPORTED FROM COMMITTEE

SB 1444, PN 2634 (Amended)

By Rep. EVANS

An Act providing for environmental education programs, for further duties of the Department of Education and the Department of Environmental Resources; establishing the Environmental Education Fund; establishing the Advisory Council on Environmental Education and providing for its powers and duties; providing for the disposition of a portion of certain fines and penalties, for the management of nutrients on certain agricultural operations to abate nonpoint source pollution, for the certification of nutrient management specialists, for the assessment of other nonpoint sources of nutrient pollution to the waters of this Commonwealth; establishing the Nutrient Management Advisory Board and providing for its powers and duties; establishing the Nutrient Management Fund; and providing for enforcement and penalties.

APPROPRIATIONS.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that SB 1408 and SB 1688 be taken from the table 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.

RECESS

The SPEAKER. This House will stand in recess until the call of the Chair.

AFTER RECESS

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

ADJOURNMENT

The SPEAKER. The Chair recognizes Mr. Surra.

Mr. SURRA. Mr. Speaker, I move that this House do now adjourn until Tuesday, November 24, 1992, 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 10:59 p.m., e.s.t., the House adjourned.