

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

FRIDAY, MAY 28, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 36

### HOUSE OF REPRESENTATIVES

The House convened at 10:40 a.m., e.d.t.

#### THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

##### PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Dear God, many members of this body have requested that Your servant pray a special prayer today. That is my desire, O God, but what or how should I pray?

You know the situation of this House; You know the desires of our hearts; You know how we wish and desire to uphold the wishes of our constituents; You also know how tired and weary and anxious and stressed we are, how little control we seem to have.

All You desire is that we be faithful in the work before us and do our very best and after that to lean upon You and not to our own understanding.

We rejoice. Though troubled on every side, we are not in distress. Though perplexed, we are not in despair. Though cast down, we are not destroyed.

And when, O Lord, there seems no way out, then will You not rock each of us in the bosom of Abraham.

In Your dear name we pray. Amen.

##### PLEDGE OF ALLEGIANCE

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

##### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Thursday, May 27, 1993, will be postponed until printed. The Chair hears no objection.

##### BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1347, PN 1482

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing an additional exclusion from sales tax.

FINANCE.

HB 1456, PN 1605

By Rep. TRELLO

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for cigarette sales and licensing; and making repeals.

FINANCE.

##### REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. COWELL presented the Report of the Committee of Conference on HB 438, PN 1982.

##### REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the minority leader for the purpose of making an announcement.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, at such time as you would declare a recess, if you find it appropriate, I would like the Republican Caucus to go to the caucus room for a period of 30 minutes to 40 minutes so that we might have an opportunity to look for the first time at the printout on the school subsidy. It is my understanding that they are now available. We have not had a chance to review them, and we would like to review them before voting on them.

I do not think we need much more time than that, it being my belief that we can each find our respective school districts within that period of time and discuss, you know, the problems of the subsidy in a reasonably short time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

##### DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, the Democrats will go into caucus at 11 o'clock.

The SPEAKER pro tempore. Is there an approximate time that we are going to return?

Mr. ITKIN. Mr. Speaker, if it is okay with the minority leader, I would like to come back at 11:30.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am sorry; I was distracted then. Was that a call to return here at 11:30? Thank you, Mr. Speaker.

**RECESS**

The SPEAKER pro tempore. This House now stands in recess until 11:30.

**AFTER RECESS**

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

**THE SPEAKER (H. WILLIAM DeWEESE)  
PRESIDING**

**LEAVES OF ABSENCE**

The SPEAKER. The gentleman, Mr. Steighner, is recognized for leaves.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentleman from Berks, Mr. CALTAGIRONE.

The SPEAKER. Does the Chair understand that to be for the entire day or for part of the day?

Mr. STEIGHNER. Until further notice.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Mr. Perzel from Philadelphia, who indicates that the Republicans have no leaves of absence for the day.

**GUESTS INTRODUCED**

The SPEAKER. For the record, the Chair would like to welcome the students from the Calypso School from Bethlehem, Pennsylvania, who are in the Capitol Complex today, and they are the guests of State Representative T. J. Rooney. The Chair would like to welcome them to the hall of the House.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—201**

Acosta	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Flick	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Sennel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.

Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Stelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colafella	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Home
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubleby	DeWeese,
Fargo	Linton	Rudy	Speaker
Farmer	Lloyd	Ryan	

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—2**

Bush Caltagirone

**LEAVES ADDED—1**

O'Donnell

**LEAVES CANCELED—1**

Caltagirone

**FILMING PERMISSION**

The SPEAKER. The membership of the House should be aware that both the Democratic and Republican video teams are on the floor filming today's proceedings.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, I move that House rule 21 be suspended in order that we may immediately consider HB 438, PN 1982.

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

(Members proceeded to vote.)

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

Mr. LEE. To debate—

The SPEAKER. The only thing in order now is the calling of the roll. This motion is not debatable.

Mr. LEE. Thank you.

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

The following roll call was recorded:

YEAS—146

Acosta	Evans	Lescovitz	Rudy
Adolph	Fairchild	Linton	Santoni
Allen	Fajt	Lloyd	Sather
Argall	Fargo	Lucyk	Schuler
Armstrong	Farmer	Lynch	Scrimenti
Baker	Fee	Manderino	Semmel
Barley	Gamble	Markosek	Serafini
Battisto	Geist	McCall	Staback
Bebko-Jones	George	McGeehan	Stairs
Belardi	Gigliotti	McNally	Steelman
Belfanti	Gladeck	Melio	Steighner
Bishop	Godshall	Michlovic	Stern
Blaum	Gordner	Micozzie	Stetler
Brown	Gruitza	Mihalich	Stish
Bunt	Gruppo	Miller	Sturla
Butkovitz	Haluska	Mundy	Surra
Buxton	Hanna	Murphy	Tangretti
Cappabianca	Harley	O'Brien	Taylor, E. Z.
Carn	Hasay	O'Donnell	Taylor, J.
Cawley	Hennessey	Olasz	Thomas
Cessar	Hershey	Oliver	Trello
Chadwick	Hess	Perzel	Trich
Clymer	Hughes	Pesci	Uliana
Cohen, M.	Itkin	Petrarca	Van Horne
Colafella	Jadlowiec	Petrone	Veon
Colaizzo	James	Phillips	Vitali
Cornell	Jarolin	Piccola	Williams
Corrigan	Josephs	Pistella	Wogan
Cowell	Kasunic	Pitts	Wozniak
Coy	Keller	Preston	Wright, D. R.
Curry	Kenney	Reber	Wright, M. N.
Daley	Kirkland	Richardson	Yandrisevits
DeLuca	Kukovich	Rieger	Yewcic
Dempsey	LaGrotta	Ritter	Zug
Dermody	Laughlin	Robinson	
Donatucci	Lederer	Roebuck	DeWeese,
Durham	Leh	Rooney	Speaker

NAYS—48

Birmelin	Heckler	Mayernik	Scheetz
Boyes	Herman	Merry	Smith, B.
Carone	Hutchinson	Nailor	Smith, S. H.
Clark	Kaiser	Nickol	Snyder, D. W.
Cohen, L. I.	King	Nyce	Steil
Dent	Krebs	Pettit	Strittmatter
Druce	Laub	Platts	Tigue

Egolf	Lawless	Reinard	Tomlinson
Fichter	Lee	Rohrer	True
Fleagle	Maitland	Rubley	Tulli
Freeman	Marsico	Saurman	Vance
Gerlach	Masland	Saylor	Waugh

NOT VOTING—7

Civera	Gannon	Raymond	Ryan
Flick	Levdansky	Roberts	

EXCUSED—2

Bush	Caltagirone
------	-------------

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.

SUPPLEMENTAL CALENDAR A

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. COWELL called up for consideration the following Report of the Committee of Conference on **HB 438, PN 1982**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," requiring a report of certain racial and ethnic groupings; authorizing the board of school directors of certain school districts to levy different rates of taxation for school purposes on land and on buildings; providing for emergency certificates in certain circumstances; further providing for certain inmates of children's institutions, for transportation and lodging of certain children and for approved private schools and chartered schools; providing for instructional support, for reimbursements for community colleges, for payments to intermediate units and for special education payments to school districts, including special education payment adjustments; creating a fund for audit resolutions for approved private schools; further providing for school district reimbursement definitions, for instruction payments, for payment limitations, for the economic supplement, for assistance to small school districts, for temporary special aid, for the low-expenditure, low-wealth supplement and for the low-expenditure poverty supplement; providing for education subsidy base, for an equity supplement, for foundation guarantee payments, for a minimum effort base, for a growth supplement, for a limited revenue sources supplement, for discretionary funds to assist school districts experiencing extreme financial difficulty and for resource data in the foundation-based equity formula; further providing for payments generally and for forfeitures for certain employment practices; and providing for a graduate opportunity fund.

On the question,  
Will the House adopt the report of the committee of conference?

The SPEAKER. The gentleman, Mr. Lee, is recognized.  
Mr. LEE. Thank you, Mr. Speaker.

I would like to apologize for trying to speak on the motion to suspend the rules. I forgot that that was not a debatable motion.

It is unfortunate that we do suspend the rules to consider this report at this time, because quite frankly, I would like to take some more time to examine the specifics of the school equity formula that is being proposed here. Based on the fact I have not had a lot of time to do that, I rise reluctantly to oppose this particular conference report, not because this hurts my particular school districts. Most of my school districts in my area are helped by this proposal, but the reason I rise to oppose this proposal is I think it is a very bad precedent and it is very bad public policy.

What we are doing today by adding all of these additional little stipulations to our ESBE (equalized subsidy for basic education) formula in Pennsylvania is taking the system which is somewhat incrementally based upon trying to drive a fair amount of money to different school districts, and what we are doing is setting up individual little categories to drive special amounts of money to individual school districts both, I guess, in an attempt to get more money to the absolute poorest school districts and, as obvious, to get enough votes to pass this today. I think it is really bad public policy what we are doing here today because we are basically destroying the ESBE formula.

If we come back and try to do the same thing next year, we are going to have the same little political debate upon, well, who gets the chunk of money next year; what areas of the State are going to get enough money so that they deliver the votes, and we are going totally away from a system based upon the wealth of the school district, their ability to pay, their tax efforts, and going into just a politically based system.

I know Representative Cowell will say, well, we need this equity proposal to avoid having the courts to come in and mandate an equity proposal in Pennsylvania. My argument is, by adopting this equity proposal, we are inviting the courts in to take over our funding of schools, because by doing this today, we are totally politicizing our ESBE formula worse than it already is. Everyone in this chamber will admit that there are political factors in our current formula system. This makes it that much worse, where just 2 or 3 years down the line the courts are going to look at how this money is going to be divided up. It is going to be divided up totally for political reasons, and they are going to look at it and say, this is not fair; this is not based upon who is poor, who is not; it is just totally politically motivated; we are going to throw out the whole system, and now we as a corps are going to come in and mandate a court-mandated funding for equity in Pennsylvania.

I support school funding equity. I think the standard equity formula should be changed or more money driven through it to get more money to the poorer school districts, but this is not the way to do it. What we are doing here today is politicizing the school funding formula, and that is a disaster, and we are going to end up in court 3 or 4 years from now. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lawless, from Montgomery County is recognized.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the chairman of the conference committee?

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, could you explain to me the formula used to come up with the growing district component? I have a school district within my legislative district that is currently expanding and the growth is rapid. We are intending on building one elementary school, possibly two, and that school district, Methacton School District, is not even listed or receiving anything for a growing district component. I would like that formula explained to the House, please.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the growth component of the proposed formula does not measure or does not attempt to measure whether or not a school district is building buildings or doing renovations. We all know, if you stop and think for a moment, that there are many school districts that may in fact have declining enrollment that will choose to spend money on capital improvements — sometimes renovations, sometimes brand-new buildings. Sometimes that makes a lot of sense because they choose to consolidate buildings or may have a variety of reasons. That is not for us to judge. But that is not the test of a growth district.

The growth component of the proposed legislation identifies districts that from 1990-91 to 1991-92 had an increase in pupils of at least 250 in raw number or an increase of 4.5 percent. So a school district that may have had an increase of 200 students that was a relatively large district and therefore had an increase of something less than 4 1/2 percent would not qualify, even if they built new buildings.

Qualifiers are 250, an increase of 250, or 4 1/2 percent. If a district qualifies, then it is paid \$400 multiplied by the district's 1993-94 aid ratio for each of those new or increased students, and the total cost of that provision is approximately \$5 1/2 million.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, may I speak?

The SPEAKER. The gentleman is in order and is recognized.

Mr. LAWLESS. Thank you.

Mr. Speaker, I would just like to make a comment on the issue, and that is Representative Cowell had answered the question that it is based on the number of students, that being 200 or more or 4.5 percent, if I understand him correctly. What we must understand in the legislature here is it is not the number of students necessarily, although that is very important and that is what drives us to increase the number of buildings within our district; the real cost is building these buildings. It is the cost of building these buildings. It is not necessarily the number of students that the district has increased. A district that has a capacity to handle 200 more necessarily does not have to build buildings. Buildings are what cost tax dollars.

Therefore, I would hope and look for a negative vote on this. Thank you.

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

Mr. LYNCH. Mr. Speaker, thank you.

I am rising to oppose this, and I am not going to sugarcoat this too much. This ESBE formula is a sham. The purpose of this, as I understand it, or one of the purposes was to help the poorer school districts in this Commonwealth. Well, in my district I have probably the poorest county of any county in the Commonwealth, and they are not getting one additional penny.

I am standing here and I am going to strongly urge my colleagues, particularly those from the rural districts, to oppose this. This is nothing more than an additional way of pumping more money into the city of Philadelphia.

Now, I recognize that of the three school districts I have in my district, two of them are getting additional money, but I am telling you, they are not getting what they are entitled to get. This is a sham, and I strongly urge my colleagues to oppose this. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Westmoreland, Mr. Stairs, is recognized.

Mr. STAIRS. Thank you, Mr. Speaker.

I stand to make a few remarks on this conference report. I say it is a nice try but we have not got there yet.

This bill is a contradiction. It does expand the number of qualifying districts. On the other hand, it still misses many poor rural districts, as the previous speaker just mentioned. In my legislative district, there are two districts above the aid ratio of .5. One is a .6695. It receives no increased new money in this proposal.

The bill itself retreats from the most essential element of the equity proposal, and that is the foundation level of \$4,000, and it is reducing that to \$3,875. At the same time, it reduces and does not help the rural districts. It makes the full funding advantage for Pittsburgh and Philadelphia worse. Under the existing poverty component, they receive 4.5 times what my rural districts and other rural districts receive for poverty level.

One of the largest increases in this conference report that we did not talk about is the Department of Education. They are going to receive an additional general operating budget of over a 30-percent increase, and at this time when budget cutbacks are very important, how can we justify a 30-percent increase for one of our departments?

Another part of this conference report talks of special education. Certainly some positive things have been added in special education, but the bottom line is, we are just talking about slightly better than a 2-percent increase, and this is not clearly sufficient to adequately address the funding concerns that our districts have, and they are going to be coming back needing more money, going to be raising taxes to meet special ed needs.

Finally, this budget proposal reduces education increases by \$20 million. The last proposal we saw a couple days ago, we are seeing a \$20-million cut in that proposal. The unfortunate part about that is that that money is not being spent in

education. It also jeopardizes the retirement system, and it has a dangerous precedent of taking money away from this and refinancing our retirement system, which down the road is going to cause problems for our General Assembly and our school districts.

In essence, the \$130 million of the approximate \$800 million of new spending by the Commonwealth, this is not a high enough percentage for education. I can recall in previous years on this House floor when we adopted a budget, we would try to at least give education half of the new moneys. We are underfunding the key to the future of our Commonwealth — education — and this budget is a very good indication that we are not spending enough money in education and not putting it at the right place. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Lackawanna, Mr. Serafini, is recognized.

Mr. SERAFINI. Mr. Speaker, I am extremely disappointed to find that three of the school districts in my legislative district that have ambitious projects underway did not receive any increase in funding. It is a shame to think that not even a minimum amount of an increase could be given to these school districts that have progressed to a point where they are in need of new educational facilities, not especially because of increased population but because they have worn those previous facilities to the point that they no longer are areas and facilities and physical plants where a person would want to send his child to be educated.

The people in those districts pay their taxes just like people everywhere in Pennsylvania who work and strive to better their community. It is sad to think that they are the ones to be sacrificed in this formula for educational funding distribution.

Thank you for the opportunity to speak.

The SPEAKER. The gentleman, Mr. Druce, from Bucks County is recognized.

Mr. DRUCE. Thank you, Mr. Speaker.

May I interrogate the maker of the bill?

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

Mr. DRUCE. Mr. Speaker, if I understand the formulas as they have been provided—

Mr. COWELL. Mr. Speaker, excuse me. It is impossible to hear the gentleman's question.

The SPEAKER. The gentleman, Mr. Cowell, is right. Our first-term colleague, Mr. Druce, has asked a question, has asked to interrogate the chairman of the Education Committee. This matter is of eminent importance, and the Chair would request the members of the House to allow Mr. Druce and Mr. Cowell to carry on this dialogue.

The gentleman may continue.

Mr. DRUCE. Thank you, Mr. Speaker.

If I understand the printouts that we have provided under the ESBE formula where an aid ratio is already determined for certain school districts, Mr. Speaker, why then do we use the aid ratio when we are determining the growing district component and not simply use data based on raw figures times the \$400 which the gentleman referred to with the previous

speaker from Montgomery County to determine simply the growth rate in a district, without slanting it towards aid ratios which have already been addressed under another segment of the formula?

Mr. COWELL. Mr. Speaker, because you are speaking to the application of the aid ratio in two separate sections of the proposed law, they really are unrelated to each other, and although the application may exist in one, it does not automatically apply in the latter or the other, and so it is necessary for us to speak specifically to that question.

You are correct when you note that the calculation of the dollars a district has historically received through ESBE was dependent in part upon aid ratio. That is the way it was calculated. For those districts or for all districts, really, those dollars are preserved. They are all held harmless. That has nothing to do then with the policy question that we have to answer: How do we want to respond, if at all, to growth districts? Let us treat it outside of what we have done historically with ESBE and outside of the grandfathering of those ESBE dollars for all the other districts.

I noted for, I think it was the gentleman, Mr. Lawless, the answer to the question, how do you determine who is eligible to receive growth supplement dollars? Once you have decided who is eligible, the question remains, do you treat everybody alike or do you even there try to direct proportionately more of those dollars to poorer districts and relatively less to richer districts, even though you give them some help because of their growth? That is why we apply the aid ratio there, because to not apply it would mean that we would treat exactly alike the richest district and the poorest district and they would each get the same kind of additional dollars for growth kids or additional kids, and the policy judgment is that that is not fair. The policy judgment is that although we may want to recognize growth in all of those rapidly growing districts, we still want to give proportionately more help to the poorer rapidly growing district than to the richer rapidly growing district.

Mr. DRUCE. May I ask, are there raw numbers available based on the formula that you used with the 250 students or—

Mr. COWELL. I am sorry. Again I apologize. I am having trouble hearing you.

Mr. DRUCE. Are there raw numbers with which you have determined, if you use the 250 students or 4 1/2-percent increase, how many students qualify in the city of Philadelphia and how many regionally would qualify in the remainder of the southeast, just as a comparison?

Mr. COWELL. There is information by school district that indicates the growth or absence of growth in each school district for the designated period of time. We have an exact number that came from the Department of Education. Those numbers are predicated on information sent to the department by each of the school districts, so that information does exist and I am sure can be acquired by you.

Mr. DRUCE. Thank you.

Mr. Speaker, if I can make a brief comment on the bill.

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

Mr. DRUCE. I appreciate the comments from the majority Education chairman. However, what I think we are doing in this formula is compounding the aid ratio and we are counting it twice. If you look simply at the suburban counties and take the southeast region as an example, the city of Philadelphia receives twice as much money under the category of growing district component than the entire remainder of the southeast suburban counties, and the reason for that is because we are counting the aid ratio a second time, and I think that is what is wrong about how we are figuring out this formula.

I think to be fair, we have already dealt with the aid ratio that addresses the difference between poor districts and wealthy districts, if you will, but what we are doing then is coming back and counting that same aid ratio again when I believe we should just use a straight formula of growth and not compound it, and I think the numbers speak for themselves.

Bucks County, Montgomery County, Chester County, Delaware County, all are getting half of what the city of Philadelphia is getting, and if somebody on this floor can tell me that there is more growth in the city of Philadelphia than those four suburban counties, I would like to hear from them, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

#### FILMING PERMISSION

The SPEAKER. The Chair interrupts the proceedings momentarily to announce that WHP, channel 21, and WHTM, channel 27, will be filming along with our own internal caucus film teams.

#### CONSIDERATION OF HB 438 CONTINUED

The SPEAKER. The gentleman, Mr. Snyder, from Lehigh County is recognized.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I would also request interrogation of the majority chairman of the Education Committee.

The SPEAKER. Mr. Cowell indicates he will stand.

Mr. SNYDER. Mr. Speaker, just for some clarification on language in the legislation—

Mr. COWELL. Excuse me, sir.

Mr. Speaker, part of the problem that we are having hearing inquiries is that we have got some folks around us who are chatting. I am talking about media representatives.

The SPEAKER. The Chair indicates to the media representatives that their cooperation is necessary for the debate to be ongoing. They are welcome in our midst, but they are requested to remain silent.

The House is considering one of the most important debates of the session, and the members are asked to give their attention to the interrogation.

Mr. Snyder, you may continue.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, as I stated, I am just standing for some clarification on sections in the legislation that deal with teacher certification.

First of all, Mr. Speaker, could you perhaps explain to me the changes that are being proposed under section 2518? How is that altering current law as it applies to the school district's ability to hire teachers who are not presently certified and any change that it may have to the penalty that that school may have to pay if they are hiring such a teacher?

Mr. COWELL. Mr. Speaker, the language in section 2518 takes language that already is found in the existing law which requires or pertains to the forfeiture of funding by school districts which may employ uncertified staff and applies those same rules to intermediate units and to area vocational-technical schools.

Mr. SNYDER. Mr. Speaker, on page 60, lines 20 and 21, it seems that there is a restriction in there that was continuous at one time. It said, "after July 1, 1966 has had or shall have" had, and we are changing that date from July 1, 1966, to July 1, 1992. What is the purpose of that change?

Mr. COWELL. Mr. Speaker, the language that the gentleman asks about on page 60 is related to language that appears on the next page of the legislation; that is, on page 61. The effect is that on page 60 the language will cease to apply on July 1 of 1992; that is, we provide in so many words here for a window of the application of that language, from July 1 of 1966 to July 1 of 1992. Then if you proceed to page 61, you will find that the new language picks up with provisions of the law that shall take effect with July 1 of 1992, and the net effect is what I described earlier. You take the rules that were applied since 1966 to school districts, and commencing with July 1 of 1992, those rules are applied to intermediate units and area vocational-technical schools as well as to school districts.

Mr. SNYDER. Mr. Speaker, does that mean that any school district that had hired or has hired uncertified teachers prior to July 1, 1992, are no longer required to have that certification?

Mr. COWELL. That is not a correct interpretation.

Mr. SNYDER. Does this have any effect on transferring students from a high school to a community college program or vice versa?

Mr. COWELL. I have never heard that kind of interpretation applied, and I would think the answer is in the negative. It does not have anything to do with that.

Mr. SNYDER. Also, Mr. Speaker, is the penalty that is proposed here for hiring uncertified teachers lessened or increased by providing for an aid formula deduction, by first of all putting a cap of \$6,000 and then reducing it by the aid formula?

Mr. COWELL. Mr. Speaker, the application of the \$6,000 figure will have no effect in practice on the penalty. If you will look at the bottom of page 60, you will note that language that is being deleted on lines 28, 29, and 30 makes reference to a forfeiture of an amount equal to the minimum salary mandated by law. That, as a matter of practice, has been a \$6,000 figure, and so the Department of Education has requested that we provide for that exact figure, that specific figure, in the legislation rather than making that backdoor reference to it

with the minimum salary language, but the effect would be zero.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, continuing with the subject of certification, section 1109.1 appears, on page 5, to be a new section authorizing school districts of the first class - in this case, Philadelphia - to hire uncertified teachers for a period of 3 years due to the early retirement provisions under legislation earlier enacted by this legislature. Is that correct?

Mr. COWELL. Mr. Speaker, you are correct in suggesting that this is new language. It is in response to potential emergency situations that may exist in the Philadelphia School District, and it is inserted at the request of representatives of the Philadelphia School District.

The potential emergency is that in the Philadelphia School District, with a very diverse population, with very diverse native languages, there is a need for the Philadelphia School District to be able to respond appropriately with its teaching staff to the needs of that diverse student body, and we are told that there are circumstances or may be circumstances under which the school district is not able to identify and hire the properly certificated individuals with those particular foreign language skills. So this would give the district the flexibility to hire other individuals who have those foreign language skills who can meet the needs of that diverse student body but who nonetheless will be required to complete the appropriate certification requirements within a 3-year period.

Mr. SNYDER. So, Mr. Speaker, it is your understanding that this section is only limited to teachers who deal with minority students which require some type of foreign language component to their teaching ability.

Mr. COWELL. The language on lines 4 through 11 speaks specifically to the educational needs of the district's language minority student population or, in the context, "that the loss of teachers due to early retirement would cause the interruption of suitable and essential programs of instruction for such students," those students being the district's language minority student population.

Mr. SNYDER. Thank you, Mr. Speaker.

One final question. The relationship of the earlier discussed section, section 2518, which deals with penalties for uncertified teachers, to section 1109.1.

On page 61, the penalty language begins on line 5 saying "Notwithstanding the above." Is it your understanding, therefore, that the Philadelphia School District is authorized to hire a certain number of uncertified teachers but that the penalty and reduction of State aid would apply to those teachers as well as all other teachers in the remaining districts in Pennsylvania?

Mr. COWELL. Mr. Speaker, I am sorry in part because I am having trouble hearing your question. I did not understand the question. It is about the application of the language on page 61, and you were making reference to "Notwithstanding the above," and then I lost you.

Mr. SNYDER. Mr. Speaker, my question is, it states on page 61, "Notwithstanding the above," and I am not sure if

that applies only to that section or to the entire act, if the penalty that is set forth in that section on page 61 would also apply to schools-of-the-first-class teachers who are authorized under 1109.1. In other words, Mr. Speaker, is it your interpretation that this Philadelphia School District can hire uncertified teachers for a period of 3 years but that they would be penalized under the State aid for doing so?

Mr. COWELL. Mr. Speaker, my interpretation is limited in terms of the application of that "Notwithstanding the above," and I think the legislative construction would be the same. It applies not to the entire act but to language earlier in that particular section.

Mr. SNYDER. Thank you, Mr. Speaker.

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

Mr. NYCE. Thank you, Mr. Speaker.

I wonder if the chairman of the Education Committee would stand for interrogation.

The SPEAKER. Mr. Cowell will stand.

Mr. NYCE. Mr. Speaker, I wonder if the Representative would please give us a brief explanation as to the machinations of this new formula in terms of the new components. It appears to me that the new funding amounts and the allocation begin with ESBE and then are significantly affected, depending on your district, as we move across an analysis sheet, to include an expenditure component, a poverty component, a foundation component, a growing district component, and a not otherwise qualified component. Could you briefly describe which of those are new and, if you can, tell me why they are significant in terms of the total overall appropriation?

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I think that the gentleman's question and the references he makes to the printout suggest the faulty way in which we typically examine these issues. I understand why we do and I understand the political necessity of doing business as usual in the minds of some individuals, but that is a trap and it is a barrier that gets in the way of significant reform and inevitably can get in the way of school finance equity efforts.

Let me summarize the components of this spending measure as follows: First of all, every school district, rich or poor, is guaranteed that that school district will continue to receive the same amount of money that it received in prior years from the State through the ESBE mechanism with all of its components — the poverty factor, the sparsity factor, the 2-percent hold harmless, the artificial guarantee that even the richest district of the State will have an aid ratio of .15. That is all preserved and those dollars are preserved for each and every district as the first component of this package.

The second major component is that component that was proposed by Governor Casey with his budget message back in February. The Governor proposed that approximately \$93 million be directed to the poorer school districts of the State, and he created three tests for those districts to be eligible for a piece of that \$93 million — a school district had to be a relatively poorer district, a district had to be relatively lower spending, and finally, a district had to have a local tax effort of 19.5 equalized mills or greater. To qualify for a piece of the

Governor's supplement, his equity supplement, which on that printout is labeled the expenditure component, a school district had to meet all three of those tests, and if it failed to meet any one of the tests, it was completely disqualified.

That proposal helped almost 200 school districts, and this piece of legislation preserves all of those dollars that were distributed under the Governor's proposal. So we have the piece that holds harmless every district for all the dollars it has received in prior years. Nobody gets a single penny less; and secondly, it preserves the promise, if you will, that the Governor made with his equity supplement.

Then it introduces the foundation concept. It says that we will calculate what a district has received in the past through ESBE and will continue to receive and we will add to it any equity supplement dollars that a district would receive under the Governor's proposal, and then we will presume, not mandate, but presume that a school district has an equalized tax effort locally of 19 1/2 mills, and we will calculate what a district would generate in terms of local income with that local effort of at least 19 1/2 mills.

Then we will combine those three figures — the ESBE money, which is grandfathered in; the equity supplement, which a district may receive under the Governor's proposal; and what the district will earn or generate with 19 1/2 equalized mills. If the sum of those three figures when divided by the ADM (average daily membership) count does not equal \$3,875, the school district will automatically be eligible for whatever additional money it takes from the State to bring them up to that foundation level of \$3,875. That is the foundation concept.

This is an introductory year for the foundation concept. I would not argue that \$3,875 is a realistic foundation or equity figure. It is the equity or foundation figure that is affordable with a \$130-million increment for basic education. It is an introductory level, and that is the third major component of this, the guarantee that every child will have \$3,875 of resources available for that child's program, even if that child lives in the poorest district of this State.

And then there are the other components that appear or are identified on that printout that the gentleman refers to. There is the poverty component. If a school district did not get any extra help under the Governor's equity supplement and does not get any help under the foundation approach but still has a poverty student population or an AFDC (aid to families with dependent children) student population in excess of 35 percent of its enrollment, then that school district will be eligible for an additional \$100 per AFDC child.

The growing district component is another component, another piece, that operates outside of or in addition to the equity foundation thrust of this. It identifies, as I described for an earlier gentleman, those districts that in a prescribed period of time had growth of 250 students or more or, in the alternative, growth of 4 1/2 percent of its student enrollment, and those qualifying districts would be eligible for the growing district component dollars.



And then finally, we recognize that there are some poorer districts that literally fall through the cracks. They do not find eligibility for the Governor's proposal because maybe they do not have that equalized mill effort that the Governor requires, and they may not get foundation money because they perhaps already are at a \$4,000 or a \$4,200 figure. These kinds of districts that have an aid ratio of at least .70 and did not qualify for any of the other help would get dollars through what is called the not otherwise qualified component, which is directed at school districts with an aid ratio of .70 or greater who did not get any help under the other equity pieces.

Those are the major components of this equity school finance package.

Mr. NYCE. Mr. Speaker, I would like to thank the chairman of the Education Committee for quite eloquently laying out the component parts of this new formula.

I have finished my questions. I would like to speak on the bill.

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

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, those of us who have been around education for any length of time know that there have been problems with the equity and the distribution of the money that is handed down to our local school districts to support their effort in educating children.

The ESBE formula, in my opinion, meets all of the requirements that we have just heard spelled out, except for the fact that we have continually manipulated the formula. We continually manipulated it in such a way as to politically make it more acceptable to the members of this House. Instead of reviewing that existing formula, finding out where the problems were and repairing them to make it work the way it is intended to work, we have created an abomination in new formulas. No one can look at each one of these components and determine whether or not they are now more equitable than the old ESBE formula, which is what the intent of all of this effort is to be, to spend our money in a more equitable fashion.

I represent four school districts in Monroe and Northampton Counties. Three of them will get no additional money, although one of them was facing a 28-percent tax increase in order to meet its needs this year. Many of my fellow members in this House are probably in the same situation.

How do I go home and tell my districts this is more equitable? It is not. It is not more equitable. It is a more complicated, more deliberate effort to drive money into particular areas. I heard poverty in the explanation at least five times. Poverty is poverty. We keep doing this to change where the money goes without any respect for the taxpayers in our local districts or the common sense it would take to fix the ESBE formula.

I say this is nothing more than another change for the sake of change. I urge the members to reject it in its wholehearted effect. Thank you.

The SPEAKER. The gentleman from Delaware, Mr. Civera, is recognized.

Mr. CIVERA. Thank you, Mr. Speaker.

I listened very carefully to the chairman of the Education Committee very explicitly explain the formula that we are about to vote on on HB 438, the conference report. But if this is the consensus of this General Assembly, there should be a lot of other bills that should follow this conference report, because in essence what I am trying to say is that this conference report is holding these school districts at the same amount of dollars that they received in the previous years, and by doing that, when we so proudly go back after this budget debate is over with and say, there were no taxes increased on the State level, but we socked it to the school districts to the tune of anywhere between 50 mills, 90 mills, whatever the prospective school districts cannot meet their budget requirements. What should be happening is that if we are going to follow this formula, then why not remove the mandates on education to the school districts?

This General Assembly, through the Education Committee, with OBE (outcome-based education)—and God only knows what it is going to cost those local school districts—but yet we are going to vote on this conference report, and in reality what we are doing is increasing those local taxes back in the districts that we represent, and that is not fair. We are not acting fair, because I have been here since 1980 and the exact formula that Representative Cowell, the chairman of the Education Committee, so explicitly explained to us, I can remember when the city of Philadelphia did not qualify for that type of a criteria, and the General Assembly had to amend it so they would qualify and they would get a windfall of money.

All we are asking for is a fair stake at this. That is all we are asking for. We are not asking to gouge one district against the other. But if you people feel that this is fair, when school districts are raising millages 50 and 90 and 60 mills and senior citizens cannot afford to stay in those homes, I think my interpretation of fairness and what this conference report is is a lot different. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Clymer, from Bucks is recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I indeed am one of those members whose three school districts will not be receiving any additional funding, and it has been pointed out that the money that is going to have to be raised to pay for the new schools, to pay for the increase in student growth, is going to have to come from the real estate tax.

Mr. Speaker, I have heard mentioned, presumed, that the "rich districts," whatever that formula defines them as, do not really need this money. I can only assure you that if you were to go back into my district and talk to the older citizens, the widow or widower living in their home or on their farm, and you tell them that they are a part of a rich district and that they can afford additional real estate taxes, I am sure you are going to receive a much different answer.

So, Mr. Speaker, enough has been said on the issue. I just want to say that I am going to oppose the bill. It is unfair. It does not take into consideration the needs of all districts, and I would urge my colleagues to vote against this particular proposal. Thank you.

The SPEAKER. Does the gentleman, Mr. Fajt, request to interrogate or to speak on the report?

Mr. FAJT. I would like to interrogate the maker of the bill.

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

Mr. FAJT. Mr. Speaker, the crux of this debate this afternoon has been on the equity formula and its impact on different school districts throughout Pennsylvania. Am I correct in saying that there are other funding issues, other schools, particularly the community colleges that are funded through this bill?

Mr. COWELL. Mr. Speaker, you are correct in noting that there are a variety of other School Code issues addressed in this legislation. Some of them, in particular, pertain to funding issues, and in particular, they pertain to funding for community colleges, special education, and approved private schools.

Mr. FAJT. Mr. Speaker, I would like to make a comment on the bill.

The SPEAKER. The gentleman is in order.

Mr. FAJT. Thank you, Mr. Speaker.

I think it is important that all of us note that those in the Commonwealth who cannot afford to go to the more prestigious colleges in our Commonwealth, cannot afford to go to the private schools, and sometimes cannot even afford to go to the State-owned or State-related schools, can and do go to the community colleges in this Commonwealth.

I think that we all should be aware that if we vote against this bill, we are voting against the \$150-million appropriation for the community colleges in Pennsylvania. That represents a \$10-million increase over last year, and we are going to be denying those individuals who cannot go to any other school in this Commonwealth because of the cost, we are going to be denying them an education at our community colleges. Thank you, Mr. Speaker.

The SPEAKER. Ms. Manderino is recognized.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Conference Committee Report on HB 438. You know, as I sit here, I guess as being a new member of this chamber, it was no surprise to me that I would face a lot of anti-Philadelphia sentiment. I guess the part of it that I am coming to accept is not because the members of this chamber think that there is anything bad about Philadelphia, but maybe because they fail to recognize that Philadelphia is the biggest population center in our Commonwealth, and therefore, the specific dollar amounts, while they may be big, are not necessarily the number that you should be looking at.

If we are talking about education equity, Mr. Speaker, we cannot talk forever every year about giving everybody an increase and expect to be able to achieve equity. Yes, the Philadelphia School District got an increase, and their total

increase is a 2-percent increase. Now, a 2-percent increase, when you are talking about a county where 45 percent of their children in their classrooms come from poverty-level families, is not outrageous. A 2-percent increase, when you are talking about the county that ranks fourth in poverty in our Commonwealth, is not an outrageous figure. It is not outrageous to compare its neighboring county, which is the wealthiest county in our Commonwealth, and wonder why we held the line there and did not give them an increase when the county right next door that ranks at the bottom only got a 2-percent increase. We have to start somewhere when we are looking at equity, and this, I believe, is fair and equitable. It is not weighted by any magic numbers to play games with Philadelphia.

You know, Philadelphia County is back home right now making hard decisions because they, too, are faced with having to make the decision of raising taxes or cutting their school spending. We are making the hard decisions in Philadelphia. We are making the decisions in Philadelphia right now of how we are going to cut \$60 million out of next year's school budget, and the city is prepared and the school board is prepared to make those tough decisions, and it is affecting a lot of crucial programs.

So to say that Philadelphia is not doing its fair share and is unreasonably treated in this ESBE formula is really just a fallacy.

On that and for that reason, I would ask my colleagues to really look at the facts and to really look at who is and who is not being treated fairly and to put a stop to the Philadelphia bashing for Philadelphia bashing's sake.

This is a fair proposal. It does not disproportionately give Philadelphia more than it needs, and Philadelphia is doing its share, along with all the other counties in the Commonwealth, to make the tough decisions that they need to make. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the conference committee report.

Mr. Speaker, in Pennsylvania today, in some districts we spend less than \$3,000 per student; in other districts we spend over \$10,000 per student, and that is grossly unfair.

Mr. Speaker, this is not a Democratic or Republican issue. Mr. Speaker, these are Democratic and Republican schools. They have Democratic and Republican children in them, and we have to do the right thing and to make a tough vote to do what is fair for some of the poor and mostly rural school districts in Pennsylvania.

I have heard it said that this is a sham. Mr. Speaker, the sham is that people are willing to put party politics in front of what is better for the children of Pennsylvania.

I hear people saying that their school districts get no increase or they are not getting enough money. Mr. Speaker, where would we be if we would not have done the tough vote in 1991 when we added \$300 million to the public school

system in Pennsylvania? Where would we be if we would not have done that and had to cut over \$1 billion from our budget? Where would your schools be then, Mr. Speaker? It is not enough just to stand back and say I am not getting enough. We have to vote to fund these things.

Mr. Speaker, a previous speaker stood up and said how some of his school districts are getting some, some are not getting enough. Mr. Speaker, the school districts in Venango County are getting a \$2.4-million increase. That is 10 percent. Warren County is an 8- to 9-percent increase of \$1.1 million. Kane School District in McKean County is a \$674,000 increase. That is not my district, Mr. Speaker, but I am going to vote to fund those schools. This is no sham.

Frankly, Mr. Speaker, I am getting a little tired of voting to pay the bills, and I am getting tired of rowing everybody else's rowboat around the pond. I think it is time that we throw partisan politics aside and we do what is right for the children of Pennsylvania, Democrat and Republican; districts, Democrat and Republican. We have to take care of the rural schools. You people in some of the wealthier districts who are not getting an increase, the courts are going to come and take your money away from you. Look what has happened across the country. That is what will happen.

Mr. Speaker, I encourage the members of the General Assembly, those of you who are elected to lead, to do the right thing for the children of Pennsylvania, to vote for this piece of legislation not because of the numbers that it does for you personally. I have school districts that do good; I have school districts that do poorly here, but I am going to vote to do what is right for the children of Pennsylvania. We have to close that gap between the \$10,000 schools and the \$3,000 schools, Mr. Speaker. We have to fix the inequity, and I encourage an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Smith from Jefferson County.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates that he will.

Mr. S. H. SMITH. Mr. Speaker, in reviewing a couple of these printouts, I am looking at the one that was sent out about a month ago, the first part of May, that you folks sent out. I think that that one distributed \$150 million for the equity supplement item, and I notice that the city of Philadelphia gets \$555, almost \$556 million under that distribution. Then when we come to the distribution that we are currently voting on, which is \$130 million, as I understand it, \$20 million less, the city of Philadelphia's distribution goes up to \$560 million, about \$5 1/2 million more whenever we are distributing \$20 million less statewide. I am wondering if you could explain that discrepancy.

Mr. COWELL. Mr. Speaker, there is no discrepancy. We have hundreds of various printouts. I hope they are all accurate, but they represent different kinds of ideas and different approaches.

You spoke about a printout from a month ago. I have thrown those things in the trash can a good while ago. We are working with what was developed over the last several days, which represents a growing consensus, which represents an effort to provide some form of help with this proposal to 311 school districts.

In this particular case, this most recent proposal which is before us, the Philadelphia School District does receive some additional assistance through two mechanisms. One is the mechanism which did already provide them some help in the Governor's proposal. It is the mechanism of identifying poor children or children from AFDC families and providing some additional help to those kinds of school districts, not just Philadelphia but those kinds of school districts that have 35 percent of their enrollment with AFDC families or more who do not get any of the supplement money, who do not get any of the equity foundation money.

The Philadelphia district also benefits from the fact that that district, in the designated period, had an increase of student enrollment of somewhere between 11,000 and 12,000 students, an increase in a number of students that represents a student body larger than most of the school districts of the Commonwealth, and that was just the increase there. So this does direct some additional dollars to the Philadelphia district because of a large number of poor students and because of very significant growth.

The same criteria are applied to Philadelphia as to every other district. The same formula to drive money on the basis of AFDC kids or growth is applied to Philadelphia as to every other school district.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Despite the fact that, I guess, you indicate you threw your own proposal in the trash can, I would like to clarify. The first printout I was looking at is from the House Democratic funding proposal as contained in HB 1611. That is the one that drove out \$150 million, and it seemed to me that it was odd that when you went from \$150 to \$130 million, Philadelphia goes up and all of the school districts, most of the school districts—I have not compared them all—have gone down. I think that is the question I was trying to get an answer to. But nevertheless, these printouts are the printouts provided to us by your caucus, seeing how we were not directly involved in these negotiations.

I would wonder one other thing though, Mr. Speaker. Does a poor student in Philadelphia get more in equity than a poor student in Punxsutawney?

Mr. COWELL. Mr. Speaker, the poor student in Punxsutawney will have his or her program aided under our proposal as a result of additional State support in the amount of \$737,000 for the new year. That represents almost a 10-percent increase in the Punxsutawney School District's aid from the State.

Students in Philadelphia in fact are getting no additional assistance through either of those components that will help students in Punxsutawney. The Philadelphia School District does not benefit from the so-called expenditure component,

which was the Governor's equity piece, and the student from Philadelphia does not benefit from the foundation component in contrast to the significant increase for the students in the Punxsutawney School District which you represent.

So, sir, the dilemma for you will be, will you vote against an 8-percent increase for the students in the Punxsutawney School District which you represent because you may quarrel with the kind of assistance that is provided to poor kids or kids in a growing school district at the other end of the State, and only you know the answer to that question, sir.

Mr. S. H. SMITH. Yes, I am finding that answer out, Mr. Speaker.

I think the question I asked, though, was looking down through the poverty component where most of the school districts do not get any but the Philadelphia City School District gets 8.7 under the current proposal. I recognize your point that through the other components, this equity supplement is distributed to the school districts that I represent. My question is, why does the city of Philadelphia have a poverty component? What is the difference between them and the majority of the other school districts that do not get a poverty component?

Mr. COWELL. The major difference, Mr. Speaker, would be twofold, and they are the criteria that I described earlier. First of all, Philadelphia meets the test of having 35 percent or more of its student body coming from AFDC families, which means there is a critical mass of poor kids in that district. It also meets the test of getting no other State help in terms of increases for the new year through the Governor's equity piece or through the foundation piece.

So it meets the test of having lots of poor kids and not qualifying for the kind of extraordinary help that your districts in fact do qualify for under our proposal.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the bill.

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

Mr. S. H. SMITH. Thank you, Mr. Speaker. On the bill.

I was asked a little bit ago why we were continuing this debate on it. Usually when we come in here, most of us have our minds made up, and I would like to note that when I first glanced at this bill and looked at the formula and what it drove out, I thought to myself that I should probably vote for this. However, in listening to the debate on this and in listening to what we are really doing here today, I became increasingly concerned with what is going on, and I think the gentleman from Allegheny just pinpointed one of the main problems.

This year, instead of just putting an extra pot of money into basic education and driving it out through the formula and maybe adjusting a few things within that formula, the Governor proposed this equity supplement. Now, that proposal by the Governor, as I perceive it, is an admittance that our ESBE formula is faulty. We in this State have admitted that we are in fear of this fault in our formula. So by way of avoiding or trying to avoid a court ruling on our way of

distributing money in an equitable fashion, we are not putting more money into education per se; we are putting it into this equity supplement. And the gentleman from Allegheny County just indicated that the reason we had to come up with this poverty component is because when we drove out this \$150 or \$130 million of new money for education, Philadelphia was not going to get any of it, and that way— Well, we had to come up with a line item for them. We had to come up with an element for them to get it.

And I truly question why poverty is defined the way it is defined in this bill. I believe that the poor people in Pennsylvania, poor is poor whether you are in Punxsutawney or Philadelphia, and I think that that is one of the real problems with the way this equity supplement thing is being driven out. It is avoiding, as was mentioned, I believe, earlier by earlier speakers, it is avoiding the real question here, and that question is that the formula is at fault at this point in time. It is not driving the money out equitably to all of the schools.

Mr. Speaker, it was also stated earlier that this bill we are voting on now drives out money to 314 districts—out of 501 I guess we have in Pennsylvania?—and I am thinking to myself, well, that is more than 50 percent of the districts; that ought to get us a 50-percent vote.

Basically, Mr. Speaker, I would say this to all of the people that would like to see government run on the pure value of what is right and what is wrong and not on the political partisanship that exists. This bill is crafted to buy votes, and the more I listened and the more I thought about what we are doing here, I had to question that and think to myself, are you just voting for this bill because your school district gets more money or because it fairly and accurately distributes the money that needs to be distributed in Pennsylvania? When we look at how money is distributed in Pennsylvania and we see that a couple of school districts get 19 percent right off the top of their AIE (actual instruction expense) and all the other school districts in the State are only eligible to possibly get up to 5 percent, there is something that is inequitable about that.

I would also point out one more thing, Mr. Speaker. I know I have taken a little bit of time here, but I would also point out one more thing. When we are talking about equity, I am really curious about the fact that a mill in the Philadelphia School District, a mill—and this is 1991 numbers—drives out around \$9 million, or raises \$9 million. Actually, I guess those are contributions. But a mill is worth \$9 million in contributions. In the school districts that I represent, a mill does not come close to raising a million or even a half a million.

I believe in Purchase Line, which I think is probably one of the poorest school districts in Pennsylvania, I believe a mill drives out a few thousand dollars, in the neighborhood of \$15,000, \$18,000, \$20,000, and I think that those are some of the things that we have to look at in terms of equity when we try to resolve this education funding problem.

I urge a "no" vote on this bill.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, we could have 501 different formulas before us today and we would still be having this blatantly political dialogue and debate on the issue before us, HB 438. You cannot have it both ways, Mr. Speaker.

Yesterday my esteemed colleagues from across the aisle asked us all to vote for HB 438 so that we would not hold up special education funds, and they were told that within hours there would be a bill before us including special education funding, and that bill is here. Today's bill contains that special education funding. It contains funding for community colleges. It contains funds for our poorest school districts. Yesterday's proponents of haste to pass a defective and irresponsible bill are today's naysayers of responsible and responsive government.

The issue is clear. Those of us today who vote against the Conference Report on HB 438 are voting against every AFDC student in our district, and we will have to explain that vote. Those of us who vote against this conference report are voting against special education funds for our districts, and we will have to explain that vote. Those of us who vote against this conference report are voting against funds for our community colleges, and that vote is going to have to be explained as well.

And, Mr. Speaker, we risk the very real possibility of court intervention, additional court intervention, on the issue of basic education and special education. They have twice this year intervened, and they are watching and waiting what we do here on the floor of the hall of the House.

I suggest, Mr. Speaker, that we act responsibly; we quit the partisan politics on this issue. We know that no matter what formula would be before us today, we would be having this debate. But in the final analysis, we cannot have it both ways. We cannot be for special education yesterday and against it today. We cannot be for a better ESBE formula and better distribution to our poor school districts yesterday and be against it today. You cannot have it both ways.

I urge a "yes" vote on the conference report. Thank you.

The SPEAKER. The gentleman, Mr. Lynch, for the second time.

Mr. LYNCH. Thank you, Mr. Speaker.

Initially I would like to address some of the comments made by my colleague from Elk County and move on from there. He made the comment that this should not be a Democrat versus Republican issue, and he is right. This is a rural versus Philadelphia big-city issue.

Now, I do not have the numbers in front of me right now, but last year in my campaign I was appalled when I saw the numbers that showed that although the residents of Warren County and the other areas in the district which I now represent, although the amount of income tax paid per person versus the city of Philadelphia was 25 percent higher, the amount of funding applied to each student in Philadelphia was 35 percent higher than what it was in my district.

Now, I recognize in past years that there has been a need for affirmative-action-type programs. I think the time has come

to stop this juggernaut, though. Rural districts are being left out.

Again, he is right. This is not a Democrat versus Republican issue. When that vote goes up here, whenever it does go up, I will look to the other side of the aisle and see what my colleagues over there vote. We will see if they vote Democrat versus Republican or we will see if they vote rural versus big city.

This is not a Democrat-Republican issue; this is a rural versus big city issue. The rural districts are getting tired of getting dumped on, and I am down here to speak up for them. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Williams, from Philadelphia is recognized.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I would respectfully disagree with my colleague from the rural county that any of what we are going to vote on today with regard to the budget, education, or whatever it is, that we can confine our comments to frankly primitive ideas that you can separate the State and build a wall between a rural county and Philadelphia. That is absurd. We are all Pennsylvanians. We all pay taxes.

It does not require a rocket scientist to figure out why Philadelphia County stands out. They have more people. That is why mills are driven in the manner that they are driven. And it does not require a rocket scientist to understand that we have a lot more poor people within our school district, unfortunately. We would certainly like to take them and put them on a bus and deliver them to those other counties who would like to have them, but unfortunately we have them.

This discussion today is not about Philadelphia County and the rural counties. The bottom line is, other parts of this State are suffering as well as Philadelphia County. Other parts of this State have impoverished school districts, and they require, as a part of this vote today, our support, from Philadelphia County or whatever county it may be. Those counties which have a disproportionate population of impoverished people, even though it was described as a line item for Philadelphia County, require that support, and they will get that support as a result of this vote today.

Those counties which are struggling to bridge the gap, and I recognize that for those counties which are more fortunate, which are growing and prosperous, that yeah, they do not have a lot of political hay to take home; they do not have a lot to brag about other than something that morally is appropriate, and I am certainly sure that some of their constituents would recognize what is morally appropriate within our society today — the haves versus the have-nots. Yeah, that is the question that we are facing today — the haves versus the have-nots. That has nothing to do with big city versus rural counties. That has to do with who has something versus who does not have something, and certainly there is the right for them to stand up on this floor and indicate that, I got it; you do not; it is your problem. If that is the way they feel they would like Pennsylvania to go, I guess that is the manner in which we

will proceed, and if that is the manner in which Pennsylvania proceeds, there goes the Nation and there goes the whole population that they are going to have to deal with at some point in time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Bucks, Mr. Tomlinson.

Mr. TOMLINSON. Mr. Speaker, I reluctantly rise to oppose this because I think there are good features in this bill. Unfortunately, anytime you take a small pie and try and cut more pieces out of it, you will get people who are upset. You will get the have-nots fighting against the have-nots. You will get the haves fighting against the have-nots. You will get people crying politics. What we have to do is fund the ESBE formula. What we have to do is reprioritize ourselves and say, we are going to fund the educational system in Pennsylvania; we have an ESBE formula that is fair. We have made that formula less fair.

By crying equity, we have equited this thing to the point where it is no longer fair and we have the rural versus the city; we have the city versus the rural; we have the suburban counties crying that we cannot take this burden any longer.

I come from a suburban county. I am right next to Philadelphia. Our taxpayers have lost tremendous revenues. We lost revenues through the special education. My school district, Bensalem Township, lost \$1.2 million in the special education formula. We have just lost \$2 million in reassessments. Our local taxpayer has to make that up. I am telling you now that our local taxpayer is getting to the point where he cannot take this burden.

We send this State \$87 million through our personal income tax that we put through the ESBE formula. We do not get that money back. You do get that from Bucks County.

What we have to do is reprioritize ourselves, fund this ESBE formula, stop putting the add-ons, stop getting the haves and the have-nots and the haves fighting each other. We have got to start to prioritize; we have got to start to say, fund this formula; it is a fair formula.

I reluctantly rise to oppose this because I think that is a good feature for the community colleges, but I do ask my colleagues to oppose this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Luzerne, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, some of the previous speakers mentioned that this is rural versus big city; this is D versus R, and I do not view this issue as either one or the other. I view this, when I hear equity, I am for equity funding in education. HB 438, the conference committee report, however, does not do anything for equity or it does very little for equity. The fact of the matter is, as has been alluded to by prior speakers, we may have viewed equity by looking at aid ratios and some other criteria, but the criteria that has been selected has been built in to funnel funds to certain areas. Be they urban, rural, or suburban makes no difference to me, but the fact is this

formula that is being proposed in the name of equity is no more equitable than ESBE became because of the add-ons.

When you talk about AFDC, and we talked last year on the Education Committee with the National Conference of State Legislatures, who said in their report that you may need more money to educate a child from an AFDC family. However, they said there is no evidence that it costs more money per student because you have a greater concentration.

When you look at the ESBE formula or the funding that was done in 1991-92 on your printouts, all school districts received the same amount of money. That includes the school districts that had a large concentration of AFDC. That is already in that basis. There is no reason to increase it another \$100, because under the base in 1991-92, there was over \$800 for those in a high AFDC category. If you look at your printouts, look at the aid ratio.

Interestingly enough, a short time from now we will be asked to vote on a bill which people will claim, many people who support this bill will claim later, that we have to bring some equity so we have to change the reimbursement for the retirement and the Social Security and it is based on some type of aid ratio. If you look at the aid ratio in this so-called equity funding, it really has little or no relevance, especially when you look throughout the Commonwealth and you can find districts in many counties and various types of districts — rural, suburban, and urban districts — which receive no more money than they did in 1991. For the third year in a row, they will receive the same amount of money. This is wrong. If we were going to equity, some districts must take a hit; others we would fund fairly. That is not what we do.

I would urge everyone— And in my mind, I think we are going to pass this because some people will vote parochial, and maybe they should, but if you want equity, this is not equity.

There are things in this bill for community college special education which I would support normally. However, there is no need to do that right now. The single most important item that we fund is basic education. This determines, once again, that we will continue the charade of getting money on a nonequitable basis, except this time it is ironic that we are using the word “equity.” We are not equitable, and we have no intentions of being equitable in this, although—maybe we did have intentions—but this proposal does not provide equity.

I would ask that you look at this, defeat this, send it back to conference committee. We can deal with special education, we can deal with community colleges, and maybe we can get some of the money.

One of the gentlemen mentioned earlier there was a printout of \$50 million extra where school districts were getting more in the name of equity. When that was cut back by \$20 million, a 40-percent decrease, some school districts, and one in particular, received a substantial increase. Interestingly enough, one of the gentlemen on my side argued that we are worried about the discrepancy in what we spend per student. Well, the new proposal that we are looking at has reduced the level from \$4,000 to \$3,875 in the form of a foundation grant.

So actually we have now made a wider disparity than we had in the proposal.

Based on that, I know most of you, many of us, have already made up our mind, but I will ask you to reconsider, vote "no" on this conference committee report, and let us try to do something that is equitable. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Wright, from Clarion County is recognized.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I had not intended to speak on this question today until the gentleman from Warren took the floor twice to call the issue before us a sham and to expostulate on the tired old shibboleth that somehow or other this is a rural-urban issue. Let me tell you that that may play back home at a political campaign, but it will not play very well when you have to explain to your people that you stood up and made a trite speech in exchange for which you were able to bring less money home.

One of the reasons that I am rising today is to try to express some concern about the continuing rural-urban dichotomy that is presented here. Those of us who for a number of years have been concerned in a variety of ways about representing rural Pennsylvania and increasing the quality of life in rural Pennsylvania have become increasingly convinced as we look at the data that rural Pennsylvania has more in common with inner cities than we can possibly imagine. You look at every indicator that indicates the quality of life, whether it is health care, whether it is unemployment, look at all of those indicators, and rural Pennsylvania has more in common with the inner city than it does with the suburban counties.

Mr. Speaker, I want to assert that as long as the gentleman will come here on this floor and make his alliance with the affluent suburban counties surrounding Philadelphia, the rural areas will continue to get the shaft.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the discussion thus far has highlighted the real dilemma that individual members have and the challenge that confronts this institution. Members have given the obligatory speeches about how their district does not get enough help even if they represent the richest districts of the State. They have made the point about tax increases, they have made the point about construction, and they have ignored the real issue before us. The real issue is whether or not we are going to quit talking about school finance equity and really do something about it, not pretend to solve the problem in any single year but get ourselves on a track where we can solve the problem, use the additional dollars that we have available this year to promote equity rather than to exacerbate the problems of inequity.

Mr. Speaker, the issue for this institution and for individual members is whether we are today going to do business as usual, and that is make sure that everybody gets a little piece of the action, even if they happen to be the richest districts, or

whether we are going to do business differently and truly promote school finance equity.

Mr. Speaker, one of the gentlemen indicated that this proposal does not really put the dollars into education per se. That gentleman represents a school district in Clarion County, the Clarion-Limestone Area School District, that would get \$186,000 of new funds, an increase of about 6 percent. That gentleman represents the Purchase Line School District that would get an increase from the State of \$650,000, an increase of 12 or 13 percent above what it has received in prior years. That gentleman does represent the Punxsutawney Area School District that would get an increase of \$737,000, an increase of 9 percent.

Will you go back to that district and say that those are not real dollars? Will you go back after you vote against this proposal, as you suggested, and tell them that the money they will not get was not real dollars and so they should not be so concerned about it?

Mr. Speaker, I would suggest that school districts that are relying on these funds, school districts that desperately need these funds, particularly those poorer school districts that are especially helped by this funding proposal, consider all of this money to be real money, all of this to be a real initiative, all of this not to be perfect but better than we have ever done for them in the past.

Mr. Speaker, I would suggest that we have got to quit doing business as usual and focus our attention, as we do in this piece of legislation, on the poorest districts of the Commonwealth.

Mr. Speaker, one gentleman suggested that this was an issue of rural versus urban districts. Mr. Speaker, that gentleman represents a district in McKean County that would get a \$673,000 increase because of the foundation component, an increase that represents approximately an 18-percent increase in their State funding. Is that gentleman going to suggest that those are not real dollars for his district? Is that gentleman going to rationalize his vote by suggesting that that district did not need the 18-percent increase because he quarreled with an increase some other district was going to get?

Mr. Speaker, there are a hundred stories like that found in this legislation and in these printouts. There is no need for us to recite district by district the circumstances. But members know for themselves. Members know whether or not your districts, particularly your poorer districts, in fact are getting real help. Members are going to have to make a decision whether they are going to oppose legislation that will provide real help to some of those districts you represent because there are others among you who want to protect the interests of some of the richest districts in the State, others among you who would argue that even those districts that get 200 percent of what they are entitled to through ESBE deserve another 2 percent.

Mr. Speaker, every one of us is going to have to make a judgment for ourselves about to whom we will owe allegiance, whether it will be to districts at some other end of the State or

those districts that are in our backyard — those districts that we in fact are called upon to represent here.

Mr. Speaker, this is not a partisan issue. It is not a rural versus urban issue. It is an issue that has the interests of children at heart. It is an issue that presents to us, as a matter of policy, the interests of children in this State. We have an unprecedented opportunity to do better with the school funds we distribute.

Mr. Speaker, I would urge that because of the way this proposal emphasizes the need to promote school finance equity and emphasizes the needs of children in the poorer school districts in this State and because of the other provisions of this legislation that do allow for the distribution of special ed money this year as well as next year, do preserve the interests of approved private schools in a way that they have requested us to act, and do provide for a solution to the issue of how we distribute community college dollars among our 13 community colleges, I would urge that we support the Conference Committee Report on HB 438. Thank you, Mr. Speaker.

The SPEAKER. Mr. Strittmatter is recognized.

Mr. STRITTMATTER. Thank you, Mr. Speaker. This will be very quick.

I just want to remind the members not to listen to the previous member totally. A lot of the things were half-truths. Once again we have the legislature not addressing wasteful State spending. Once again we have half-truths. We have \$800 million in increased spending, only a small portion going to education. At the same time, we are increasing salaries by \$40 million in State spending. We are also not having a residency requirement for welfare. At the same time, we are having extra payments out of our budget for medicaid.

I would ask the people to please look at this and to vote "no." Thank you.

The SPEAKER. The gentleman, Mr. Smith, is recognized for the second time.

Mr. S. H. SMITH. Thank you, Mr. Speaker. I will be brief.

I think that the gentleman from Allegheny County missed my point before, and so I would like to repeat it just quickly.

I realize what this formula drives out to the school districts that I represent, and perhaps that number is a fair amount of money, an equitable amount of money for them to be getting. I cannot answer that question at this particular moment.

My point is that the way this formula and this equity supplement have been put together is merely another fashion of buying votes to pass a budget, and I think the people of Pennsylvania and the people of this Nation are tired of legislative bodies operating on the premise of that kind of pork-barrel, parochial buying votes to pass budgets, and that is why I am opposed to this particular formula. I am not opposed to the fact that these districts are getting money. I am not voting against them getting that money; I am voting against the way this is being handled. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—124

Acosta	Fleagle	Levdansky	Rooney
Allen	Gamble	Linton	Santoni
Armstrong	Geist	Lucyk	Sather
Baker	George	Manderino	Scrimenti
Battisto	Gigliotti	Markosek	Smith, B.
Bebko-Jones	Gordner	Marsico	Staback
Belardi	Gruitza	McCall	Steelman
Belfanti	Haluska	McGeehan	Steighner
Bishop	Hanna	McNally	Stern
Blaum	Hasay	Melio	Stetler
Butkovitz	Hennessey	Michlovic	Stish
Buxton	Herman	Mihalich	Sturla
Cappabianca	Hershey	Mundy	Surra
Carn	Hess	Murphy	Tangretti
Carone	Hughes	O'Brien	Taylor, J.
Cawley	Hutchinson	O'Donnell	Thomas
Chadwick	Itkin	Olasz	Trello
Cohen, M.	James	Oliver	Trich
Colafella	Jarolin	Pesci	Tulli
Colaizzo	Josephs	Petrarca	Van Horne
Corrigan	Kaiser	Petrone	Veon
Cowell	Kasunic	Phillips	Williams
Coy	Keller	Piccola	Wogan
Curry	Kenney	Pistella	Wozniak
Daley	King	Preston	Wright, D. R.
DeLuca	Kirkland	Richardson	Wright, M. N.
Dent	Krebs	Rieger	Yewcic
Dermody	Kukovich	Ritter	Zug
Donatucci	LaGrotta	Roberts	
Evans	Laughlin	Robinson	DeWeese,
Fajt	Lederer	Roebuck	Speaker
Fee	Lescovitz		

NAYS—75

Adolph	Farmer	Mayernik	Scheetz
Argall	Fichter	Merry	Schuler
Barley	Flick	Micozzie	Semmel
Birmelin	Freeman	Miller	Serafini
Boyes	Gannon	Nailor	Smith, S. H.
Brown	Gerlach	Nickol	Snyder, D. W.
Bunt	Gladeck	Nyce	Stairs
Cessar	Godshall	Perzel	Steil
Civera	Gruppo	Pettit	Strittmatter
Clark	Heckler	Pitts	Taylor, E. Z.
Clymer	Jadlowiec	Platts	Tigue
Cohen, L. I.	Laub	Raymond	Tomlinson
Cornell	Lawless	Reinard	True
Dempsey	Lee	Rohrer	Uliana
Druce	Leh	Rubley	Vance
Durham	Lloyd	Rudy	Vitali
Egolf	Lynch	Ryan	Waugh
Fairchild	Maitland	Saurman	Yandrisevits
Fargo	Masland	Saylor	

NOT VOTING—2

Harley	Reber
--------	-------

EXCUSED—2

Bush	Caltagirone
------	-------------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.



Ordered, That the clerk inform the Senate accordingly.

**REMARKS ON VOTES**

Mr. REBER. Mr. Speaker?

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

Mr. REBER. Mr. Speaker, there were a number of us back here attempting to get the Speaker's attention. I know it is pretty difficult when the people back here all day were not causing the delay because they were staying out of what was becoming a superfluous debate at times, but I think it is absolutely criminal that we could not have the board operate in a fashion where we could reflect our votes on the board when there were bona fide attempts to call it to the attention of the Chair that the board was not operating, our switches were not operating, and we were not given an opportunity to vote.

Mrs. HARLEY. That is true.

Mr. REBER. Therefore, I would ask to have a reconsideration of the final passage vote just before us.

The SPEAKER. The gentleman, Mr. Ryan, is requesting a reconsideration motion. The Chair was unaware until your remarks that there was a malfunction.

Mrs. Harley is recognized.

Mrs. HARLEY. It is the same thing. My switch would not work on the red.

The SPEAKER. The Chair thanks the lady.

**FILMING PERMISSION**

The SPEAKER. Members should be aware that from this moment forward Robert Lang of WCMB radio will be doing audio recording only of our proceedings, and Donna Morgan of Radio Pennsylvania will also be doing audio only of our proceedings.

**PARLIAMENTARY INQUIRY**

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

Mr. BELFANTI. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. BELFANTI. Mr. Speaker, before the Speaker considers rerunning the vote, would it be proper for me to inquire as to whether or not additional debate would then be out of order and that the only matter on the floor would be to rerun or reconsider the actual roll-call vote?

The SPEAKER. Once the reconsideration motion is adopted, if it is indeed adopted, the measure would again be open to debate. Those who have already spoken twice, naturally, would be limited, but otherwise, it would be open for debate.

**CONFERENCE COMMITTEE REPORT ON  
HB 438 RECONSIDERED**

The SPEAKER. The gentleman, Mr. Ryan, moves that the vote by which the conference report was adopted on the 28th day of May be reconsidered.

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

The following roll call was recorded:

**YEAS—200**

Acosta	Fee	Lucyk	Ryan
Adolph	Fichter	Lynch	Santoni
Allen	Fleagle	Maitland	Sather
Argall	Flick	Manderino	Saurman
Armstrong	Freeman	Markosek	Saylor
Baker	Gamble	Marsico	Scheetz
Barley	Gannon	Masland	Schuler
Battisto	Geist	Mayernik	Scrimenti
Bebko-Jones	George	McCall	Semmel
Belardi	Gerlach	McGeehan	Serafini
Belfanti	Gigliotti	McNally	Smith, B.
Birmelin	Gladeck	Melio	Smith, S. H.
Bishop	Godshall	Merry	Snyder, D. W.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Haluska	Miller	Steighner
Butkovitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Cappabianca	Hasay	Nailor	Stetler
Carn	Heckler	Nickol	Stish
Carone	Hennessey	Nyce	Strittmatter
Cawley	Herman	O'Brien	Sturla
Cessar	Hershey	O'Donnell	Surra
Chadwick	Hess	Olasz	Tangretti
Civera	Hughes	Oliver	Taylor, E. Z.
Clark	Hutchinson	Perzel	Taylor, J.
Clymer	Itkin	Pesci	Thomas
Cohen, L. I.	Jadlowiec	Petrarca	Tigue
Cohen, M.	James	Petrone	Tomlinson
Colafella	Jarolin	Pettit	Trello
Colaizzo	Josephs	Phillips	Trich
Cornell	Kaiser	Piccola	True
Corrigan	Kasunic	Pistella	Tulli
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubleby	DeWeese, Speaker
Fargo	Linton	Rudy	
Farmer	Lloyd		

**NAYS—0**

**NOT VOTING—1**

Uliana

**EXCUSED—2**

Bush Caltagirone

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

On the question recurring,

Will the House adopt the report of the committee of conference?

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

(Members proceeded to vote.)

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. I was going to say one of our members I know is here trying to make the switch work. The Harley switch apparently is malfunctioning occasionally, and I would ask that the roll-call operators take note. For instance, you can watch it blinking off and on, and I think she should recite to the Chair what her vote should be because it is lighting up green and I was under the impression that she said she wanted to be voted in the negative.

The SPEAKER. The lady indicates that her vote is in the negative.

Mrs. HARLEY. Exactly; my vote is a negative.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House adopt the report of the committee of conference?

The following roll call was recorded:

YEAS—125

Acosta	Fleagle	Levdansky	Rudy
Allen	Gamble	Linton	Santoni
Armstrong	Geist	Lucyk	Sather
Baker	George	Manderino	Scrimenti
Battisto	Gigliotti	Markosek	Smith, B.
Bebko-Jones	Gordner	Marsico	Staback
Belardi	Gruitza	McCall	Steelman
Belfanti	Haluska	McGeehan	Steighner
Bishop	Hanna	McNally	Stern
Blaum	Hasay	Melio	Stetler
Butkovitz	Hennessey	Michlovic	Stish
Buxton	Herman	Mihalich	Sturla
Cappabianca	Hershey	Mundy	Surra
Carn	Hess	Murphy	Tangretti
Carone	Hughes	O'Brien	Taylor, J.
Cawley	Hutchinson	O'Donnell	Thomas
Chadwick	Itkin	Olasz	Trello
Cohen, M.	James	Oliver	Trich
Colaifella	Jarolin	Pesci	Tulli
Colaizzo	Josephs	Petrarca	Van Horne
Corrigan	Kaiser	Petrone	Veon
Cowell	Kasunic	Phillips	Williams
Coy	Keller	Piccola	Wogan
Curry	Kenney	Pistella	Wozniak
Daley	King	Preston	Wright, D. R.
DeLuca	Kirkland	Richardson	Wright, M. N.
Dent	Krebs	Rieger	Yewcic
Dermody	Kukovich	Ritter	Zug

Donatucci	LaGrotta	Roberts	
Evans	Laughlin	Robinson	DeWeese,
Fajt	Lederer	Roebuck	Speaker
Fee	Lescovitz	Rooney	

NAYS—76

Adolph	Farmer	Masland	Saylor
Argall	Fichter	Mayernik	Scheetz
Barley	Flick	Merry	Schuler
Birmelin	Freeman	Micozzie	Semmel
Boyes	Gannon	Miller	Serafini
Brown	Gerlach	Nailor	Smith, S. H.
Bunt	Gladeck	Nickol	Snyder, D. W.
Cessar	Godshall	Nyce	Stairs
Civera	Gruppo	Perzel	Steil
Clark	Harley	Pettit	Strittmatter
Clymer	Heckler	Pitts	Taylor, E. Z.
Cohen, L. I.	Jadlowiec	Platts	Tigue
Cornell	Laub	Raymond	Tomlinson
Dempsey	Lawless	Reber	True
Druce	Lee	Reinard	Uliana
Durham	Leh	Rohrer	Vance
Egolf	Lloyd	Rubley	Vitali
Fairchild	Lynch	Ryan	Waugh
Fargo	Maitland	Saurman	Yandrisevits

NOT VOTING—0

EXCUSED—2

Bush Caltagirone

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted. Ordered, That the clerk inform the Senate accordingly.

POINT OF ORDER

Mr. RICHARDSON. Point of order, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, on the recorded vote, the vote was 125 to 75. If that be the case, her vote was not recorded at all, so it should still remain 125 yeases and 1 added vote to the negative column.

The SPEAKER. The final tally was 125 to 76 according to the gentleman. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR B

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. ITKIN called up for consideration the following Report of the Committee of Conference on **HB 815, PN 1924**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1993, to June 30, 1994, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993; to provide appropriations from the State Lottery Fund, the

Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1993, to June 30, 1994, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1993; and to provide for the additional appropriation of State and Federal funds to the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 1992, to June 30, 1993, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992.

On the question,

Will the House adopt the report of the committee of conference?

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

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. The Chair will ask the clerk to strike the vote.

The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Mr. Speaker, first a housekeeping chore, and then I suspect there will be people that will want to make a few remarks on the budget which is now before us.

The housekeeping chore again refers to the machine and the Harley portion of it. I would again ask Mr. Thompson, when he is down operating the machine or whoever is operating it, that they and you, before you close the vote, take a signal from Mrs. Harley as to how she intends to vote, because this machine obviously is blinking off and on green and it may not be reflecting the way she wants to vote.

The SPEAKER. We can certainly record her appropriately and finally and legally, and the gentleman, Mr. Thompson, will share his comments with you.

Will the gentleman, Mr. Evans, yield for a moment.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman is recognized.

Mr. RYAN. What I am trying to avoid is a situation where the machines are locked and you simply accept the lady's remarks as remarks that are placed upon the record. I am telling you now this machine is broken and I would like her recognized before any final vote is taken to get her positive or negative vote.

The SPEAKER. The gentleman is understood, and we are going to do just that.

Mr. RYAN. Thank you.

The SPEAKER. I believe that Mr. Thompson can make certain that mechanically her vote is going to be recorded just like these votes are being recorded.

Mr. RYAN. He tells me apparently there is some problem with fooling around with it at this time and it may be that it will have to be taken by you rather than messing around with some cards over there. I do not know what he is talking about, but I know what I am talking about and I know what you just said.

The SPEAKER. Her vote will be officially recorded.

Mr. RYAN. Thank you. The way she wants it.

The SPEAKER. Of course.

Mr. RYAN. Not the way you want it.

The SPEAKER. There may be simultaneity sometime.

The gentleman, Mr. Evans, is recognized on HB 815.

Mr. EVANS. Mr. Speaker, this conference committee report is a report that a lot of work has gone into it. In March we passed the supplemental out of this House, and at that time when we passed the supplemental, it had an awful lot of issues that had to be addressed in the Commonwealth. Unfortunately, Mr. Speaker, it did not pass the Senate, but this particular time, Mr. Speaker, we have now taken the supplemental and the budget and we have the supplemental and the budget in HB 815.

We have a chance, Mr. Speaker, to do something that we have not done in a long, long time, and that is to make government perform. We have a chance 5 weeks before the deadline to pass a budget. We have a chance to have Democrats, Republicans; urban, rural, and suburban legislators do this together.

Yes, I have heard the rhetoric about Republicans not having the opportunity to participate. Yes, I have heard all of those comments about we have had ideas. But, Mr. Speaker, let us be clear about what is in HB 815.

Firstly, Mr. Speaker, it is \$14.9 billion. Secondly, Mr. Speaker, it is \$6.6 billion for education, \$5.3 billion for health and welfare, \$1.3 billion for protection and personal property, and \$1.8 billion for others. But there is something else, Mr. Speaker, that is very important about HB 815, and that is, Mr. Speaker, that there is no tax increase. Let me repeat that, Mr. Speaker: There is something important about HB 815, that there is no tax increase.

Mr. Speaker, besides the fact that there is no tax increase, there are some good investments, and the investments are what we just did for the education community. We dealt with the issue of the education equity, Mr. Speaker, by setting aside \$130 million for those poor school districts, Mr. Speaker.

Mr. Speaker, we have over \$500 million for special education. We also have \$57 million for approved private schools. In addition to that, we have over \$365 million for the SSHE (State System of Higher Education) system. In addition to that, we have money there for deferred maintenance. On top of that, we have money there for the community colleges and the new formula. On top of that, we have a tuition challenge grant program which makes sure that all of the State-relateds are taken care of equally. On top of that, for the State-

aids—which we worked out a compromise and this is the first time that this has ever happened—we have accountability language, and in that accountability language, what we now say is that those State-aids now have a responsibility to tell us exactly how they are treating Pennsylvania students and exactly how they are dealing with Pennsylvania services.

In addition to that, Mr. Speaker, we have money dealing with economic development: \$25 million for the Benjamin Franklin Partnership; small business development centers, an increase of \$1.3 million. We also have increased the money for local development districts. In addition to that, we have community facilities, particularly for rural Pennsylvania. On top of that, we deal with industrial resource centers, and on top of that, we have set an additional \$9.8 million for a total of \$65 million earmarked for PERF (Pennsylvania Economic Revitalization Fund).

But more so than that, because we now have a new committee for tourism, we have increased the tourism line item because we think it is important to convince people to come to Pennsylvania.

Being that this is the year of health care, we have strengthened the health care cost containment line item, because here in Pennsylvania it is a national program. Also, we have done something to expand the services for women — family planning, rape crisis, domestic violence. Also, we have attempted to deal with the issue of primary health care, particularly for our rural and urban areas. But also, Mr. Speaker, we have not forgotten about our mental health and mental retardation workers by giving them a 2-percent COLA (cost-of-living adjustment). But I also want to express to you that we now have an agreement on our medical assistance, basically to insure that we will not have a situation where we will have to limit certain services to people who need those services in our health care environment.

But more so than anything, Mr. Speaker, we have tried to do three basic things. We have tried to show the people of Pennsylvania that we are here to perform. That is why today I think it is important that we pass this budget. We are trying to show people that this process can work and will work if we do what we have to do.

Number two, Mr. Speaker, we also are saying to people that we want to cooperate. I hope that the minority leader, when he makes his comments, will stand up and tell the side of his aisle that this should be bipartisan and that we should move ahead and deal with the other issues that we have to.

Last but not least, Mr. Speaker, we also have to deal with the question of making hard choices. We believe, Mr. Speaker, we have made some hard choices in this budget. We have, Mr. Speaker, spent only the amount of money that we have had available to us. We have dealt with those issues that have been very important to this State, and I would say to you today that we have an opportunity, Democrats and Republicans alike — urban, rural, and suburban legislators — to work together.

So I would ask that we concur on HB 815. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### FILMING PERMISSION

The SPEAKER. The Chair momentarily interrupts the proceedings to indicate that Associated Press photographer — I might add, Pulitzer Prize-winning photographer — Paul Vathis will be taking still photographs on the floor.

### GUESTS INTRODUCED

The SPEAKER. Because this is such an important day, I want to introduce guests of our friends, Representatives Argall, McCall, Freeman, and Dempsey: five young students from Lycoming College. Of all days to be here, this is a very special day, and I would like to introduce our colleagues from Lycoming College who are young interns in the political science class. If you would please rise and be recognized.

### CONSIDERATION OF HB 815 CONTINUED

The SPEAKER. Does the gentleman, Mr. Ryan, seek recognition ahead of the gentleman, Mr. Gannon? The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, my ears were ringing at the words of the gentleman as he spoke and suggested that we should continue to work together. I really could not believe my ears as he said that. I turned to my friend, John, here, and I tried my best to remember the expression and I could not remember the Italian expression of, I am afraid to say it now, but I said, boy, he has got some— And I am going to ask Fred Trello to send that down and give that to you, that expression. Here is a man who not only kept us out of the process but he kept you out of the process. The only people— All right. Now listen. I have talked to enough of the members over there—and you know it—I talked to enough of the members over there to know that you did not have any idea what was in that bill until the other day.

I would like the courtesy of your attention.

The SPEAKER. The gentleman is in order. The House will please come to order.

Mr. RYAN. The chairman of the Appropriations Committee in the Senate is quoted as saying—and I am referring to a quote that he made that was in the paper—that he did not have to tell the members, the Senate Democrats, what was going on because they had utmost trust in him. That is what I read in the paper. He did not say it to me. They had trust in him, so he could go ahead and do pretty much what he wanted. This budget was put together by two people and their staffs, no one else.

I talked to members from that side of the aisle when I found that arbitrarily the line for the Special D account, which is one of the lines of the operating accounts for this House, had 2 million more dollars in it than the Special R account. I know; I know; I know. It is a long road that has no bends, remember, and that is not issued as a threat. I have money, and he will tell you I have \$15 million in the bank. I have more than that. That is not the problem. All right. Come on, smart

guys, listen for a minute; you might learn. That is not the problem.

The problem is this: We all, both sides of the aisle—and think about this now—for years and years and years have dealt with each other fair and square. We have never, when we were in the majority, taken advantage of the minority. We have never given less money to one side than the other side. The Senate never gave us less; we never gave the Senate less. But arbitrarily your side—and your members did not know it because I asked them—your side arbitrarily took this document and upgraded your appropriation by 60 percent, by 60 percent, while holding us at what the Governor had requested, which is fine. I did not want any more money, but the courtesy of, hey, Matt, we are taking an appropriation up; do you have any problems with it; do you need any additional money? That is what has gone on here for the last 30, 50— Since Ben Franklin was here, people have worked side by side in operating this House. That is the institutionally sound way of doing it so people do not go in and out of back doors and things are done on the up and up and we can trust the word of each other. That is what is being put in jeopardy right now, the word of leaders dealing with other leaders, and that institutionally is a disaster if it falls apart.

That is what is happening, and that is not going to affect me. You know I am not going to be around here that long. I probably do not have more than 20 more years here. But it is going to affect some of you; it is going to affect some of you, and you hear what is going on.

I know what went on in your caucus. Your caucus went bananas when they found out that \$150 million for schools was shifted down to \$130 million and Philadelphia somehow or another went from \$107 million to \$112 or \$115 million, and you raised the devil about it, and you got it reduced by a couple of million.

Did you also go over— And at this point, Mr. Speaker, I would like to interrogate the gentleman, Mr. Evans, on the bill.

The SPEAKER. The gentleman is in order, and the gentleman, Mr. Evans, indicates he will stand for interrogation.

Mr. RYAN. On page 39, Mr. Speaker.

Mr. EVANS. 39 of what, Mr. Speaker?

Mr. RYAN. The bill that is before— HB 815.

Mr. EVANS. Yes, Mr. Speaker.

Mr. RYAN. Mr. Speaker, HB 815, at page 39, at lines 13, 14, and 15 really, has the following: "For music theater festival in southeast Pennsylvania in cities of the first class, State appropriation, 100,000." Can you tell me what that is for?

Mr. EVANS. I think, Mr. Speaker, we must be looking at something different, because I do not read that where I am reading. On page 39, you said to me.

Mr. RYAN. I am told it is on page 40 now, but I had the printout from Reference, page 39.

I am sorry; page 40, the last lines on page 40 going over to the top of 41. It is an appropriation of \$100,000 for a music theater festival in cities of the first class in southeastern Pennsylvania, which is Philadelphia, of course. It is the only one there is. Can you tell me what that is?

Mr. EVANS. Mr. Speaker, the gentleman has been around an awful long time, and I guess I can only say to him, he clearly knows how that process works.

Basically, this was a budget that was negotiated with the Governor and the Senate Democrats. Mr. Speaker, no, I cannot give you the specific name of the festival that is occurring for this particular event, but I can assure you, Mr. Speaker, that when I look at 1992-93, which you, also the Senate Republicans, voted for the budget of 1992-93, that this item was in there. This item—

Mr. RYAN. Well, I am wondering what it is. Just tell me—

Mr. EVANS. Can I finish, Mr. Speaker?

The SPEAKER. I think things are under control.

Mr. EVANS. When I look at 1992-93, in the Senate Republican budget that passed, the one that we voted, that Majority Leader Loeper passed, it had \$97,000 in it in 1992-93. That is what it had in 1992-93.

Mr. RYAN. But, if you will forgive me, you do not know now what that is. Is that what you are saying?

Mr. EVANS. Mr. Speaker, I can only tell you exactly what the language has written in there, and I can also express to you, Mr. Speaker, that it was in the 1992-93 budget, which was the budget that passed by the Senate Republicans last year, Mr. Speaker.

Mr. RYAN. All right. Thank you.

The next item on the budget is \$1 million for "Welcome America!" Can you tell me what that is?

Mr. EVANS. Mr. Speaker, that is a program that the Governor of the Commonwealth of Pennsylvania, along with the mayor of the city of Philadelphia, where Nelson Mandela, President Clinton, William de Klerk, will come down to the convention center, that thanks to you, the \$185 million that was given by the Commonwealth of Pennsylvania that we did together, bipartisan, and you have been down there. As a matter of fact, you and I toured it together—

Mr. RYAN. I have made mistakes.

Mr. EVANS. —you and I toured it together, and I assume you will be down there on the Fourth of July.

Mr. RYAN. Well, you are wrong.

Mr. EVANS. I assume you will be down there. That \$1 million that you are referring to deals exactly with that event, Mr. Speaker.

Mr. RYAN. Are you telling me that we are spending \$1 million to have Nelson Mandela come to Philadelphia Convention Center for "Welcome America!" or something?

Mr. EVANS. Mr. Speaker, I am referring to something that you and I, both together, once supported; two, the one that Mr. Bob Butera now is the executive director of. This is a request, Mr. Speaker, that we now are dealing with.

Mr. RYAN. Mr. Speaker, the gentleman is being cute and evasive. If you do not want to answer, say you do not want to answer. This has nothing to do with the convention center. The \$1 million is for "Welcome America!" It is not for the convention center; it is not for Bob Butera; it is certainly not for me or anything I have supported, and you can look all over the place on the Fourth of July and you are not going to find

me flashing through the bridge on a starburst. Hopefully, I will be down the shore or here working on the budget. Now—

Mr. EVANS. I hope not, Mr. Speaker.

Mr. RYAN. Now, will you please tell me who got together with you to decide? They did not. They did not even know what it was. Who got together and said, we need \$1 million for Nelson Mandela?

Mr. EVANS. Mr. Speaker, I repeat what I said again. There was a request that came from the Governor of the Commonwealth of Pennsylvania; Mr. Speaker, the mayor of the city of Philadelphia; the Convention and Visitors Bureau, Mr. Speaker; the chairman, who is Mr. Rouse; Mr. Bob Butera, who is the executive director of the Convention Center Authority, that the event take place in Philadelphia, which I know, Mr. Speaker, you have received invitations regarding that particular event. I know, Mr. Speaker, that you are aware of that 11-day event, and I know, Mr. Speaker, you have been supportive of that particular event and those activities. So, Mr. Speaker, I would only ask that I do not understand now how all of a sudden, Mr. Speaker, you are getting amnesia regarding this particular situation when you and I both know, Mr. Speaker, I have been there just like you have been there and you and I toured it together on the exact same Saturday. You and I toured the convention center, and this is connected with tourism, Mr. Speaker.

Mr. RYAN. Mr. Speaker, just to clear up that point. I toured the convention center, of course. That has nothing to do with a \$1-million ticket to a party on the Fourth of July, a hot dog party, 2 or 3 years later. I never had anything to do with this \$1 million, and my recollection and the recollection of the staff here is that the Governor requested \$500,000, not \$1 million.

Now, moving on. On page 64, there is an appropriation of \$3 million for Allegheny County for job training in counties of the second class. Is that a special program or a new program?

Mr. EVANS. No, Mr. Speaker, it is not a new program nor is it a special program, Mr. Speaker.

Mr. RYAN. Was this program in place last year and the year before?

Mr. EVANS. Yes, Mr. Speaker. It has been in place for the last 3 to 4 years, Mr. Speaker.

Mr. RYAN. Can you tell me approximately—I am not expecting that you know to the dollar—the extent of its funding last year and the year before last?

Mr. EVANS. Mr. Speaker, it has been in the ballpark of \$500 to maybe \$1 million, Mr. Speaker.

Mr. RYAN. So now it went from that \$500,000 ballpark into a \$3-million ballpark. That is a much bigger ballpark, is it not?

Mr. EVANS. Mr. Speaker, it deals with job training, particularly in the need in Allegheny County where there have been a lot of dislocated steelworkers over the years with steel mills shutting down, Mr. Speaker, and it is an investment that, in my view, Mr. Speaker, we should continue to make.

Mr. RYAN. All right. Did you do anything special for the coal workers in Greene County?

Mr. EVANS. Mr. Speaker, I view that the coal workers in Greene County can probably more than benefit from the investment that takes place in Allegheny County, Mr. Speaker.

Mr. RYAN. How about the people who are being let go in the southeast. Is there anything down there for them?

Mr. EVANS. Mr. Speaker, we have money in the customized job training. I think it is about \$6 or \$7 million. Certainly, those dollars are available to people in the southeast, not just necessarily the southeast, the northeast, the northwest or any part of the Commonwealth of Pennsylvania, Mr. Speaker.

Mr. RYAN. But they are not new dollars. They are program dollars that have been in year after year. This is a large bulge in the graph, is it not, truthfully?

Mr. EVANS. I do not think it is a large bulge in the graph, Mr. Speaker. I think that it is an investment in those workers who have been dislocated over the years and that basically there needs to be a job training program available to people in that particular region.

Mr. RYAN. I do not quarrel with that. I am talking about the money graph. The money graph is going like this and all of a sudden it bulges when it got to Allegheny County this year with a \$500,000 to \$3-million bulge. That is all. I am not saying whether it is worthwhile or not.

I would like to see \$3 million in every section of this Commonwealth, but I am told we cannot afford it, and I was just curious as to whether everybody knew Allegheny County picked up a \$3-million— Because I did not know it, because I did not get this thing until yesterday.

Mr. EVANS. Mr. Speaker—

Mr. RYAN. Thank you. I had an answer to my question.

On page 116, continuing the interrogation, and I am not suggesting—and I want to make this clear before I start interrogation—I am not talking about whether or not something is worthwhile. There is a \$100,000 appropriation to assist an association of retarded citizens in cities of the first class for \$100,000.

Now, I have a number of associations of retarded citizens in Delaware. I am sure they are in Bucks and Chester and Westmoreland and on and on and on and on. I daresay that there probably is an association in every county in this Commonwealth, or maybe in the smaller counties two or three of the counties get together.

Can you tell me whether this \$100,000 for an association for retarded citizens is shared by anyone other than the city of Philadelphia or if there is any other appropriation for any one of us, other than a member of the Philadelphia group, for retarded citizens? We are talking fairness, and you said your people all participated in this, so I guess you guys all signed off on it. I just want to see if my people are as satisfied signing off on Philadelphia getting money for retarded citizens and us not getting it. You people are evidently satisfied to do it; we are not. So could you answer that question.

Mr. EVANS. Yes, Mr. Speaker.

In the 1992-93 budget, which was passed by Senator Locper and Senator Jubelirer, we had, for the Philadelphia

Association for Retarded Citizens, we had a line item for that particular area, yes, Mr. Speaker, and the line item at that particular point in 1992-93 was \$212,000. We reduced it, Mr. Speaker, to \$100,000.

Mr. RYAN. Now, my question was, are there any other funds available for retarded citizens in any of the other counties of the Commonwealth line-itemed in this document?

Mr. EVANS. I would say yes, Mr. Speaker, if you begin to look at the line item that deals with mental health/mental retardation, in that particular line item in terms of the program being available, Mr. Speaker.

Mr. RYAN. Could you point that out for me? And it line-items for associations for retarded citizens? I could not find that.

You see, if we had some time, maybe we— If we had been sitting across the table from one another for a couple of weeks cursing and then working together, maybe this would not be necessary. This is what we normally would have been doing.

Mr. EVANS. But I think it is better to do it this way, Mr. Speaker, where the public can see it.

Mr. RYAN. Well, when I go like this, these are curse words. Okay?

Mr. EVANS. This is no problem. When I do like this, this is hello.

Mr. RYAN. Okay.

Mr. EVANS. Mr. Speaker, in line item—

Mr. RYAN. Now I will tell you how many letters.

Mr. EVANS. I know. I know.

Mr. Speaker, this is what Representative Lee wanted. He wanted the negotiations in an open forum, Mr. Speaker, and this is what we are doing.

Line item 5736, community mental retardation services—

Mr. RYAN. Would you tell us where that is? Tell us where that is.

Mr. EVANS. Line item community mental health/mental retardation services. It is on page— I am looking at my printout.

Mr. RYAN. No. In the bill. What page of the bill?

Mr. EVANS. Mr. Speaker, on page 106 and 107, you can see the program for community mental retardation.

Mr. RYAN. Mr. Speaker, if I may, I was asking you if there are moneys available for associations for retarded citizens. I am asking a question that I honestly do not know the answer to when I say to you, in Philadelphia, the \$100,000 to the association for retarded citizens, I am guessing, is some kind of a nonprofit association as opposed to a hospital or as opposed to a group home. Would that be fair?

Mr. EVANS. My understanding, Mr. Speaker, is that there are many associations, particularly in the southeast region, that work with this particular association and does not just target to one particular section, Mr. Speaker. As I have mentioned to you earlier, this was a line item in 1992-93 that we had at \$212,000. Because we had to reduce the budget somewhat, Mr. Speaker, we felt that the program was something still valuable and we needed to keep it, Mr. Speaker.

Mr. RYAN. Well, if it is a valuable program, maybe we want to amend it back up to where it was. That is what I am asking you questions about.

The \$4-million item that you just referred to was for mental retardation. It was not for associations of retarded citizens. I think there is a distinction. This is not a trick question. It is an honest inquiry.

I think the association— I am thinking of PARC, by way of example, Pennsylvania Association for Retarded Citizens. It is a group that looks out for the well-being of the retarded citizens of Pennsylvania, and DELARC (Delaware County Association for Retarded Citizens), in my area, does the same thing for that community of interest, and I suspect there is the same thing in different areas throughout Pennsylvania.

They are associations that do not necessarily, I believe, they do not necessarily give services, you know, medical services or educational services, and that is what this \$100,000 is for, as opposed to the \$4 million for institutional districts.

The \$100,000, is it going to a group? What is the—

Mr. EVANS. Mr. Speaker, as I expressed to you before—

Mr. RYAN. I do not want to hear about what we did 2 years ago. Who is it going to?

Mr. EVANS. Mr. Speaker, just what it says in the line item. That is exactly who it is going to, Mr. Speaker.

Mr. RYAN. It says "an association." Who do you mail the check to? You cannot mail a check and just say "association" and just see who the postman delivers it to.

Mr. EVANS. If you want me to find out exactly the address and the location of it, that is not in this document nor is it in the printout document that I have. You asked me, who is it being mailed to? I cannot tell you from these documents.

Mr. RYAN. Okay.

Mr. EVANS. But I can only tell you from these documents exactly who receives the money. Now, if you want me to find out who it is mailed to, I have no problem in working with—

Mr. RYAN. I do not need their address, but I would like to know the name of the association.

Mr. EVANS. Well, that says it in these documents.

Mr. RYAN. It says "association of retarded citizens," small "a" association.

Mr. EVANS. Well, Mr. Speaker—

Mr. RYAN. All right. Let me have their address, if I may. That might help me.

Mr. EVANS. But, Mr. Speaker, we have over \$300 million in community mental retardation services, Mr. Speaker, and we do not have a breakout here about where that \$300 million goes, Mr. Speaker, and where we mail that at.

Mr. RYAN. Then why are we treating an association in the city of the first class different from the associations in all of our counties by line-iteming \$100,000?

Now I ask you, who are they and where are they, and if you need time, ask one of your marvelous assistants and associates to pick up the phone and call your office and say, where does that money go? And I know you have it.

Mr. EVANS. Mr. Speaker, I will go back, Mr. Speaker, to what I said to you before. In the 1992-93 budget, we had it listed for \$212,000— Can I finish, Mr. Speaker?

Mr. RYAN. I am not trying to interrupt. I am talking.

Mr. EVANS. Okay. —\$212,000, and as a result, Mr. Speaker, the money that we had listed in that particular line item, Mr. Speaker, we had to reduce. That association, Mr. Speaker, works with local mental retardation organizations, Mr. Speaker, very similar to the line item that I pointed out to you on page 161, Mr. Speaker.

Mr. RYAN. Mr. Speaker, he has worn me out on that question. I think what he has said to all of us is, he does not know where that \$100,000 goes. It is delivered into Philadelphia somewhere. That is what I get from it until I hear differently. And here comes the brains going to go upstairs and find out where it is going.

I think she talked to me then.

On the same page—you have to keep your sense of humor, Mr. Speaker—a couple of lines down, on page 116, “For assistance to an acute care hospital in a city of the first class.” Now, I do not know how many hospitals there are in the city of Philadelphia. I know there is Penn; I know there is Hahnemann; I know there is Jefferson; I know there is Temple; I know there is Medical College; I know there is Pennsylvania College, that is six quick ones; there is Mercy Catholic, that is seven; Nazareth; Frankford; Jeanes, and on and on and on. There are 10 quick ones. Here we have something that says, “For assistance”—and they are all acute care, the ones I just mentioned—“For assistance to an acute care hospital in a city of the first class, 600,000.”

Now, is this like the association we talked about before, because hospital is a small “h.” Do we send the \$600,000 into Philadelphia and we play like volleyball with the check and let all the hospitals come around and see who gets it, or do we know who is going to get that \$600,000? And can you tell me why one hospital, assuming it is one hospital, is favored over all these other 10 or 15 other hospitals? And I do not want to hear about what happened last year and the year before this. I want to hear about what happened this year.

Mr. EVANS. I think it is important, Mr. Speaker, that you hear about what happened last year because a budget has to have some consistency to it. Mr. Speaker, that is the Jefferson Hospital that was not funded last year, and you recall, Mr. Speaker, I know that you and Senator Loeper visited Jefferson Hospital. You, as a matter of fact, visited— A week before I visited Jefferson Hospital, you were there. I was at Jefferson Hospital. Jefferson Hospital made the same plea they made to me they made to you. It says Jefferson Hospital, and I just share with you that in 1992-93 they were zero. So that takes place there, Mr. Speaker.

Mr. RYAN. That is terrific, and I congratulate you on giving them some of the money that we owe them. Now, my question is, why are we not doing that as a nonpreferred appropriation? Is Jefferson among the nonpreferreds that are on the calendar?

Mr. EVANS. My understanding is, yes, Mr. Speaker, they are.

Mr. RYAN. Then why are we, in a general appropriation bill, giving Jefferson \$600,000 of special treatment when today we have a nonpreferred bill—and you have said it is Jefferson; I did not know who it was because it does not say here—we have a bill that is going to come before this House that says Jefferson Hospital on it, and you bet I am going to support that bill—unless it is too low; then maybe I will try and get it up higher, because you have cut all of our nonpreferreds, which is wrong, but that is subject for a later discussion, but you know what I mean.

Tell me why we do this in a general appropriation bill when it is for a nongovernmental hospital and it should be a nonpreferred and we are taking it up nonpreferred in another hour or so?

Mr. EVANS. My understanding, Mr. Speaker, is that there is a program that they have been providing to the Commonwealth of Pennsylvania. Although we did not fund them in the 1992-93 budget, this is a request that they had put in to the Department of Health or to the Budget Office, and this is something exactly that they asked for, Mr. Speaker.

Mr. RYAN. My understanding from my staff—and perhaps your executive director can advise you if you do not know, because you said, it is my understanding. That to me means, you know, you are not exactly sure what happened—my understanding is that the Budget Office did not, did not put this in as a request and that it was not part of the Governor’s budget, so it must have come out of your office.

Mr. EVANS. I repeat again, Mr. Speaker, it is my understanding that although I understand what the gentleman is saying, that it was not in the Governor’s initial budget in February, this request did come through either between the Budget Office, the Health Department, in terms of a program that needed to be addressed, Mr. Speaker.

Mr. RYAN. Is it your statement to this House that the Governor’s Office or the Budget Office—which is my judgment, the Governor’s Office—they are the ones who requested this \$600,000? Is that what you are telling us?

Mr. EVANS. Mr. Speaker, I repeat myself again. It is my understanding that I cannot tell you exactly where every single line item has come in this budget, but I can share with you, Mr. Speaker, that this was a request that was put on the table through the Health Department and through the Budget Office, as well as the Senate, that said, yes, this is an issue we need to address.

Mr. RYAN. Just out of idle curiosity, I am sure everybody here would like to know, who was at the table?

Mr. EVANS. Depends on which meeting you are referring to, Mr. Speaker.

Mr. RYAN. The one where this was put on the table.

Mr. EVANS. Mr. Speaker, I can only say to you that on this particular item, that recommendations came from staff to members who were sitting at that table — the Budget Secretary, the chairman of the Appropriations Committee from the Senate, the President pro tem, Mr. Speaker, the majority leader



from over there, the majority leader from our side, the Speaker of the House, Mr. Speaker.

Mr. RYAN. All Democrats.

Mr. EVANS. Republicans were invited, Mr. Speaker. They chose not to participate.

Mr. RYAN. Was I invited?

Mr. EVANS. I could not tell you if you were invited, Mr. Speaker, because I did not make the offer to you. The offer was made by someone else on the other side of the aisle, I think Senator Loeper. I assume Senator Loeper was representing your interests.

Mr. RYAN. Now, you know that is not so. I have never been invited anywhere by you that I have not gone. Look, I went to Jefferson with you. A week earlier—

Mr. EVANS. Well, that is true. You know, you went to the convention center with me; you went to Jefferson with me. We do a lot together, Mr. Speaker.

Mr. RYAN. The bottom line on that same page.

Apparently there is a very, very special geriatric center in a city of the first class. Now, in my county I have a bunch of geriatric centers. In my district I have a bunch of centers for senior citizens. I am afraid to label them because they all have different labels. This you call a geriatric center, and you say, "For assistance to a geriatric center in a city of the first class," which is Philadelphia. Could you tell me who this lucky geriatric center is that hit the lotto for \$100,000 and is before us unnamed and they are going to get this \$100,000, despite the fact that nobody else in this room, or better yet, is there anyone in this room that knows who gets that \$100,000?

Mr. EVANS. Are you interrogating me or are you—

Mr. RYAN. I am talking anybody.

Mr. EVANS. Well, can I, Mr. Speaker?

Mr. RYAN. Yeah, go ahead.

Mr. EVANS. We will again, going back to what I said to you about the same question you asked regarding the Philadelphia association, my understanding is my staff will get that information on both of them and provide that to you.

Mr. RYAN. You do not know who it is, though.

Mr. EVANS. I just indicated to you that we will get that information provided to you.

Mr. RYAN. So as you stand here, you do not know who it is.

Mr. EVANS. As I stand here at this particular moment— I understand; I am going to answer that question.

Mr. RYAN. All right.

Mr. EVANS. At this particular moment, no, I do not have the answer to that question, Mr. Speaker.

Mr. RYAN. Okay. Now, the next one that I am curious about is found on page 126.

In Philadelphia there is a very, very worthwhile museum. Now, you notice what I said. It is a very worthwhile museum called the Please Touch Museum, which, incidentally, I support. But I did not get a chance this year to support it, because you had already done it; you had taken it away from me, the opportunity to be able to call them up and say, hey, I helped you guys out this year; how about inviting me down—I

have never been there—but how about inviting me down— To do what? To go on a tour with the majority Appropriations Committee chairman from the House. How did they make the cut this year and how do they do that on a non-nonpreferred basis? They are not a governmental function, agreed?

Mr. EVANS. Agreed, Mr. Speaker.

Mr. RYAN. Okay. If they are not part of our governmental function, how do they get an appropriation other than a nonpreferred appropriation?

Mr. EVANS. Mr. Speaker, in the 1992-93 budget that we passed in the Senate, this same appropriation was something that we passed last year, Mr. Speaker.

Mr. RYAN. I understand that. I am asking a question of an Appropriations Committee chairman because I do not understand the answer and now I am trying to get an answer to my question. We could have been doing it for the past 20 years and I would have supported it for 20 years.

How do you do that on a non-nonpreferred basis?

Mr. EVANS. Mr. Speaker, I will repeat what I said to you earlier, that you and I both know that the Please Touch Museum is something that you have supported and that I have supported, and the Please Touch Museum provides attraction in terms of tourism. And I will share with you again, Mr. Speaker, in the 1992-93 budget that we passed, this was an item. This was an item that we had funded in 1992-93, like we had funded domestic violence and family violence. I can read the list of items that we had funded in 1992-93. What you are basically asking, Mr. Speaker, what we should do is go through every single line item and ask the question very legitimately, should we fund them or should we not, and when you asked the question about you would like to participate, you are participating by us having this dialogue and discussion. The question will then be, when it comes time to vote on the conference committee report, would you be prepared to vote and say you support Jefferson? you support the Please Touch Museum? you support the association of retarded citizens? I hear you saying you support all these things. The way you usually generate support, in my view, Mr. Speaker, is by showing your vote.

Mr. RYAN. That is right; I agree with you, and you check the record and you will find I voted for the budget last year, you will find that I voted for the budget the year before—at great personal risk—and for years before that. But this year, Mr. Speaker, I have not seen you except on television; none of my members have seen you except your back, and this is sad, because good buddies like us, we should be together on stormy June nights.

Now, my last question on the budget, because it is far too long, what— And I am tired, and really, you know, if we can, let us get away from, well, back in 1992 and 1993 we had this in the budget. Well, that is no justification. We made mistakes in 1992 and 1993. Ben Franklin, believe it or not, made mistakes, and we cannot go back and say, well, back in 1640, or whenever he was here — 1740; I am sorry.

The SPEAKER. 1706.

Mr. RYAN. My ancient parliamentarian-historian, Mr. Pitts, says 1740, and we got a \$1 side bet on this.

The SPEAKER. Born in 1706.

Mr. RYAN. There is only one baby in this House now. There may have been one then, too, Mr. Speaker.

I think we are off of the, well, we did it in 1992-93.

What is the good Flagship Niagara for 100 big ones?

I have got a boat down at the shore. For \$50,000 you could be a partner with me.

Mr. EVANS. I know, Mr. Speaker, that you are asking me questions, but have you ever been to Erie?

Mr. RYAN. I did not know it was evident.

Mr. EVANS. Have you ever been to Erie? Have you ever been to Erie?

Mr. RYAN. Yes.

Mr. EVANS. Did you ever visit the Flagship Niagara out there?

Mr. RYAN. No; no.

Mr. EVANS. Well, it is a part of the tourism that takes place in Erie. It is something that we, again, had funded in 1992-93. It has been a part of our Historical and Museum Commission in the money that we have invested. In our view, Mr. Speaker, if you talk to people like Mr. Cappabianca or Jim Merry or Karl Boyes from Erie or Tom Scrimenti from Erie, they will share with you that it has been something that has been very important to the Erie community. And I know you are concerned about your members from Erie, so as a result, I think that as a result of you being concerned about your members from Erie, you could understand why we again would want to make an investment into the flagship for what it has meant to that particular region.

In addition, Mr. Speaker, it is State owned.

Mr. RYAN. Well, I am in favor of ships.

Thank you, Mr. Speaker. Thank you.

Mr. Speaker, the other day I wrote a letter to the gentleman, Mr. Evans, and I copied all the members of the House, copied all the members of the Senate, copied the press. If I could have had the mailing list of everybody in Mr. Evans' postage meter, I would have copied a lot more people, because I wanted to remind, particularly the members of this House, what took place back here in January.

Mr. DeWeese was sworn in as the new Speaker of the House, Mr. Itkin as the new majority leader, Mr. Evans continued on as the majority Appropriations Committee chairman, and at that time we had some words, the four of us, and those words really centered around what I had considered really pretty shabby treatment from prior years being in the minority and pretty shabby treatment by the majority, and Speaker DeWeese said that day publicly that he had every intention of being as nonpartisan as possible and he also said, we have got to invite each other to the table. Now, I was under the impression when he said that, because it was in response to criticism that I had made of, frankly, your leadership, that you were running roughshod over those of us who, frankly, represented I think at that time about 45 percent of the people of this Commonwealth, and he said that we have got to invite

each other to the table; we have got to sit down and meet; we have got to communicate—he did not use those exact words.

The majority leader, Mr. Itkin, said, "All of this political instability only underscores the urgent need for cooperation between the House and the Senate — across the Capitol and across the aisles...." Continuing on he made some other remarks and said, "Okay, Matt Ryan, what ideas do you have?" Mr. Itkin further talked in terms of cooperation and compromise. Mark Cohen even: "For the rest of this session, we will be struggling to achieve mutual collective victories grounded in teamwork here."

If I have heard the words once—and I probably will misstate them—I have heard the words dozens of times from the gentleman, Mr. Evans, about cooperation and I want to share this with you and share that with you. The problem is, Mr. Speaker, it seems your idea of sharing is you want us to share the vote but you do not want us to share in the fashioning of the budget or the fashioning of the taxes or whatever it may be.

Now, you made remarks that there were no taxes. Well, let us tell the truth. There were no taxes because when I was approached I said, there will be no tax support from us this year, so you put up your own votes or there will be no taxes as far as I am concerned. So that took care of the tax problem.

You had a better idea than taxing people where you are out in the open and taxing, and that great idea was, we will just simply raid the teachers' pension fund; nobody will catch us doing that, and that is what you did. This budget is financially based to some extent, slight extent, on a raid on the retired teachers' pension fund.

Earlier this year we passed a reform bill on welfare with \$190 million in it. This budget could have been founded on that. We read and we saw what happened: Mr. Evans and some of his colleagues put great pressure on the Governor's Office and on the Senate to make sure that it was announced that it would be vetoed and the Senate would not bring it up.

We suggested time and time again that some, some benefit be given to the business community. I suggested that if we cannot afford a major benefit for the business community, let us show them that our heart is in the right place. Let us give them some hope. Let us give them something with a delayed effective date even that we have to work towards, the way we did with the PIT (personal income tax) in 1991. Let us take the loss carry-forward and make the effective date January 1. Let us put a reduction in the corporate net income tax on a staggered-down basis beginning in several years. That met with no success.

Probably the true depth of the people I was dealing with came out when we saw finally, at the last minute, this budget document where boldly they changed the ratio of money for the Republicans over the Democrats without a word, and that will be answered—I know how it will be answered. It will be answered, well, you had plenty of money in the bank. Let me tell you how I got plenty of money in the bank. I got plenty of money in the bank by not spending money. I get the same amount of money that you get, only I do not spend it. I leave

it in the Treasury Department. I do not have it in my bank; the State has it in their bank. The press never seem to catch on to that one. They seem to think I have it buried somewhere. I do. I have it buried in Treasury so Treasury can get interest on it, or whatever they do with money. But that is no excuse. The mere fact that I have a credit at Treasury is no excuse, is no excuse, not out of common courtesy to approach us the way it has been done since time immemorial and discuss what is going on with respect to financing of the legislature.

I did not see anything happen to the \$3 million that is sitting in the Speaker's account. I suspect that is still just sitting there. Was his account cut back because he has got money in the bank? I have not looked. I am getting a dirty look so I guess that nothing happened to that. But I will bet he knew about the \$2 million, and if he did not, he should have, and if he did know he should have told me and I could have raised Cain earlier.

These conservatives that are beating their chests saying we are doing this without raising taxes have done it with an increase of \$200 million over what we were talking about a month or so ago. They are spending 100 million more dollars than the Governor told us to spend, and they are doing this with \$100 million less in revenue. I do not know how they are going to do that. I am curious as to whether or not the Governor approves of this budget. I have not heard that he approves of this. He may or may not. I mean, it is really none of his business. We should just send him whatever we want and if he does not like it, you know, he vetoes it or he line-items it. That is his job. But right now we are \$200 million different than we were a month ago.

So some of these things in here, I suspect, are going to take a further bounce, and you can bet one of the things that will not bounce will be the City of Brotherly Love's money, because they are treated differently than 66 other counties. Philadelphia gets \$108,000 for every judge they have from the Commonwealth of Pennsylvania. You and I, our judges, our counties, get \$70,000 per judge. Our district justices, we do not get anything because they cut that out of the budget. They have got \$44 million in there, \$41 or \$44 million in there, for Byberry closure. Byberry has been closed for 10 years. Those people that went out of Byberry, I do not know where they are now, those poor souls. They closed our hospital and they took that appropriation of \$3 million away from the suburban counties, the five suburban counties, when they closed Pennhurst, and that is fairness. That is how the two majority Appropriations Committee chairmen from Philadelphia treat the suburban legislators. That is their idea of fairness in the Byberry closing allocation of moneys.

I am going to ask a couple of our other members to address some of the problems that they have come up with in this budget, and I am going to ask the Speaker to recognize me again before taking the final vote.

The SPEAKER. The Chair thanks the gentleman.

Mr. Evans is recognized.

Will the gentleman yield momentarily.

## FILMING PERMISSION

The SPEAKER. WPVI, channel 6, is in the hall of the House filming with audio. The Chair wanted to make that announcement. Starting as of right now they are.

## CONSIDERATION OF HB 815 CONTINUED

The SPEAKER. Mr. Evans, you are recognized.

Mr. EVANS. Mr. Speaker, what is probably unfortunate about this process is that sometimes it is extremely too partisan and sometimes it is too regional and sometimes it is too much conflict. I would like to, Mr. Speaker, have the minority leader be able to sit down and be able to have us deal with these things in a constructive way. However, Mr. Speaker, what this is really about—and I did not write this and I did not create this, Mr. Speaker—is a newspaper headline, Mr. Speaker, in the Courier Express, May 26, 1993, that says, "Pa. budget delayed by Republicans." Delayed by Republicans, Mr. Speaker. I did not write this, Mr. Speaker. I did not write this. This is written in a newspaper, and I will circulate it, if the Speaker allows me, around the House.

Unfortunately, Mr. Speaker, what the minority leader's comments are about is politics as usual. When we stood up and we dealt with the issue, Mr. Speaker, of education equity, we dealt with it because we had the political will. What is unfortunate, Mr. Speaker, is that this is only about delay. We have an opportunity, Mr. Speaker, to resolve a budget. Is it a perfect budget, Mr. Speaker? No, it is not a perfect budget, Mr. Speaker, but I want to read something else, Mr. Speaker, from the Pittsburgh Post-Gazette, and this is what they say: The Pittsburgh Post-Gazette says—this is a quote from a colleague of both of ours in the Senate—the public does not need to take Senator Jubelirer's remark seriously that this budget—this is Senator Jubelirer speaking—has been "done hastily, done in the dark and done without the public input that really matters." This is the Pittsburgh Post-Gazette now speaking editorially. They say, "In reality, this was one of the most open budget proceedings of recent years," and I will not use the name that they say in here so you think that I wrote it, but it says, "Rep. Dwight Evans, the chairman of the House Appropriations Committee, even took the budget hearings on the road so that more Pennsylvanians could take part in the process." This was today in the Pittsburgh Post-Gazette, and this was in the Courier Express about Republicans wanting to delay the process.

You asked the question about where the Governor stands, and I have a statement here from the Governor that he put out yesterday that says, "Gov. Casey urges yes vote on budget." So you wanted to know where Governor Casey stands; you wanted to know, here is where a newspaper from western Pennsylvania stands; and here was a newspaper that said about Republicans wanting to delay the budget.

Now, I do not have a problem, Mr. Speaker, in answering the questions that you asked, because you are right. If I do not have answers to those questions, I will try to find out for you the answers to those questions that you asked, which are very

legitimate. But I share with you, Mr. Speaker, that you and I both know that this is a good budget, that it invests money in education; it invests money in economic development; it invests money in health and welfare; it invests money in the people of the Commonwealth of Pennsylvania. But more than that, Mr. Speaker, there is no tax increase, and I repeat that, Mr. Speaker: There is no tax increase. So I am expressing to you, Mr. Speaker, I do not know what more you want.

In 1991 you were complaining that we were raising taxes too high and spending too much money — in 1991. In 1992 you said, Mr. Speaker, that we had shut you out of the process because we wanted to pass the budget on June 29 and you wanted to still continue to negotiate in July. Now on May 28, Mr. Speaker, on May 28, 30 days before the deadline, you now have more excuses. I do not understand it.

I have been chairman for 3 years. This is my third year. I have yet to see you, Mr. Speaker— And you are my good friend and I like you, and I want to go visit with Nelson Mandela and De Klerk and President Clinton; I want you and me to do that together, and I want to go to Jefferson with you and I want to do all those things with you, Mr. Speaker, but more than anything what I want today, what I want today, Mr. Speaker, what I want today is I want you, Mr. Speaker, to take your finger— Mr. Speaker, can you look at me for a second? Look at me for a second. What I want you to do today is I want you to take this hand and press the green button. I want you to press the green button, Mr. Speaker. I want you to press the green button. I want you to press the green button so that we together for once in Pennsylvania—so when the Pittsburgh Post-Gazette writes their next editorial, they can write it and put your name in it and they can put my name in it and they can put anybody else's name in it in this room—that we can say once and for all that we have done it together, Mr. Speaker, because that is what I want. I want the opportunity to do it together with you. I want the chance to say we have done this together, because I am looking right at you, Mr. Speaker, and I am telling you, I want to do this with you. You have an opportunity, and that opportunity is to press that green button.

And I share with you, Mr. Speaker, that you can go back and tell people that you did not raise taxes. You can tell people you did not raise taxes and you have done it within the dollars that you have. You could also tell them, Mr. Speaker, that you got the State aids, that you got the veterinarian school, that you got Jefferson; that you got them in 1992-93, 1993-94, and that I am doing that with you together, Mr. Speaker; that those State aids that we did not fund in 1992-93, that you and I are going to do that together, Mr. Speaker.

So I want to do that with you together, and I ask you, I ask you, Mr. Speaker, to work with us by pressing that green button. Thank you.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. While we are doing all these wonderful things together, do you think we could get Clinton and go to his hairdresser and take some of that money that you slipped into Philadelphia and maybe get 100 grand into a barbershop

someway, and the three of us could maybe get a haircut out of it.

But this budget—and I have said this a number of times—this is an easy budget. It really is. I have said this to our members, I have said it to your members, I have said it to Mr. Itkin, and I say it to you: It is not a tough budget, and it is the kind of budget that with a little massaging, frankly, could have been put in the kind of shape that members on this side and the other side could probably have gone home with having supported it 100 percent. I honestly believe that.

I believe that this budget would and could have been easily supported by this entire House. I believe that; with very little massaging. However, we were excluded, and you know. I mean, I am not trying to play to the cameras. There are cameras.

You know that we did not get a printout. We still do not have your printout; we are trying to get our own put together. That is right. I mean, you are making fun of it, but the truth of the matter is, we have never had adequate information.

As I sat here asking you about \$100,000 for a geriatric center in Philadelphia, I did not have the information that last year we had done the same thing. I did not have that information before me because I do not have a printout this year. The leader of the Republican House does not have that printout because you did not provide us with any information and we are here without information.

The one thing that was perfectly apparent without a printout was that Philadelphia was treated very, very fairly, more than very, very fairly, and it was apparent and it was easy to reach the conclusion that you and Senator Fumo took pretty good care of it. And I watched where the bulges were, and the bulges are in Philadelphia and they are at the expense of a lot of us others. And that is not even too bad if we could have massaged the bulges down a little bit and spread them out so that all of us brought something home to our respective districts, so that there was something for all of the courthouses, not just the Philadelphia courthouses. But no, we were not made part of it. We were not allowed to participate.

How does— Well, I am not going to say it, because I was going to start naming some names, but that would be improper. But I am thinking of a couple of people over there. I do not know how they can vote for that budget, because they are adversely affected by it, in my opinion. Some of our people voting “no” are adversely affected, because there is money in it, you know, for them in places. And it would have been so simple to do a decent job this time, but instead you have declared war. You have declared war on us, and you did it—I better be careful what I am saying, but you get the idea—you did it; you declared war by taking 2 extra million dollars and acting like a pig, and I do not think that is your usual nature, and I do not know who put you up to it because that is not you, that is not like you. I do not know who was so politically vindictive — we will teach them a lesson; we will show them; we will do this; we will do that; we will show them who is boss. But someone put you up to that because that is not your nature. I do not believe that is your nature, so I am not laying

that on you. But someone put you up to it, and whoever did it is not your good friend, because you may have gotten a good friend doing it but you got a couple of bad ones at the same time.

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

Mr. PITTS. Thank you, Mr. Speaker.

Mr. Speaker, it is true that you did not have to raise taxes to pass this budget, but you did not have to do it on the backs of retired teachers. This budget is a very fat budget, over \$800 million in new spending. It is outrageous, Mr. Speaker, the pork-barrel politics that is being played with this budget. We have heard the rhetoric about doing this together, bipartisanship. We have heard rhetoric in this chamber about openness and budget reform. Mr. Speaker, this is nothing but business as usual. This is a disgrace, this one-sided budget in a raw abuse of power by certain leaders on the other side of the aisle with no interest in the constituents of the rest of the members, passing a bloated budget without any concern for the taxpayers at all.

*There is nothing in here meaningful about job creation. We could do something about job creation in this State if we had the will, but there is nothing in here meaningful about creating jobs in Pennsylvania. We just want to spend more of the taxpayers' money. We want to raid the teacher pensions. Some of you have come up and asked, and I think we need to spend a little bit of time about this raid on teacher pensions. This is not the same scheme that we have used the last couple of years, not the scheme last year that was proposed on reamortization. This is a redefinition of employer share.*

Just briefly, the actuarial soundness of the fund is determined by three things: employee share, employer share, and the return on investments. The employee share stays the same. The employer share, our contribution and the local school district, depends on the return on investments. Rather than take the interest on earnings this year, what the actual return on investments is this year and will be in the nineties, they have lumped in a 10-year rolling average, going back into the eighties, when everybody knows what the return on investments was. They have artificially inflated what the return on investments is going to be so as to decrease the amount of money we have to pay in, and that is nothing but a raid to jeopardize the soundness of the teacher retirement system.

We are going to have to pay this bill in the future plus interest, and it is going to be very expensive. We are talking about a \$23-billion fund. Those of you who are supporting this budget, who are going along with this pork-barrel politics on the back of raiding teacher pensions, are going to have to answer for this. This is wrong.

Mr. Speaker, I know the gentleman from Philadelphia wants to flex his muscles. He has locked everybody else out. He has not asked for anybody else's input, not even solicited negotiations. He has done it on his own. He has disenfranchised all of our constituents, and he is not reflecting the will of the majority of this House.

Earlier this session, the majority of this House, 165 members, voted for welfare reform. There is no welfare reform

reflected in this budget. It will die if we let this budget pass. We will not get welfare reform. That is wrong. That does not reflect the will of the members of this House.

Instead of cutting, he has added to the bureaucracy. I do not think he is representing the mood of the taxpayers. Look at what happened in the referendum. Even with a bond issue for veterans, they voted it down. The taxpayers are fed up with wasteful spending. This is the most bloated budget for the bureaucracy of the State we have ever seen. That is wrong.

Mr. Speaker, there are other provisions in this budget that are very objectionable. They have put into this budget some language that gives unprecedented power to the Supreme Court of this State to transfer tax dollars from the other courts of this State. They could even go down to the court of common pleas in your county and take funds, if they so will it, and given the situation on the Supreme Court, I think that is like letting the fox guard the henhouse.

Mr. Speaker, there are many other problems with this budget, but in light of these few items, I think the majority of this House ought to say "no" to this budget; tell him to go back and let us negotiate a fair budget, a budget that reflects the will of this House, and come back. We have still got, as the speaker said, 5 weeks before the deadline. There is no rush. Let us do a reasonable, fair budget that reflects the interest of all of our constituencies, not the pork-barrel politicians. Thank you, Mr. Speaker.

### THE SPEAKER PRO TEMPORE (PHYLLIS MUNDT) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

### FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise members that she has given permission to Steve Kearns, a reporter for WHP-TV 21, to film with audio on the floor of the House during the proceedings on the budget.

### CONSIDERATION OF HB 815 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gannon, from Delaware County.

Mr. GANNON. Thank you, Madam Speaker.

I have listened to the debate between the minority leader and the Democratic chairman of the Appropriations Committee as well as the comments of the Republican chairman of the House Appropriations Committee. I think a number of issues have been brought up that are very important to the people of this Commonwealth.

This is probably the most important vote that we as legislators make in the course of a legislative year, and it has a dynamic impact on every person in this Commonwealth, and they are the folks that have been left out of this process.

Also, on the Republican side, we can stand over here and whine that, you know, we have not had any input, but that is

really not important when you ask the fundamental question of what about the input of the people and how this budget is going to affect them in terms of, for example, the retired teachers. We have heard some comments about the way they are shifting paper around to reduce the contribution of the Commonwealth and perhaps jeopardize the solvency of that fund. That is going to affect those retired teachers. We have not given them an opportunity to have some say in this process, and that is why I am going to make the following motion, Madam Speaker.

**MOTION TO APPOINT  
SELECT COMMITTEE**

Mr. GANNON. Under Mason's rules, which are our guide to the House, the Speaker can appoint a select committee to hold public hearings on this conference report, and I am going to make that motion, that the Speaker appoint a select committee of both Republicans and Democrats to hold public hearings on this conference report and specifically invite public comment and public input on what is contained in this conference report, bring that report back to this House with its recommendations, and then I think we can make a much more informed vote on this conference report and also give the people of this Commonwealth an opportunity to participate, something that has long been denied to them.

Therefore, Madam Speaker, I make that motion.

**THE SPEAKER (H. WILLIAM DeWEESE)  
PRESIDING**

The SPEAKER. The gentleman will momentarily yield. The Parliamentarian needs a moment.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is correct; there is a reference in Mason's that allows for his motion, and to the best of my recollection—I was momentarily indisposed but was telephonically connected—you have moved that this measure be forwarded to a select committee for further study and for the purpose of having public hearings.

Mr. GANNON. Mr. Speaker, that is correct, that the Speaker appoint a select committee of Republicans and Democrats to hold public hearings on this measure, report back to the House with their recommendation.

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

The SPEAKER. On that motion, the Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, I would seriously oppose that motion. I am very proud of what this House has done, positioning itself some 30 days before the end of the budget year to enact for the next fiscal year a good budget that does not require a tax increase, which gives us and gives to our 12 million constituents the knowledge of predictability of what they can expect of State government from July 1 of this year to June 30.

Those of us who have served many years up here know that June is a very uncertain month where lobbyists and members of the general public, unsure of what they are going to receive, panic as they run through the halls of this Capitol Building trying to get the attention of the members of this House and the other body.

Mr. Speaker, this is an opportunity for us to provide stability in funding, to provide a no-tax budget, and to insure the people of Pennsylvania that we are up to the task of performing the people's function of adopting a governmental budget for this year.

I strongly urge the members of this House on both sides of the aisle to object to this frivolous motion.

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

The following roll call was recorded:

**YEAS—96**

Adolph	Farmer	Leh	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Marsico	Scheetz
Baker	Gannon	Masland	Schuler
Barley	Geist	Merry	Semmel
Birmelin	Gerlach	Micozzie	Serafini
Boyes	Gladeck	Miller	Smith, S. H.
Brown	Godshall	Nailor	Snyder, D. W.
Bunt	Gruppo	Nickol	Stairs
Cessar	Harley	Nyce	Steil
Chadwick	Hasay	O'Brien	Stern
Civera	Heckler	Perzel	Strittmatter
Clark	Hennessey	Pettit	Taylor, E. Z.
Clymer	Herman	Phillips	Taylor, J.
Cohen, L. I.	Hershey	Piccola	Tomlinson
Cornell	Hess	Pitts	True
Dempsey	Hutchinson	Platts	Tulli
Dent	Jadlowiec	Raymond	Uliana
Druce	Kenney	Reber	Vance
Durham	King	Reinard	Waugh
Egolf	Laub	Rohrer	Wogan
Fairchild	Lawless	Rublely	Wright, M. N.
Fargo	Lee	Ryan	Zug

**NAYS—104**

Acosta	Freeman	Manderino	Rudy
Battisto	Gamble	Markosek	Santoni
Bebko-Jones	George	Mayermik	Scrimenti
Belardi	Gigliotti	McCall	Staback
Belfanti	Gordner	McGeehan	Steelman
Bishop	Gruitza	McNally	Steighner
Blaum	Haluska	Melio	Stetler
Butkovitz	Hanna	Michlovic	Stish
Buxton	Hughes	Mihalich	Sturla
Cappabianca	Itkin	Mundy	Surra
Carn	James	Murphy	Tangretti
Carone	Jarolin	O'Donnell	Thomas
Cawley	Josephs	Olasz	Tigue
Cohen, M.	Kaiser	Oliver	Trello
Colaella	Kasunic	Pesci	Trich
Colaizzo	Keller	Petrarca	Van Horne
Corrigan	Kirkland	Petrone	Veon
Cowell	Krebs	Pistella	Vitali
Coy	Kukovich	Preston	Williams
Curry	LaGrotta	Richardson	Wozniak
Daley	Laughlin	Rieger	Wright, D. R.

DeLuca	Lederer	Ritter	Yandrisevits
Dermody	Lescovitz	Roberts	Yewic
Donatucci	Levdansky	Robinson	
Evans	Linton	Roebuck	DeWeese,
Fajt	Lloyd	Rooney	Speaker
Fee	Lucyk		

## NOT VOTING—1

Smith, B.

## EXCUSED—2

Bush                    Caltagirone

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

On the question recurring,  
Will the House adopt the report of the committee of conference?

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

A lot of the members in the room have received this book, "The Wit and Wisdom of Politics." It says in there it takes real courage to vote against one's convictions, and I have a feeling that a number of the members on the other side of the aisle are about to do that, Mr. Speaker.

The budget as it stands right now, with the Federal money and with the State money, has \$800 million more in there for welfare and \$130 million more for education. I think that we have mixed up our priorities about where we should be headed in this Commonwealth, Mr. Speaker.

I have heard a lot of talk in here about job creation. Every time the Governor walks down here, he talks about job creation. Every one of the memos that I receive on my desk talks about, let us get more jobs, and what do we do? We did not do anything. We could have put some more money, a lot of money, into the Ben Franklin Partnership, about \$50 million. That would have helped to create jobs. We could have done something with the loss carry-forward, something with the corporate net income tax, and something with the capital stock and franchise tax. We did none of that. Any of those things would have created jobs, Mr. Speaker, but we did not address them in this budget that we have before us.

In the area of Philadelphia—these are all papers, since Dwight likes to pass around the papers—the Philadelphia area lost 32,000 jobs; 17,700 in Philadelphia alone; 300 a week, Mr. Speaker. Then there is another article that says the Delaware Valley in the last 2 years lost 170,000 jobs. The third one—this one came out just May 19—Pennsylvania was second in loss of manufacturing jobs in America, Mr. Speaker. We did nothing to address these problems that we are having in the Commonwealth of Pennsylvania.

It would have been very simple, Mr. Speaker, to add real change here. If we believed what we were saying, we would have done something about welfare reform. There is no welfare reform in this budget, none whatsoever, and if we were really serious about talking about jobs, we would have put

something in this budget to help create jobs in the Commonwealth of Pennsylvania. We did not do that, Mr. Speaker, and until that occurs, I am asking my colleagues to vote "no" on this proposal, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Barley.

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

Earlier this afternoon we heard a lot of discussion, especially from the chairman of the Appropriations Committee, and he spoke about participation, and we heard the Republican leader review the discussions earlier in the session about the desire to have greater bipartisan participation, and I just want to reiterate that we have had absolutely none in this process. Now, let me talk a little bit about some efforts that those of us on this side of the aisle have endeavored to pursue in the last few months.

As chairman of the Policy Committee, I took that role seriously and I felt it was important to consider what the needs of the Commonwealth really are, and we established some very responsible task forces, and we have already held several hearings throughout the State to take a look at what the needs are. I want to speak about a few of those in a moment. But also, as representing 98 legislative districts, that comprises 48 percent of the legislative districts in the Commonwealth. If you take that a step further, there are nearly 6 million residents of this State that are represented by the members on this side of the aisle. So I think that when we look at those nearly 6 million residents, many of them have good ideas, and we are concerned and we are interested about their ideas as much as we are the 6 million-plus residents that are represented by the members on the other side of the aisle.

So what I have done, I have gone a little further, and there is something that I use regularly, and I am sure every member of the House uses this bit of information when they have school students in or when they maybe visit school students or other groups, and it is a booklet. It is not published by the Republican printshop or the Democrat printshop; it is published by the Chief Clerk, so it talks about the process and it is bipartisan, nonpartisan. It talks about the biography of a bill, and in there on the first line, it says, "A bill is the written version of an idea...."

Now, I happen to believe that the 6 million or nearly 6 million residents of this State that we represent have some good ideas, and I think their ideas should have been part of this whole process. Now, let me just talk about some of the ideas that were brought to my attention and to the members of our caucus as they were out around the State holding some of these hearings.

Number one, their greatest concern is jobs, creation of new jobs, because if we create some new jobs, that enables the people that are already working to have an opportunity to advance. One of the things that the businessowners of this State have emphasized time and time again is that they want to create jobs; they want to expand. What is needed when you expand a business in Pennsylvania? The first thing that comes to mind is capital investment. When you invest capital, you do

not necessarily generate a profit immediately, and so the biggest detriment to capital expansion or business expansion in this State was in 1991 when we eliminated the loss carry-forward. If we would restore and if we would have had opportunity to dialogue in this process, we would have recommended restoring that, doing it in a responsible manner. I realize that if we restore that, there will be a loss of some revenue.

We happen to believe that to put into place a tax amnesty program would generate—and we ran some very responsible figures—we believe it would generate at least \$100 million. Now, that would create a bridge, Mr. Speaker, and the bridge would be to help offset the revenue losses that loss carry-forward reinstatement would create until year 2 or 3 when these businesses have created many more new jobs, created a lot more tax revenue, because the real way to expand the economy is for the private sector to create jobs. Government does not create jobs. Any program we pass here does not create any real jobs. Empowering the private sector, particularly the small business sector, creates real jobs for the people of this Commonwealth. That is what we have to do. That should have been part of our budget. That is what the nearly 6 million residents that we represent have been telling us, and I am sure many of yours have been telling you the same thing.

Now, let me talk about another specific concern that I have in this budget.

The number one industry in this State is agriculture, and it contributes a tremendous amount of dollars to our economy. Time and time again—this year is no exception—there is no increase for ag research. Now, by having no increase, we all know that normal inflation chips away at the status quo, so in reality, we have a net loss for ag research. Now, research and development, I do not care what kind of industry you are involved with, that is the cutting edge; that is the future. So here we are, another slap to the number one industry in this budget because we have a net loss for ag research. Ag promotion, same thing. How do you increase the profitability of a company? You promote it; you advertise. Government should not be directly involved in that, but this budget should include some incentives to help us to facilitate the private sector in promoting ag products, particularly for export, again bringing real dollars into this Commonwealth.

A third area of concern, looking directly at line items, this budget cuts the State Soil Conservation Commission by \$237,000. That is another agency that directly serves agriculture. We have just given them some additional responsibilities here a few months ago. The Senate, within the last month, gave them additional responsibilities, and now we have cut their funding. It shows a real commitment in this budget to agriculture.

Finally, the other area that I want to point out is, there are a lot of inconsistencies in the Milk Marketing Board. That is not supported by the line item; that is just supported by fees that are generated by the industry itself, but the State collects the fees and then they also must appropriate them. Well, the

agency generates well over \$2 million per year in revenue to be appropriated. This budget only appropriates \$1.5 million of it. Where is the other \$500-plus thousand going to be lost? Another slap to the number one industry, agriculture.

Mr. Speaker, there have been many other areas discussed here this afternoon about the inadequacies of this budget. I am really concerned about the future growth of this State. I am concerned about the creation of jobs in this State. I am concerned about empowering the private sector to create those jobs and to get this State moving again.

When you stop and consider that from 1980 to 1990 the population was basically stagnant in this State and it really is not changing now into the 1990's, we need to do something to retain the bright minds that are graduating from our schools and universities. We need to do something to give them a reason to stay in Pennsylvania, to help our businesses expand, and to allow their ideas to make this a better State. This budget does not do any of that.

For the reasons that I have stated—and I could go on; there are many more, Mr. Speaker—I would just urge my colleagues to vote “no” on this budget.

The SPEAKER. Does the gentleman, Mr. Geist, still seek recognition?

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

Would the majority Appropriations chairman please stand for interrogation?

The SPEAKER. The gentleman will stand.

Mr. GEIST. Thank you, Mr. Speaker.

On page 39, under the Ben Franklin Partnership, in your earlier remarks, the very first remarks that you made on the floor of the House, you alluded to the fact that Ben Franklin was to receive a line-item grant of \$25,750,000. In hearing that, it really perked up my ears, and I went back and checked on that, only to find out that I think that you forgot some of the math.

Could you please explain those other line items that have been included in intent for Ben Franklin: the \$1 million for the super computer; \$750,000 for the biotech research; \$400,000 for the hardwoods research; \$400,000 for an engineering research center; \$400,000 for a light microscope imaging center; also the \$200,000 to the powdered metallurgical industry. These really are not Ben Franklin projects, Mr. Speaker, but yet they are included in your earlier remarks under \$25 million. What would the real figure be that would be available for competitive Ben Franklin moneys?

Mr. EVANS. I would like to apologize to the gentleman, but I was not really clear on exactly what you were asking. You need to repeat that question. I was not clear on what you were saying. Mr. Speaker, either you need to use another—I am not clear on what you were saying. I cannot hear you.

Mr. GEIST. Thank you, Mr. Speaker. Let me repeat that.

In your remarks, your very first remarks to the General Assembly, you said that there was \$25 million for Ben Franklin Partnership. Like Mr. Ryan, I will try to use verbal signals here. In your opening remarks to the General Assembly, you said that the Ben Franklin Partnership would



receive \$25-plus million. That kind of set me off a little bit, and I wondered how the other line items that got included in Ben Franklin could really be counted as a Ben Franklin Partnership project — the \$1 million for the super computer, the \$750,000 for biotechnology research, \$400,000 for hardwoods research, \$400,000 for an engineering research center, \$400,000 for a light microscope imaging research center, and \$200,000 for service to the powdered metallurgical industry. Mr. Speaker, it just seems to me that that is not the real number for Ben Franklin Partnership. Could you please tell me what it is?

Mr. EVANS. Mr. Speaker, I really have to apologize to you. I am not clear on exactly what you are asking. Tell me what you are trying to get to. I am not clear.

Mr. GEIST. Mr. Speaker, under the Governor's budget, the Ben Franklin Partnership was to receive \$25 million in moneys that could be governed and administered by the Ben Franklin boards. That money, of course, is matched by private sector money to create jobs. The average Ben Franklin job right now is over \$31,000.

In the matching program, if you had \$25 million less these moneys that you have stuck in here now, you are talking about a net decrease in Ben Franklin of \$9 million or more. I just wondered why Ben Franklin was actually really cut and why these other programs were stuck in the tent to bring that number up to \$25 million.

Mr. EVANS. Mr. Speaker, Ben Franklin Partnership, one, was not cut. So we should be clear about that. It was increased what it was versus 1992-93. We should first be clear about that.

Secondly, Mr. Speaker, these items that you see here, in terms of the super computer, the biotech research, the \$400,000, also draw down Federal money, Mr. Speaker. The super computer, which you may be aware of, is from the Allegheny County area. The biotech is from the southeast section. The \$400,000, Mr. Speaker, the hardwood is from the Warren County area, Mr. Speaker, and all of these also draw down Federal dollars.

Mr. GEIST. Mr. Speaker, then let us follow that questioning up. Will these moneys be under the direct supervision of the Ben Franklin Partnership boards and will these moneys have to have the match in place before they are given out?

Mr. EVANS. The Secretary of Commerce, Mr. Speaker, is the person who would have jurisdiction in terms of making that decision.

Mr. GEIST. Well, Mr. Speaker, they are included under Ben Franklin as if they are Ben Franklin. Your original remarks said \$25-plus million for Ben Franklin. I questioned that. I questioned these projects, and I wanted to get on the record whether or not these actually were matching Ben Franklin projects.

Mr. EVANS. Yes. One, they are matching. We should be clear about that. Secondly, the Secretary of Commerce is the chairman of the partnership, Mr. Speaker.

Mr. GEIST. Mr. Speaker, is that not really National Science Foundation money?

Mr. EVANS. Repeat that question again, Mr. Speaker.

Mr. GEIST. Is that not really National Science Foundation moneys?

Mr. EVANS. I could not answer that question for you, Mr. Speaker.

Mr. GEIST. It is for the engineering research, and we know that.

Mr. Speaker, that concludes my interrogation. May I be free to speak on the appropriation?

The SPEAKER. The gentleman from Blair may proceed.

Mr. GEIST. For those of us, Tom Murphy and myself especially, Mayor Murphy, who have been following Ben Franklin since day one, since it was a product of this General Assembly, we know what it means on these moneys that are invested and truly invested by the four advance technology centers across the State. I deeply regret that the Governor's budget was cut by better than \$3 million, a much better, about 12-percent, cut, once again, in Ben Franklin.

When we look at economic development over the last couple of budgets, when we see the SWIF Fund (State Workmen's Insurance Fund) used the way it was used, when we see PERF bonds that were used to cover salaries in the Department of Commerce, when we look at overall cuts in economic development of \$66 million, it truly is a shame that, once again, we are cutting in us, in western Pennsylvania especially, moneys that will be matched by private investment to create real jobs in western Pennsylvania.

Mr. Speaker, I would only hope that in the future if we run a supplemental, we can actually put more moneys into this program than in the past. Secretary Greenberg and his experts came and visited us to talk Ben Franklin up, a merger with the IRC's (industrial resource centers), and at that time was committed to at least \$25 million for the Ben Franklin Partnership.

I do not believe that by sticking these other projects in here to give you a number that is over \$25 million is actually a true investment in the Ben Franklin Partnership. I would only hope that collectively we can come to invest in the future of job creation in Pennsylvania, not only with Ben Franklin but PIDA (Pennsylvania Industrial Development Authority) and other things that help us in rural Pennsylvania, especially in western Pennsylvania, create real and meaningful jobs.

Thank you, Mr. Speaker, and I would urge a "no" vote on this budget.

The SPEAKER. The Chair thanks the gentleman.

Mr. Nickol is recognized.

Mr. NICKOL. Thank you, Mr. Speaker.

Would the majority Appropriations Committee chairman kindly consent to interrogation?

The SPEAKER. The gentleman will stand.

Mr. NICKOL. I would like to call his attention to page 58 of the budget, starting on line 14, the line item "For payment of required contribution"—and I stress "required contribution"—"into the Contingent Reserve and Supplemental

Accounts of the Public School Employees' Retirement Fund," a State appropriation of \$444,059,000.

Last year's appropriation to the Public School Employees Retirement Fund was based on a contribution rate of 14.24 percent for employers. This year the Public School Employees Retirement Board set a 13.17 contribution rate.

On what contribution rate is this line item predicated?

Mr. EVANS. Mr. Speaker, 11.69.

Mr. NICKOL. In adopting this budget, we are forcing a lower contribution rate on the Public School Employees Retirement System. Since Title 24, the Public School Employees Retirement Code, gives the power to set the contribution rate to its board, will this budget not require legislation to amend the code, and is the legislation which will produce this lower contribution rate SB 1068?

Mr. EVANS. The answer is yes to both of those questions, Mr. Speaker.

Mr. NICKOL. If the General Assembly would fail to pass SB 1068 or not make a comparable change to Title 24 through another vehicle, would not this line item in the budget lack the legally required contribution?

Mr. EVANS. Yes, Mr. Speaker.

Mr. NICKOL. Thank you.

That is the end of the interrogation. Could I make several remarks?

The SPEAKER. The gentleman is in order.

Mr. NICKOL. I think I have made the point that SB 1068 and this budget are inextricably linked. In fact, this budget is predicated on the passage of SB 1068.

This proposed budget is based on a carefully crafted plan to raid the Public School Employees Retirement System, known as PSERS. It is premised on legislation, as outlined in SB 1068, which would automatically set now and into the future key assumptions on interest rates and individual salary increases which are used in determining employer contributions for PSERS — half paid by the State, half paid by our local school districts. The assumptions will no longer be made by the PSERS Board reflecting their best assessment of future economic conditions. The assumptions will be set automatically based on the experience of the last 15 years, regardless of what we might see in the future.

Let us look at the games and some of the voodoo actuarial assumptions someone has concocted to raid these public pension moneys.

Setting actuarial assumptions based on the experience of the last 15 years is a huge threat to this pension system. What impact will this have on the system in order to produce the appropriation numbers we see here today in HB 815?

Let us assume future investment returns will be 8.5 percent a year in the future, the figure originally selected by the PSERS Board. This is also in line with the interest assumptions used by all other major public school pension funds. Let us look at the impact, and please listen to this. Over the first 6 years of the proposal, we will see the contribution rate drop 2.5 percent in the first year and 1 percent each year thereafter until it bottoms out in fiscal year 1998-99. After

these 6 years, the contribution rate will slowly recover, climbing 1 percent each year. It will take 4 more years until it again reaches the contribution rate it would be today without this pension raid.

The great pension raid of 1993 will cost at least \$1.850 billion over these 10 years. Proponents may argue the formula will work out this shortfall in future years, but this is scarier still. After this first 10-year period, the contribution rate will have to soar to make up for the shortfall in contributions today.

This is very serious business because, as you see, we are short-circuiting the judgment of an independent board for budgetary convenience and putting the system on autopilot — all to get at \$37 million this year and an additional sum in the future.

These are real dollars we are playing with, and if you do not believe me, if I lack credibility, let me add: the actuarial firm advising PSERS — Buck Consultants — has informed members of the PSERS Board that if this legislation is passed and if they are forced to use assumptions based on the past 15 years' experience to calculate rates, it will cause Buck Consultants to note in PSERS financial statement that we are not using recognized actuarial methodology in rate determinations and Buck will have to issue a qualified actuarial statement on the system.

Moody's, the investment rating firm, has said the issuance of a qualified actuarial statement would most likely result in a downgrade of Pennsylvania's State bond rating. Why? Because we would not be using standard actuarial methodology; they could not judge the health of our pension fund, nor could they compare it with other similar systems. Simply put, they do not recognize the voodoo actuarial assumptions we are concocting to get us through today.

This proposal is being pushed quickly, so our constituents do not have time to respond. They have not been able to corner us yet and look us in the eyes. I stand here on the floor of the House as a feeble substitute for them, to express their interests. From this microphone I can at least look you in the eyes for them.

I ask you, whose money is this anyway? Maybe I am naive, but I thought we were fiduciaries of these funds. I thought the pension fund belonged to a little over 200,000 active members who work in our public schools and more than 100,000 retired members, and not just them. I am looking into your eyes on behalf of the taxpayers and lawmakers in 20 or 30 years. What will they think about what is being proposed here today to get this budget passed easily?

Also, I do not think school boards are so naive that they cannot also see this game we are playing and the long-term impact to their contribution rates.

This budget reminds me of some of the politically convenient decisions made on Social Security years ago by our friends in Washington, DC. Today President Clinton is having to pay the consequences.

Let us not pass a budget based on voodoo actuarial assumptions. Let us not borrow from tomorrow to spend today.

We must resist temptation to find the easy way out and not support a budget based on the great pension raid of 1993.

Lest you forget the numbers, in 1 year the Commonwealth will save \$37 million and PSERS will be hit for \$74 million, because it is a split contribution. Over the first 10 years, this hit to the system could climb to \$1.850 billion. Please give full consideration to these figures, because the budget we are voting on today is based on the passage of SB 1068 or similar language inserted in another bill.

And remember, you might not have heard from public school employees and retired school employees yet, but you will. Also, you have not heard from the public and the press because these are complicated matters, but I think you will *once they get the wind of what is happening*.

You cannot vote for this budget which shorts PSERS and not be guilty of aiding and abetting the passage of SB 1068. You would be forcing a raid on the pension system which I have outlined in my remarks. I suspect some of us here today may not have been aware of the magnitude of this pension raid and its far-reaching consequences. You are now.

Thank you for your consideration, and I ask for your opposition to HB 815 because of what it will set in motion for the pension system. Thank you.

The SPEAKER. The Chair thanks Mr. Nickol and recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I am disappointed to learn that this year's budget contains approximately \$40 million in legislative initiatives commonly known as WAM's (walking around money). I believe that WAM's erode the quality of our State government. I believe that they have questionable legality. There is no basis in legislation for WAM's, and I think they are violative of Pennsylvania's Constitution with regard to the separation of powers between the legislative and executive branches of government. I think that the secrecy surrounding the program should make all of us very uncomfortable. I think that it is inconsistent with open democracy.

WAM's, as we all know, act as an incumbency protection tool. They are used to increase our chances of election. They are used as a vote-getting tool. This makes the election process less fair. This makes it harder for citizens who want to take part in this government with new ideas, this prevents them from coming to the State House to make government better. I think we have all seen and perhaps many of us have used the enlarged checks, the 5-foot checks that we present with much fanfare to various organizations, the presentation ceremonies, the photographs in the local papers. I think that the clear intent of this is getting votes. State funds should not be used for the politician's benefit. It should be used for people's benefit.

I think that clearly another problem with WAM's is that it causes a misallocation of our tax dollars. Tax dollars should properly be used for what is best for the people, the most meritorious uses. Under the WAM system, political considerations are the factor. It is my understanding that Republican freshmen were told that if they had a safe seat, they could expect about \$20,000 in WAM's, and if they had a

vulnerable seat, they could expect about \$50,000 in WAM's. Clearly, moneys are not being spent for public benefit but politicians' benefit. The morning after my election victory, I was called and said, because I had such a tough seat, I could expect many WAM's.

Clearly, WAM's are not being used for what is best for the public. I think if you look to the various projects WAM's are being used for — \$30,000 to refurbish a locker room in the Springfield Country Club, \$10,000 for Christmas tree lights, and on and on — and you compare that to the deplorable conditions in some of our school districts, such as Chester-Upland, I do not think you can honestly say that our funds are being put to the best use.

Now, some of you might respond that who knows better than legislators what is best for their district. But you know what? The fact of the matter is, how much goes into our district is not determined by legislators but by leadership. Whether we can use \$10,000 in our district or \$200,000 in our district, it is not determined by us, but it is determined by someone many miles away who has no inkling as to what the needs of our district are.

Another problem with WAM's is that they act as a control tool for party leadership. WAM's should not be used— A threat to withhold WAM's or the enticement to give WAM's should not be used to shape legislative conduct. WAM's can be used as a disincentive to governmental reform, legislators being dissuaded because they fear it might hurt their district because of the WAM's. WAM's have been used to buy tax increase votes and they have also been used for legislative pay raises. This is improper. I think that some of you in poorer districts might say, well, I need that \$50,000 or so I am getting in WAM's for my district. Well, you know what? If you do the simple math, if you get \$50,000 in WAM's, it comes to about 85 cents a person in your district. I think that we are selling the integrity of our government pretty cheap for WAM's. Clearly, this program is not meant to benefit people. The benefit to people is only incidental. It is meant to benefit us, and it has to be reformed or abolished.

I support today's budget, and I will vote for today's budget, in spite of the fact that WAM's are in it, because it has a lot of other good qualities, and I do not want to be viewed as an obstructionist, but rest assured, I will bring this issue to a vote. I will, as early in this session as I can, force a vote on the House floor, via amendment or otherwise on this issue, because I think it is time for you to perhaps ask your constituents what they feel about WAM's, because you are going to be voting on it this session, I can guarantee you that, and perhaps when we come to the next budget, WAM's will not be in it. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Todd Platts.

Mr. Platts, will the gentleman yield for the majority leader to make an announcement?

Mr. Itkin is recognized.

Mr. ITKIN. Mr. Speaker, it is Friday of the Memorial Day weekend at 4 in the afternoon. I see members rising to speak

on this bill. There has to be at least half a dozen members seeking recognition. We have permitted unbridled discussion in debate up until this time. I certainly do not want to invoke a formal rule of trying to contain members from what they have to say. I rise now to urge and to hope that members will be courteous to the members who are sitting on the floor, to succinctly communicate their ideas, let brevity prevail so that we can get on and get out of here at a reasonable hour, and I appreciate those who are going to rise to address the House to confine their remarks to 2 minutes, 3 minutes at the greatest extent.

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

Mr. RYAN. Mr. Speaker, the majority leader spoke to me a moment ago about this subject. I agree with him. There are an awful lot of members that want to get under way for the Memorial Day weekend; there are also a number of members that want to speak. So I join with him in urging that, you know, we hold down the rhetoric to a reasonable length of time so that he does not make a motion to restrict debate to 2 or 3 minutes and I do not spend an hour and a half telling him why he should not do it.

The SPEAKER. The members are requested to keep their remarks to 2 minutes. However, the Chair will not be keeping time.

Mr. Platts, you are recognized.

Mr. PLATTS. Thank you, Mr. Speaker.

While I have numerous concerns about the provisions of this budget proposal, many of which have been addressed by previous speakers, I want to focus my comments on one particular section, which was brought to my attention, actually, by a fellow member, that raises what I believe should be a grave concern to all members of this House, both Republican and Democrat.

The section about which I am speaking is section 1611, found on the last page of this budget proposal. This section gives the Pennsylvania Supreme Court discretion over the funding of our entire court system here in Pennsylvania. In other words, the Supreme Court will be given control over the budgets of the Commonwealth Court, the Superior Court, perhaps our common pleas court, and most importantly, certainly, the new Judicial Discipline Board and our Court of Judicial Discipline.

It may not be my place at this time to pass judgment on the Supreme Court and its actions, but it certainly seems as though everybody else is willing to do so, whether it be editorial writers across this Commonwealth, across this Nation, and most importantly, whether it be the voters of our great Commonwealth, and the message has been very loud and very clear. There is a crisis of confidence in the operation of our Supreme Court. In fact, it is probably not wrong to say that our Supreme Court has come to be known as the laughingstock of our legal system.

Despite this climate of distrust of our highest court and despite 80 percent of the voters last Tuesday saying that the manner by which we discipline Supreme Court Justices needs reforming, we are today proposing to give this same court

financial control over our entire judicial system, including our judicial discipline bodies.

I, for one, cannot support such a move. I, for one, cannot see the wisdom in giving more control, more discretion to a judicial body held in such disrepute. Rest assured, Mr. Speaker, those voters who supported the reform of our court system last week will likewise not see the wisdom in such a move.

I encourage a "no" vote on this budget proposal if for no other reason than to say "no" to the Supreme Court's power grab and a most certain and definite "yes" to the integrity and the independence of our lower courts and the integrity and the independence of our new judicial discipline system. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Micozzie is recognized.

Mr. MICOZZIE. Thank you, Mr. Speaker.

I rise to talk about the legislative initiative funds which my colleague from Delaware County has just addressed. I am just wondering if my colleague from Delaware County, during the caucus of the Democratic Caucus, questioned the Appropriations chairman on some of the things that the minority chairman had pointed out that are going to Philadelphia only by a WAM, if you want to call it a WAM, of the Appropriations chairman.

The other point I want to make is that I can assure, Mr. Speaker, Mr. Vitali from Havertown, we will let the boys' clubs and all the organizations in that fine town know that he would rather have the bureaucrats in Harrisburg allocate the money instead of those of us who know what is going on in our different districts.

The reason why we came about the WAM and the legislative initiative is that the bureaucrats and those of us who have been in government a long time could never get any money out of the bureaucrats and the Governor—I do not care which Governor it was—so this process, which is the legislative initiative funding by us, is the best way to get money back to our home districts. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

The gentleman, Mr. Evans, has said several times how proud he is of the fact that this budget contains no tax increase. In order to accomplish that, he had to actually cut spending to a number of very worthwhile programs, and yet at the same time he was cutting spending to a number of worthwhile programs, there is one particular line item that saw an almost unbelievable increase, an increase of 320 percent, and that was the line item for general government operations in the Department of Community Affairs. It went from \$11 million to \$46 million, an increase almost incredible in proportion.

Now, we do not know for sure, because we were cut out of this process, but it seems pretty obvious that that huge increase is for WAM's. It is for WAM's. In fact, the increase and the fact that they are for WAM's was so obvious that even the

Harrisburg Patriot found it and put it on the front page of today's paper.

Now, if you go by the iceberg theory and assume that there is at least as much hidden as what you see, you got to figure there is at least \$70 million in this budget for WAM's; at least.

Now, I am told that if you add the State and the matching school district amounts of the raid on the teachers' retirement fund, that they come out to about \$75 million plus interest this year. How are we going to go home and tell our retired teachers that we paid for our WAM's by raiding their retirement fund? I could not sleep tonight if I voted for that and I do not know how any of the rest of you could either.

I am voting "no" on this disgrace, and I urge you to do the same thing.

The SPEAKER. The gentleman from Dauphin County, Jeff Piccola, is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

The gentleman, Mr. Platts, touched on the remarks that I wanted to make, but I would like to point out to the membership some additional import of what he spoke about.

Beginning on page 163 of the conference committee report and continuing through page 172 is the judicial department, and there is approximately \$150 million appropriated in various line items in that subpart C named the "Judicial Department," one of the most significant line items of which is \$29 million that goes to pay our counties for county court costs, a partial reimbursement for our county court costs.

Now, I can argue about the wisdom or the sufficiency of some of the line items and I would do that, specifically questioning why the expense accounts of the Superior Court and the Commonwealth Court were cut in half but nobody touched the Supreme Court, which has been the subject of a great deal of controversy in our news media in the lifestyle in which they live when they are traveling around the State. I could also question the appropriation for the Judicial Inquiry and Review Board, which is clearly insufficient given the action of the voters several Tuesdays ago in which they overwhelmingly adopted judicial reform. It is clearly going to take more than \$650,000 to set up our new judicial discipline system, and I do not think the conference committee gave the whole area any thought whatsoever when they came up with that number.

But all of that notwithstanding, as Mr. Platts indicated, all you have to do is turn to page 250, the last page of the bill, and you are going to find that the appropriations process is meaningless, meaningless. On that page in section 1611 we grant to the Supreme Court the unilateral power to disregard \$150 million in appropriations that this General Assembly presumably is about to make and decide how they can move it around any way they want within the judicial branch of government. That is tantamount to saying to the Governor that we are going to appropriate X number of billions of dollars to you, the Governor, the executive department; you spend it the way you want to spend it; we do not care. That is what we are saying to the courts of this Commonwealth, and not just all of

the courts; we are saying that to the Supreme Court of the Commonwealth of Pennsylvania.

Now, Mr. Platts indicated why I think we should be concerned about that, and I agree with him wholeheartedly. But further, Mr. Speaker, our Constitution sets up a system of checks and balances, and one of our checks on the judiciary, and we are losing those checks left and right, but one of those checks on the judiciary is the power of the General Assembly to appropriate money, and with this bill we are absolving ourselves of that power. We are giving that power up. We are saying we do not want that power; we want to let the court handle that; we will just give them a block of money and let them divvy it up the way they want, in essence. That is wrong, Mr. Speaker. That is absolutely wrong. It has never been done before, and hopefully, it will never be done again.

If this bill passes today, the only saving grace is that it is a 1-year bill. It goes out of existence next June 30, 1994, and woe be to us if we enact again this kind of language in a general appropriations bill. We are stupid for doing it this way, Mr. Speaker, and I urge a negative vote.

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, last night when I had a couple of moments to roam the halls of the Capitol here while we were waiting to gather together, I had the opportunity of reading a couple things and a couple quotes that I found, one of which I found to be quite challenging to us, spoken by our first Governor of Pennsylvania. He charged us, Mr. Speaker, that we would see what laws are fit to be left out and what to be made, and you with me are to prepare and to propose them. You and me. That is something we have been talking about a lot today — you and me.

Mr. Speaker, I would like to know how you plan on explaining to Governor Penn, as he visits our chamber next year, as to how we have handled this budget process in spite of his challenge to us that you and me would be working together.

Mr. Speaker, I am not happy that my constituency was left in the dark in this budget process. My district, like many districts across this Commonwealth, is comprised of Republicans, Independents, and Democrats; Caucasians, blacks, and Hispanics; young, middle-aged, and the older Pennsylvanian; the rich, the middle class, and the poor. Mr. Speaker, not one of these has had an opportunity to be able to be represented by myself or anybody in this aisle today.

Mr. Speaker, William Penn charged us to make laws whereby you and me are to propose and to prepare them. Mr. Speaker, needless to say, this budget does diddly-squat for creating an environment wherein we can encourage jobs, development, and maintaining them. I would even wish to submit that the majority of those who vote for this budget, should it pass today, are not happy or pleased that we are number two in the United States in losing jobs, because you want to be number one.

I ask all of you to vote "no" on this budget.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise to oppose the conference report for many reasons. Mr. Evans earlier said that many people are going to be standing today and making obligatory speeches. Well, if you want to put that in this category, that is fine. I have heard his rhetoric, and that is what it is. When he says that we are here to perform, that we are here to cooperate, I have problems with that rhetoric, but I also have many problems with the bill itself.

It has already been touched on by Mr. Platts and by Mr. Piccola the problems with the Supreme Court. I would like to make this the third strike in that category. If you turn to the last page of a mystery, you find out how it ends, and, Mr. Speaker, the last page of this mystery deals with the Supreme Court. It gives them unprecedented authority to transfer items.

During the joint Appropriations-Judiciary Committee meeting, I asked Justice Zappala, does this mean you can take money from the discipline board and switch it over to wherever you want? Can you take money away from the people that will discipline you? And he said yes, but that is unlikely.

Well, Justice Zappala, I also asked him, with all the problems on the Supreme Court, how do you operate? And he told me, we are very collegial when we get together. Two days later the Pittsburgh Post-Gazette talked about how the rest of the Supreme Court did not even want him to show up and talk to the Appropriations Committee. If he is going to say they are "collegial" and he is also going to say "unlikely," I ask you how the mystery will end up.

But aside from that, I feel today like I am a spectator, and it is unusual, because normally if I go to a baseball game, nobody pays me to go to that game. I have to pay to watch. But today I get to come here and be a spectator. We could probably be up there and have just as much of an impact on this bill.

We can yell; we can scream, but we will get the same response as we would if we yelled and screamed at the baseball game. We would probably get the reaction of disdain from the haughty players who are on the field.

You have the manager. You put the players on the field. Do not come to me, take the bat out of my hand, and tell me to push a green button. I am going to push a red button, and I urge everybody to do the same.

The SPEAKER. The gentleman, Mr. Saurman, is recognized for the first time.

Mr. SAURMAN. Thank you, Mr. Speaker. Actually the first time and last time I hope today.

Mr. Speaker, I would like to interrogate the Appropriations chairman for just one moment.

The SPEAKER. Will the gentleman yield momentarily?

The Chair thanks Mr. Saurman. Mr. Saurman is recognized. For what purpose?

Mr. SAURMAN. I asked to interrogate, and I think the gentleman is present, but I was waiting for official acknowledgment.

The SPEAKER. The Appropriations chairman?

Mr. SAURMAN. Yes.

The SPEAKER. The gentleman indicates he will yield, and Mr. Saurman is in order and may proceed.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, for the record, is this a balanced budget?

Did you not hear? I asked, is this a balanced budget, for the record.

Mr. EVANS. Yes, it is, Mr. Speaker.

Mr. SAURMAN. Thank you, Mr. Speaker. That ends my interrogation.

I have before me a document which is the conference report. I would love to have been able to ask our Appropriations chairman—in fact I did—that same question. Unfortunately, neither he nor any Republican has signed this document, and therefore, he, our Appropriations chairman, cannot tell me, because he has not seen the balance sheet, whether or not this is in fact a balanced budget.

Mr. Speaker, I would like to remind some of the older members that 3 years ago Jon Fox stood on the floor and asked the absent Appropriations chairman, Mr. Pievsky, who was on his way to Russia, if this was a balanced budget. The Speaker, who was then the majority leader, said, I am not on the Appropriations Committee, but your chairman signed the conference report, and therefore, let him answer that question. The answer, Mr. Speaker, was this: This budget is balanced because the revenue that we are told is going to be there has been certified, and therefore, it is a balanced budget. Mr. Speaker, that was the year that we wound up with a \$1-billion deficit, and it was discovered only 2 weeks after the gubernatorial election.

I do not see how this balances; I do not know where the money is really going to come from; and I am concerned that what is going to happen next year is what is happening this year, because I have had agencies ask me, where is my money; it was appropriated, but it has not been released; we have not yet gotten it; we cannot make payroll because we were promised money; we have not gotten it. Mr. Speaker, I doubt if they will get it.

I think one way that this budget is going to be balanced is by lapsing the funds of the moneys that were promised for people in the 1993 budget, and it is going to be lapsed over and going to be used to fund these programs.

Mr. Speaker, I am concerned for my people. I am concerned for businesses that are leaving this State. I am concerned for senior citizens who are losing their homes. I am concerned that we have not cut spending but we have increased it \$800 million and we have not paid for what we have done, and we are driving businesses out. We are putting people out of their homes.

It is time that we recognize fiscal responsibility in this hall, and if you vote for this budget, whoever does, you are going to be accepting the responsibility for what happens in this next fiscal year, including numerous new businesses, because we did not give them any relief, for those that are going to be

leaving this State, and for the jobs that they will be wiping out. You will have had a hand in that.

I urge a "no" vote.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Caltagirone's name will be added to the master roll.

### CONSIDERATION OF HB 815 CONTINUED

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

Mr. STEIL. Thank you, Mr. Speaker.

Back in January, 37 new members arrived in this chamber.

At that time, every one of us believed that we were going to make a difference. I ask every one of you, is this the difference you intended to make?

This document does not invest in Pennsylvania. It does not do anything to relieve the crushing burdens that our businesses face, and until we invest in our businesses, we are not going to create the revenues that this State needs for the programs we have.

If we do not make a difference now, when are we going to do it? With this budget, we are going to lose one more year before we help and invest in this State. So if not us, who? If not now, when are we going to do it?

I urge a "no" vote. Thank you.

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I know the hour is late and I will be very brief. However, Mr. Speaker, there is also some honor that usually exists on this floor of the House in order for us to continue to work as a legislature.

Several weeks ago I had a proposal that I submitted to the House that would deal with the poorest of our senior citizens in the Commonwealth of Pennsylvania, citizens who had worked all their lives only to see their life savings and assets exhausted because of health care and the need for personal care in our own institutions and nursing homes. Mr. Speaker, at that time I had asked this House to consider increasing their spending allowance for the senior citizens of our Commonwealth who are in nursing homes from \$30 to \$40 a month; senior citizens who have to give up their pensions, their Social Security checks, and all their assets that they had to these institutions in exchange for a dollar a day to live on — to purchase their clothing, their hearing aids, their wheelchairs.

Mr. Speaker, the Appropriations chairman assured me that if I withdrew the amendment at that time, this would certainly be an item worthy of consideration in this budget. Yet we see \$800 million of increase to welfare programs, including a couple hundred million dollars to able-bodied young people, but yet, Mr. Speaker, we cannot find a couple million dollars in a \$15-billion budget to help our senior citizens in nursing homes to be able to buy a soda and a newspaper. It is really disgusting, Mr. Speaker, where we have our priorities. Thank you very much.

The SPEAKER. The gentleman, Mr. Tony Williams, is recognized.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the conference report, but I do have to add some editorial comments that have drawn some concern today, specifically in the area of WAM's.

I appreciate Representative Vitali's concerns and I appreciate the fact that he is in support of moving the process forward, but I would only add that it is easy to point fingers at the characters of those of us that would hand out those checks, and that is appropriate. One can question our motives and our character—that is why we are public servants—but I believe it undermines the virtue of the endeavors of the activities which we would support.

I find it very difficult to characterize the Boy Scout troops, the Emergency Care Research Institute, the Friends of the Delaware Canal, the United Cerebral Palsy Association, and many others as participants in a secret scurrilous activity. Frankly, I think the virtues of those activities are caught up in the passions of our own internal politics. I, too, would support some levels of reform within how we provide the legislative initiative grant program, but I certainly would not conform to recommendations that we remove it or recommendations that we would establish a discretionary grant review board, which, frankly, would only politicize the process even more.

I think the process is very open. I think that it is very touchable and reachable and I believe that it would yield to levels of reform, but I would certainly hope that we would leave the floor today understanding that those groups that participate in the grant process certainly should not be impugned by our own particular political motives. Thank you, Mr. Speaker.

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

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, early on in the debate, the minority leader mentioned in essence that this is a pretty good budget. It simply needs a little massaging, as he said. I will leave the massaging to him because I respect him deeply.

But frankly, let us look at some of the education initiatives that really make a lot of sense. For example, I had quite a few calls from members on the other side, mostly the other side, about approved private schools, asking me to support the initiative that is in the budget. I said it makes sense and I have supported it. I think it makes a lot of sense. That is something that does not affect this side or that side but both sides equally.

No one has said a thing about early intervention education. There is \$41.5 million in this budget for early intervention education, and for the first time, we will be able to take care of almost every if not every student in this State that is handicapped from preschool up to first grade. The fact is, they are not Republican children, and they are not Democratic children; they are children of this Commonwealth. They deserve to be served, and this is taken care of in this budget.

We have talked about and in fact my colleagues on the other side have talked about the need for deferred maintenance with respect to the SSHE system. We tried it last year. It was

cut out. Guess what? This year we have \$4.5 million guaranteed for the State System of Higher Education for deferred maintenance projects. That is a very important matter in the 14 systems throughout this State. They are all over this State, in Republican districts and Democratic districts.

Beyond that, we have \$7.25 million for adult literacy programs. There are people all over this State who need that help, and they are in your districts and my district.

In addition, to help access to higher education, we added 10 percent to the PHEAA (Pennsylvania Higher Education Assistance Agency) funding stream, to bring it from \$170 million to about \$187 million. That improves access for all children of this State, from southeastern Pennsylvania to northwestern Pennsylvania. All children will benefit.

Besides that, we have over \$30 million in tuition challenge grants that will again improve access to higher education. They are not Republican children or Democratic children; they are all children.

In addition to that, we have another \$33 million in IAG grants (institutional assistance grants), which go to nonpublic school institutions — again, designed to improve access for all children in this Commonwealth.

Mr. Speaker, early on the minority leader was absolutely correct when he said in essence this is a good budget; it might need a little massaging. He can do that, but the fact of the matter is, it deserves our support. You know it does; I know it does. Let us vote this budget. Thank you very much.

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

Mr. LYNCH. Thank you, Mr. Speaker, and I will be very brief.

I do not see him here, but if the majority Appropriations chairman is here, I would like to interrogate him real quickly. I do not see him. Do you?

The SPEAKER. The gentleman is momentarily absent from the floor.

Mr. LYNCH. I would like to make a couple of quick comments then, if I could.

The SPEAKER. Mr. Lynch is in order and may proceed.

Mr. LYNCH. I have a lot of things I could talk about, you know, about how this budget in the last 2 or 3 years and this particular budget here is going to be very deteriorating, continue to be deteriorating to the jobs market, which is indeed the biggest problem that we have in Pennsylvania right now. I am not going to talk about that, and I am not going to talk about the fact that it is not any help at all to the agricultural industry, which is the biggest industry in our State, but what I do want to mention is the second biggest industry, tourism, and indeed, I am proud to be on the Tourism Committee which the Speaker has created this year.

In the opening remarks by the majority chairman of the Appropriations Committee, he made the comment that tourism has been increased and it is important in order to convince people to come here. Well, as we look in the budget at the matching funds, which are so important to tourism, I see that we have increased the budget from \$7.2 million to \$7.4 million. I really appreciate this—and I say it sarcastically—a

\$200,000 increase for an industry that in 1990 generated \$13.9 billion of revenue and justified 300,000 jobs.

The second thing I would like to talk about, and if you would bear with me, Mr. Speaker, I want to read something real quick here, a message from the Governor of Pennsylvania, Robert Casey, which is a few years old but nonetheless his words:

“Pennsylvania is a state of proven hardwood opportunity. We have the greatest hardwood resources of any state in the nation, and we produce some of the most valuable, highly sought-after hardwood in the world.

“To meet the growing demand for our hardwood, we’ve made expansion of Pennsylvania’s hardwood industry a top priority. Pennsylvania is committed, as never before, to helping hardwood companies expand and prosper in our Commonwealth.”

“We’re eager to have you as our newest business partner.”

Now, in my district, hardwood timbering is very important, yet as I look at the hardwoods research and promotion budget, I see that it was decreased from \$579,000, what was available in 1992-93, down to \$400,000 — a decrease of \$179,000. Again, I find some very big discrepancies here on a couple of items that are very key to my area.

Mr. Speaker, I see that the Appropriations chairman has shown up. Is it too late to interrogate him on these?

The SPEAKER. It is never too late.

Mr. LYNCH. Thank you. I will be very brief.

The SPEAKER. Does the gentleman, Mr. Evans, yield to interrogation? The gentleman indicates he does. Mr. Lynch may proceed.

Mr. LYNCH. Mr. Speaker, I do not know if you heard what I just said. Did the speaker hear the message I just read from the Governor about the hardwoods industry?

Mr. EVANS. What is your question, Mr. Speaker?

Mr. LYNCH. Did you just hear the message I just read from the Governor about the hardwoods industry?

Mr. EVANS. No. Forgive me, Mr. Speaker. I did not hear you reading that.

Mr. LYNCH. I will be real quick.

“Pennsylvania is a state of proven hardwood opportunity. We have the greatest hardwood resources of any state in the nation, and we produce some of the most valuable, highly sought-after hardwood in the world.

“To meet the growing demand for our hardwood, we’ve made expansion of Pennsylvania’s hardwood industry a top priority. Pennsylvania is committed, as never before, to helping hardwood companies expand and prosper in our Commonwealth.”

Now, Mr. Speaker, hardwood timbering is very important in my district, yet as I look at the budget, a budget which I had no input on, I see that the budget for hardwoods research and promotion was taken from what was available in 1992-93, \$579,000, down to \$400,000. Now, if this is indeed a good industry for Pennsylvania, my question is—and I will ask it in such a way that maybe the speaker could respond with a yes



or no answer—do you feel that this is an adequate budget to justify our Governor's thrust behind the hardwood industry?

Mr. EVANS. The answer would be yes, Mr. Speaker.

Mr. LYNCH. I do not agree.

The second question I have is, in your opening remarks where you talked about the tourism industry — a tourism industry which in 1990 generated 13.9 billion dollars' worth of revenue, created 300,000 jobs — and you made the comment that we have increased tourism; we are attempting to get people to come into the State, yet as I look at the budget for matching funds, which are so critical to tourism, you increased it from—which I had no input on, despite the fact that I sit on the Tourism Committee—you increased it from \$7.2 million to \$7.4 million, an increase of \$200,000. Do you feel that an additional \$200,000 increase is justifiable to an industry that in 1990 generated \$13.9 billion of revenue?

Mr. EVANS. Yes, Mr. Speaker.

Mr. LYNCH. I do not agree. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Heckler, seek recognition? Mr. Heckler from Bucks.

Mr. HECKLER. Thank you, Mr. Speaker.

I would ask if the Appropriations chairman would stand for a brief interrogation.

Mr. Speaker, a few weeks ago this House passed overwhelmingly an amendment to the supplemental appropriations bill then before us which prohibited Supreme Court Justices from using the public funds contained in that bill for their personal legal bills. Does the bill before us contain any similar language?

Mr. EVANS. No, Mr. Speaker.

Mr. HECKLER. Do you have any idea whether the funds that are appropriated to the judicial department by this document would be available for such a purpose?

Mr. EVANS. I would say not, Mr. Speaker.

Mr. HECKLER. Good. I sincerely hope not.

Let me ask you just one other question, and I direct your attention to page 167 of the bill, although you may be familiar with this without consulting it. In the expense on that page near the top is contained the appropriation for expenses for active judges of the Commonwealth Court. It is my understanding that that number which is appropriated there is one-half of the similar funds appropriated to the Commonwealth Court last year. Do you know why that cut was made?

Mr. EVANS. Could you repeat that question again, Mr. Speaker?

Mr. HECKLER. It is my understanding, and again, I am looking at the bill, but it is my understanding that the \$68-million figure, I presume, there or \$68,000 it appears—I do not know, if you add three zeros—which is set out as expense for active judges of the Commonwealth Court is one-half of the sum which was appropriated similarly for last year, and I am just wondering why we are in a position to chop that in half.

Mr. EVANS. Mr. Speaker, as you know for yourself, when you are looking around in the budget and trying to make sure you have accountability, first; secondly, as well as trying to

find ways to find some dollars, you sometimes have to move dollars around.

Mr. HECKLER. Okay. So that does represent a cut. The Supreme Court, however, was not cut in their similar line item. Is that also correct?

Mr. EVANS. That is my understanding, Mr. Speaker.

Mr. HECKLER. And again, they evidently were not a suitable target of opportunity for cutting.

Mr. EVANS. I would not say that, Mr. Speaker.

Mr. HECKLER. Well, let me ask you, in terms of lighting upon the Commonwealth Court as a suitable subject for finding some money to make the budget come out, do you know if any of their funds were lapsed from last year, whether there was a demonstration that we had indeed appropriated too much money to them for expenses last year?

Mr. EVANS. I do not have an answer off the top of my head to that question, Mr. Speaker.

Mr. HECKLER. Okay. Well, I will tell you, Mr. Speaker, that there is—At least I have heard some speculation that the intent of those particular cuts are punitive for decisions they may have rendered or a particular decision concerning legislative pensions they may have rendered or they did render in the last year. Do we have any idea whether that—And I recognize that there are a number of folks who have input into this bill that is before us. Do you have any idea whether that is accurate?

Mr. EVANS. No, Mr. Speaker, that is not accurate, and, Mr. Speaker, I think we certainly should not be dealing in rumors. We certainly should know in a very specific way if those kinds of thoughts were made regarding that recommendation, but I want to be very emphatic in terms of what you are suggesting—

### THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

The SPEAKER pro tempore. Members please take their seats. Will the gentleman please conclude his remarks.

Mr. HECKLER. I assume that the gentleman, Mr. Evans, had completed his response to my question. I have no other questions. I do have a few comments, Madam Speaker.

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

Mr. HECKLER. I am encouraged by the response that the Justices, it is at least believed, would not be able to use the public funds to fund their private legal fees in the issues which are proceeding. However, I would call to the body's attention, if that attention is available at the moment—which I suspect it is not; there are more exciting events taking place at the back of the chamber—on May 18 the people of this Commonwealth chose to abolish the Judicial Inquiry and Review Board and adopt a new, comprehensively revised system of judicial discipline.

The old system, the so-called JIRB, contained nine members. The staff of the board conducted investigations and pursued cases against judges. That appropriation was \$650,000.

The new system, which our voters overwhelmingly adopted, contains two tiers. The Judicial Conduct Board will consist of 12 members. It will have its own independent investigative counsel and staff. The second tier, the Court of Judicial Discipline, will contain eight members. That court will also have its own separate staff. We are moving from 9 to 20 appointed members, at a minimum; we are doubling the size of the staff. There is absolutely no increase in the appropriation which funded the nine-member, one-staff system.

During the preparation and consideration of the constitutional amendment, it was uniformly acknowledged that the new two-tier discipline system would be more expensive than the existing system. In fact, the broad expansion of the bureaucracy was the focal point of opposition for certain members of the General Assembly.

Six hundred fifty thousand dollars to fund this new departure in judicial discipline is plainly inadequate. It does not represent a firm commitment to support the new discipline system. I am very concerned. A number of us felt that the present system or the proposal which has now been adopted was in itself not strong enough. Now it would appear that we are not even going to give it a proper chance to get started by providing it with adequate funding.

For that reason, among many others, I would urge the defeat of this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Preston.

Mr. PRESTON. Thank you, Madam Speaker.

HB 815 is about responsibility.

We were elected to be responsible people. I have heard an awful lot of posturing and I have seen an awful lot of posturing today, and I can sit down and I can remember my first time being elected and realizing coming up here that not everyone was going to like me or to respect me. Every single one of us was elected, and not everyone in our districts likes each and every one of us, and again the word "responsibility" comes to my mind. I would daresay that all of us within our respective districts are very fortunate to be respected by most of the people within our legislative districts. It is never going to be 100 percent.

I also like to think that we are not going to be narrowminded, because I do not think that your constituents are going to expect you to be narrowminded. It would be very unfortunate for me in my life as well as you in your life that because of 1 small thing out of 1,000 maybe, we cannot get along together, that we cannot communicate and not respect each other, and I do not think that your constituents expect you to behave like that. Again the word "responsibility" comes to mind.

I have heard each and every individual pick and choose. Personally, there are a couple of issues within this legislative budget that I disagree with. I would daresay between 203 members, you would find one thing that every single one of us disagrees with in this budget, but again the word "responsibility" still comes to hand. If you are going to be so narrowminded, so narrowminded to disrespect your constituents

over one issue, then, as you would tell your own children, you are being irresponsible.

We have a chance to do the right thing today, to be able to pass a budget, and your constituents are asking you to be responsible not just to yourself but to be to them. Thirty days in advance you can take your little clippings or take your little speech back home and say, this was the 1 reason out of 1,000 line items of why I disagreed with the spending mechanism for the handicapped, for the blind, for mental retardation, for mental health, for transportation, for housing, for adequate budgets within your own school districts. Yes, I am not happy about everything, but it is still the responsible thing to do, and you are the ones who are going to have to go back and explain why over sometimes 1 or 2 little items out of 1,000 you were not going to be responsible.

I ask you, be the individuals that you were elected to be; be the responsible individuals, men and women, that your respective districts elected you to come up here to be.

This is a good budget. Yes, there may be some things we all cannot be happy with. I have been here 11 years. The organization of the House is never going to be perfect. It is going to change and evolve. The budget process is going to change and evolve. But we have to be responsible today. You can swing the bat all you want, play all the games you want, mislead your people with all the foolish little speeches or cliches or 25-minute sound bites if you want. It still has got to be about responsibility and honesty, about coming up here and representing the majority of the people.

The majority of this budget is good. It is something that has come time to do. Thirty days in advance we can do the responsible thing. Come on and do the right thing. Let us vote this budget, and let us go home and tell the people what we have done, what has been good for them. Thank you, Madam Speaker.

### THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

The SPEAKER. The Chair recognizes the gentleman, Mario Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Would the majority Appropriations chairman just stand for a brief interrogation, please? Is he on the floor?

The SPEAKER. Mr. Evans indicates that he will stand for interrogation.

Mr. CIVERA. Mr. Speaker, in the budget report, HB 815, on page 123, there has been allocated \$225,000 to promote the loan assistance program for additional personnel in the Fire Commissioner's office. Could you please tell me how that amount of money came about and where that input came from on that particular figure?

Mr. EVANS. Mr. Speaker, that was based on whether it would be necessary to reduce the backlog.

Mr. CIVERA. Okay. Back in February when we had a discussion concerning the backlog and the loan assistance program, there was legislation that came down from the Governor's Office that requested \$300,000, legislation that was

introduced on the other side of the aisle by some key members of \$300,000. How did they come up with the determination of \$225,000?

Mr. EVANS. Again, based on our understanding of what kind of personnel it would take, it was not necessary to have \$300,000, so we just came up with it based on the fact that we figured that was sufficient.

Mr. CIVERA. Okay. Well, if I may, Mr. Speaker, make a brief comment, please.

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

Mr. CIVERA. Mr. Speaker, I am grateful that we have \$225,000 placed in that line item, but if you read the budget carefully, it is for 1 year. This situation has been going on in the Fire Commissioner's office for almost 2 1/2 years. There is lack of personnel in the Fire Academy, which was just opened about a week ago, and everybody, all the top public officials, went there and took the glory that they sponsored this and this is for the fire service or the emergency service of Pennsylvania. But it is sad to see when you look at this budget that there are certain items that have been maybe \$500,000 and then we went to \$1 million with the item that Mr. Ryan had brought out, the Welcome to America in Philadelphia, and they found the \$500,000, but they could not find enough to fund the emergency service, which is the domestic defense system of this Commonwealth.

Now, what I think happened here is that on June 7, firemen from all across the State are coming to Harrisburg to give you their opinion on the way the fire services have been handled in Pennsylvania, and one of the reasons why they are coming is because of the backlog in the 2-percent loan account, and when that news got out, all of a sudden we found some crumbs worth \$225,000 when you really needed \$300,000.

Now, some of the members on the other side of the aisle—and I can name them—have worked hard with me on this to get to this point, and I am not really being critical nor am I being political as far as Democrat versus Republican because I thank them for their efforts. However, this is not enough, and this is not going to satisfy the emergency service for an appropriation of 1 year.

If you look at the surrounding States of Pennsylvania — Ohio, New Jersey, Delaware — and take the dollar amount that they put into the fire emergency services of their States, Pennsylvania should hold their head in shame. I would just be hopeful that in the future years when we do these budgets, that in negotiations we have input in this particular item, because we cannot let this go by and just let it be halfhearted.

With that, Mr. Speaker, I really believe that more money could have been appropriated, and I will not support this type of an item when there should have been more money, when there are vacancies in the Fire Academy, and the emergency services are not all happy with what the General Assembly is doing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks Mr. Civera and recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, if you listened to the gentleman's argument just a minute ago, he said that the reason he is not going to support this budget is because it is not enough. I would be willing to bet you if it is any organization that you ask throughout the Commonwealth of Pennsylvania, if we operated on that basis, we would never support a budget, because the reality of it out there, Mr. Speaker, is there are a lot of people who always think they want more. But I do not know if the gentleman understands that we only can spend what we have, and the reality of it is that this is a beginning. What the gentleman did not tell you is that when this issue was raised in the supplemental, because of a couple members on this side — Representative Keith McCall and Representative Tony DeLuca — we addressed this issue. What the gentleman did not tell you is that the House Appropriations Committee was over at PEMA (Pennsylvania Emergency Management Agency) and raised these same issues.

It is great to sit up there and raise the issue and say that this is not enough. The reality of it is it is a beginning; it is more than was there before when it was zero before.

So I am saying to the gentleman, yes, it is great to say because of June 7, but the reality of it is because of Keith McCall and Tony DeLuca, and I make that very clear, and that is why we have begun to move in that direction. So I disagree with the gentleman's statement as he says it is not enough. It is a beginning, because everybody can say what is not enough. Thank you.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

I have been patient here, and I know many other members have, and I will promise to be brief.

Mr. Speaker, a number of members earlier, much earlier, talked about this budget as containing voodoo numbers, and other members talked about coming here as freshmen this year and not having any input, but, Mr. Speaker, many of us were freshmen, every one of us was a freshman at one time or another. I spent two terms in the minority here, and I recall four budgets being passed, and I suspect that my input was negligible. But while they talk about voodoo economics and voodoo numbers, raids on the State teachers' fund, they should bear in mind that we went through this over and over and over again with our previous Governor, Governor Thornburgh. He raided the Lottery Fund. We all objected to it on this side of the aisle. In fact, we are just now paying it back this year, the final payment of that loan.

I have talked to representatives of the teachers' organizations of this State, and they want this budget to pass, so any of you who are truly concerned about whether or not the retired teachers and the teachers' associations of this Commonwealth would like to delay this budget until we find another revenue source to replace that gap from that loan, put your minds at ease, because the teachers of this State would like this budget passed tonight.

In addition to the discussions about borrowing from the retired teachers' fund and, as I pointed out, the raids that

Governor Thornburgh and the GOP-controlled House conducted on the lottery, we saw year after year fee increases in lieu of taxes. This year we have no fee increases; we have no tax increase; we do not have any disguised or hidden taxes. The House rejected the idea of the gross utility receipts tax loophole, so there is nothing to argue about. This is probably the easiest budget vote that I have had in 13 years and most members I daresay on the floor of the House.

Finally, Mr. Speaker, earlier, and I say again, much earlier, there was some Philadelphia bashing that went on as far as this budget goes, but I would like to refer the members to some of the other lines in this budget that my colleagues from Philadelphia have no reason to support. For example, on page 34, farmers' market food coupons, a line item of \$350,000. Page 35, animal indemnities payments to farmers for animals destroyed in disease eradication programs, \$200,000. I am sure my colleagues from Philadelphia were not very enamored about some of these line items, but they let them remain in the budget. On page 36, payments to county fairs, \$3,700,000; development and operation of open livestock shows, including cattle, swine, sheep, and horses, \$152,000. I could go on and on, and not just in the Department of Agriculture but go right through this entire book and pick out line items that my colleagues from the urban centers of Philadelphia and Allegheny County have absolutely no interest in, yet they remain here in the budget. It is ludicrous for my colleagues from rural Pennsylvania to continue picking out a line here or a line there that benefits the urban centers of this State. We know that that is the way budgets are packaged. They have been packaged that way for many years.

Finally, Mr. Speaker, one of the previous speakers said that this budget does not invest in Pennsylvania business. I take exception with that as well. We have a line item of sequence No. 1292, local development district grants, which last year were \$850,000, this year are \$1,150,000; we have \$4.7 million additional for Ben Franklin Partnership; an additional \$2 million for industrial resource centers. We have a lot of additional money in here for economic development and commerce of this State. We can stand here and argue about this bill line by line all night, but it is no different than any other budget framing. The only difference is this is an easy budget for every member, all 202 members of this General Assembly to support. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Union County, Representative Fairchild, is recognized.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would just like to follow up on Representative Belfanti's remarks when he referred to Philadelphia not having a particular interest in agricultural affairs. I think it is only fair to differentiate that we are talking about Pennsylvania's number one business. All you would have to do is ask your Ag chairman how much Pennsylvania's agricultural community contributes to this State, and I would like to say that without agriculture in this State, I do not think there would be a

Philadelphia. With that said, I would like to back up a second, go back to some of the events in Philadelphia.

When my counties ask me for moneys for children and youth, for libraries, or my municipalities ask the same questions on their libraries, on their storm drainage projects, on their recycling projects, when my county comes to me and says that they have been forced to spend over \$500,000 in a small county because of a hazardous waste project that they had no interest in and no want, and the Department of Environmental Resources turned the other ear and would not help them in any way, then it is time to question whether we, as taxpayers, spend the million dollars to have Nelson Mandela, De Klerk, and Clinton come to the city of Philadelphia. I say no, and I hope to God that your municipalities and your counties ask you, could you not come up with some money to help us?

Let me say one thing before I end. I think there is a solution, and that is, if Clinton and Mandela and De Klerk want to come to Philadelphia, let them pay Philadelphia \$1 million and let us take that \$1 million to go to the celebration and divide it out amongst the rest of the State. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. McCall, is recognized. Mr. McCALL. Thank you, Mr. Speaker.

Just to set the record straight. You know, in putting together a budget, I think it is impossible to satisfy everyone's needs. All of us want different items prioritized in this budget, and hard decisions have to be made, decisions that we do not all agree with.

Now, a lot of us, on both sides of the aisle, have been working diligently to take care of the problem being experienced in the Volunteer Loan Fund and the backlog that that fund has right now, which is approximately about 18 months to get these loans prioritized.

Now, I had legislation that would provide \$300,000 out of the Volunteer Loan Fund, out of the interest proceeds, to take care of that backlog, and when I went to the fire caucus, one of the things that was argued and argued vehemently on the other side of the aisle was that \$200,000 was only necessary to take care of that backlog. I went to this Appropriations chairman and said, there is a problem that we have to have addressed; I need the money to get the problem addressed. The Appropriations chairman put \$225,000 in the budget to make sure that program is shored up and the backlog is taken care of; \$225,000, contrary to the \$200,000 that you said my legislation should be amended to. The \$225,000 is sufficient to get this program up to speed, to get the backlog taken care of. Mr. Evans went to the wall to make sure that we got the money to do that.

I ask that we vote "yes" for HB 815.

The SPEAKER. The gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Only a short note here to defend my position, Mr. Speaker.

Mr. Speaker, today I hear that we are bragging about no tax increase, and I appreciate that, and I am happy to hear that. But I would be far more happy to hear that we have a tax

decrease to give the people of Pennsylvania, because a few years ago when we sucked the blood out of certain businesses in Pennsylvania that did not have the political clout to defend themselves, we are now bragging about how we are spending that money.

It would have been nice to be able to say that the people who answer the phones when they call Pennsylvania for information on tourism were answered by a company in Pennsylvania, but instead, we had to hire someone from out of State.

It is time we realize that people are not going to come to this State if we keep taxing them to death. The people I represent work hard for the money we spend. I would hope that in the future we can find a way to save that money and give it back to them so that they can spend the money more responsibly than we are in this budget. Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

(Members proceeded to vote.)

The SPEAKER. Mrs. Harley wishes to be recorded—  
Have all the members voted?

Mrs. HARLEY. Mr. Speaker, I would like to be voted in the negative.

The SPEAKER. Have all the members voted?

VOTE STRICKEN

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

The clerk will strike the vote.

Mr. RYAN. That was not necessary, Mr. Speaker.

I was going to, once again, ask to be certain that the lady, Mrs. Harley's vote was counted, and that the—

The SPEAKER. The lady's vote will be recorded—

Mr. RYAN. She was seeking recognition and she had been ignored.

Mr. SANTONI. Mr. Speaker?

The SPEAKER. Mr. Santoni is recognized.

Mr. SANTONI. Thank you, Mr. Speaker.

I am also having the same problem with my switch. I am hitting the affirmative button and the negative button is blinking off and on.

The SPEAKER. The Chair thanks the gentleman.

Mr. Santoni wishes to be recorded in the affirmative. Mrs. Harley wishes to be recorded in the negative.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

(Members proceeded to vote.)

VOTE CHALLENGED

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Is the gentleman, Mr. Trich, on the floor?

The SPEAKER. The gentleman is to the right of the Speaker.

Mr. RYAN. Thank you.

On the question recurring,

Will the House adopt the report of the committee of conference?

The following roll call was recorded:

YEAS—104

Acosta	Fee	Lucyk	Rudy
Battisto	Freeman	Manderino	Santoni
Bebko-Jones	Gamble	Markosek	Scrimenti
Belardi	George	Mayernik	Staback
Belfanti	Gigliotti	McCall	Steelman
Bishop	Gordner	McGeehan	Steighner
Blaum	Gruitza	McNally	Stetler
Butkovitz	Haluska	Melio	Stish
Buxton	Hanna	Michlovic	Sturla
Caltagirone	Hughes	Mihalich	Surra
Cappabianca	Itkin	Mundy	Tangretti
Carn	James	Murphy	Thomas
Carone	Jarolin	Olasz	Tigue
Cawley	Josephs	Oliver	Trelfo
Cohen, M.	Kaiser	Pesci	Trich
Colafrella	Kasunic	Petrarca	Van Horne
Colaizzo	Keller	Petrone	Veon
Corrigan	Kirkland	Pistella	Vitali
Cowell	Krebs	Preston	Williams
Coy	Kukovich	Richardson	Wozniak
Curry	LaGrotta	Rieger	Wright, D. R.
Daley	Laughlin	Ritter	Yandrisevits
DeLuca	Lederer	Roberts	Yewcic
Dermoddy	Lescovitz	Robinson	
Donatucci	Levdansky	Roebuck	DeWeese,
Evans	Linton	Rooney	Speaker
Fajt	Lloyd		

NAYS—98

Adolph	Fichter	Maitland	Saurman
Allen	Fleagle	Marsico	Saylor
Argall	Flick	Masland	Scheetz
Armstrong	Gannon	Merry	Schuler
Baker	Geist	Micozzie	Semmel
Barley	Gerlach	Miller	Serafini
Birmelin	Gladeck	Nailor	Smith, B.
Boyes	Godshall	Nickol	Smith, S. H.
Brown	Gruppo	Nyce	Snyder, D. W.
Bunt	Harley	O'Brien	Stairs
Cessar	Hasay	O'Donnell	Steil
Chadwick	Heckler	Perzel	Stern
Civera	Hennessey	Pettit	Strittmatter
Clark	Herman	Phillips	Taylor, E. Z.
Clymer	Hershey	Piccola	Taylor, J.
Cohen, L. I.	Hess	Pitts	Tomlinson
Cornell	Hutchinson	Platts	True
Dempsey	Jadlowiec	Raymond	Tulfi
Dent	Kenney	Reber	Uliana
Druce	King	Reinard	Vance
Durham	Laub	Rohrer	Waugh

Egolf	Lawless	Rubley	Wogan
Fairchild	Lee	Ryan	Wright, M. N.
Fargo	Leh	Sather	Zug
Farmer	Lynch		

NOT VOTING—0

EXCUSED—1

Bush

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

**CALENDAR**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1596, PN 1842**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, adding a definition of "school entity"; further providing for contributions by the Commonwealth and employers and for certain calculations relating to Social Security.

On the question,

Will the House agree to the bill on third consideration?

Mr. SAURMAN offered the following amendments No. A2009:

Amend Title, page 1, line 3, by inserting after "providing" for credited school service as retirement incentive,

Amend Bill, page 3, by inserting between lines 8 and 9 Section 2. Section 8302(b.2) of Title 24, amended December 22, 1992 (P.L.1681, No.186), is amended to read: § 8302. Credited school service.

\*\*\*

(b.2) Credited service as retirement incentive.—Notwithstanding any provisions of this title to the contrary, for the period of [July 1, 1992] May 31, 1992, to August 31, 1993, a member who is not an annuitant on [July 1, 1992] May 31, 1992, who terminates school service between [July 1, 1992] May 31, 1992, and August 31, 1993, inclusive, who will be 55 years of age or older on August 31, 1993, with ten or more eligibility points, or any member whose combined age and eligibility points is equal to or greater than 75, who files an application for retirement before September 1, 1993, and who declares his intent to retire prior to April 1, 1993, shall be credited with an additional 10% of their credited service.

\*\*\*

Amend Sec. 2, page 3, line 9, by striking out "2" and inserting

3

Amend Sec. 3, page 6, line 26, by striking out "3" and inserting

4

Amend Sec. 4, page 6, line 29, by striking out "4" and inserting

5

Amend Sec. 5, page 7, line 2, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. Will the gentleman yield momentarily; will the gentleman yield momentarily.

Members of the press, please be seated. We have a substantial amount of business to conduct during the evening.

The gentleman, Mr. Saurman, may proceed.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, on this retirement for teachers, there has been a real problem, as I think everyone is aware, in how can we set an age and how can we set a number of years. My amendment would establish, I think, a formula that would be equitable. It would establish a total of 75 as a point system. It would be a combination of the age of the teacher plus the years of service, so that instead of having to be a certain age to retire, if the combination of those two worked out to be 75 or more, that individual would be a part of the program.

I would urge adoption of this amendment. Thank you.

The SPEAKER. On the Saurman amendment, Mr. Evans is recognized.

Mr. EVANS. Mr. Speaker, it has just been brought to my attention—and I would like to apologize to the members of the House—the maker of this amendment is in need of an actuarial note. We have provided a fiscal note, and my understanding, under the rules of the House and under Act 205, is that this requires an actuarial note and it will have a fiscal impact. So I would ask that this be ruled out of order, this particular amendment, Mr. Speaker.

**AMENDMENTS RULED OUT OF ORDER**

The SPEAKER. According to rule 19(a), subsection (7), page 21 of the House rules, the gentleman, Mr. Evans' contention is sustained, and the gentleman, Mr. Saurman's proposal is out of order.

For what purpose does the gentleman rise?

Mr. SAURMAN. To just indicate, Mr. Speaker, that according to the rules, I submitted a request to the Appropriations Committee, and I am just wondering then, you know, what else I should have done.

The SPEAKER. The gentleman would be in order to interrogate Mr. Evans on HB 1596, PN 1842. The gentleman can proceed along those lines. Does the gentleman request to debate Mr. Evans or to interrogate Mr. Evans?

Mr. SAURMAN. No, Mr. Speaker. I will check with him and find out what the procedure is.

I would just, under a point of personal privilege, like to say that I think this—

The SPEAKER. The gentleman is recognized for his point of personal privilege.

Mr. SAURMAN. Thank you, Mr. Speaker.

I think this concept is a much fairer way in determining who would in fact be eligible, and I would certainly like to have those that are responsible for making this kind of a decision in the future to keep it in mind because there is a great deal of difficulty trying to establish what is a fair cutoff time, what is a good amount of service.

So on that basis, Mr. Speaker, I thank you for that opportunity.

The SPEAKER. The Chair thanks Mr. Saurman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. NYCE offered the following amendments No. A2133:

Amend Sec. 2, page 3, line 9, by striking out "8326,"

Amend Sec. 2 (Sec. 8326), page 3, lines 11 through 30; page 4, lines 1 through 12, by striking out all of said lines on said pages

Amend Sec. 2 (Sec. 8327), page 4, line 30; page 5, lines 1 through 6, by striking out "DIFFERENCE OF:" in line 30, page 4, all of lines 1 through 6, page 5, and inserting product of one-half of the sum of the percentages, as determined under section 8328 (relating to actuarial cost method), applied to the total compensation during the pay periods in the preceding quarter of these employees, multiplied by market value/income aid ratio, as defined in section 1501(14.1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, of the school entity. For the purposes of this section, no entity shall have a market value/income aid ratio of less than .0015. If the sum of all the payments under this subparagraph by school entities for a quarter does not equal one-half the sum of the percentages, as determined under section 8328, applied to the total compensation during the pay periods in the quarter of all such employees of all the school entities, the actuary shall compute and the board shall certify to the school entities an interim contribution rate for such employees for the following quarter proportionately reduced or increased to provide, as nearly as practicable, that the sum of all payments under this subparagraph during the following quarter shall equal one-half the sum of the percentages, as determined under section 8328, applied to the total compensation during the pay periods in the following quarter of all such employees of all the school entities.

Amend Sec. 2 (Sec. 8329), page 6, line 21, by inserting after ".0015."

If the sum of all Commonwealth payments to school entities under this subparagraph does not equal one-half the sum of the entire employer's share for all such employees of all the school entities, the payments to the school entities by the Commonwealth shall be proportionately reduced or increased to make the sum of all Commonwealth payments equal one-half the sum of the entire employer's share for all such employees of all the school entities.

Amend Sec. 3, page 6, line 27, by inserting after "CONTRIBUTIONS"

and the Commonwealth shall pay the revised payments

Amend Sec. 4, page 6, line 29, by striking out "8326" and inserting

8327

On the question,

Will the House agree to the amendments?

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

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, when we discussed the bill in committee, I asked a specific question regarding its revenue neutrality as it relates to the portion of the retirement and Social Security payments made by the State. In that meeting, I was assured by the chairman of the committee, Representative Cowell, that the intent of the bill was not to create a windfall for the Commonwealth and that in fact it is a revenue-neutral bill. My amendment does not change the amount of money generated

by the calculation of the State's portion. What it does do is guarantee our local districts that in the event a calculation under the old method—

Mr. LLOYD. Point of order, Mr. Speaker.

The SPEAKER. The point of order may not be necessary. The gentleman will please yield.

The amendment clerk indicates to me that this was never circulated, Representative Nyce, and we are going to obviously have to delay until this is circulated to the membership before we can continue with debate.

If the gentleman has any questions, the gentleman may approach the Speaker's rostrum. We are going to try to be helpful.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The House will go over temporarily—temporarily—HB 1596.

\*\*\*

The House proceeded to third consideration of SB 691, PN 1291, entitled:

An Act providing for the capital budget for the fiscal year 1993-1994.

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—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayermik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Haluska	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.

Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colaella	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Bush

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.

**ANNOUNCEMENT BY MR. WILLIAMS**

The SPEAKER. The House is standing at ease momentarily.

The gentleman, Mr. Tony Williams, is recognized for the purpose of an announcement.

The House is standing at ease momentarily.

Mr. Williams is recognized for 1 minute.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I would hope that this moment stands as a point of infamy and victory for the Democrats, not for the reasons that we have debated today, but Tuesday evening was a great standing point for my colleagues — Dante Santoni; our captain, Mike Veon; Thaddeus Kirkland, the rookie of the year; and a variety of other Democrats — who withstood the onslaught of our brethren, the Republicans, who duked it out with us at HACC (Harrisburg Area Community College). For the first time since I have been here, we were victorious in the last minute, in our basketball rivalry for many years, with the final score 98 to— I do not know what they got. They lost. So a round of applause. Thank you very much.

The SPEAKER. The Speaker has been here 18 years. I believe the Democrats were defeated 17 of the 18 years.

**CONSIDERATION OF HB 1596 CONTINUED**

**AMENDMENT A2133 WITHDRAWN**

The SPEAKER. The gentleman, Mr. Nyce, indicates that he is withdrawing his amendment. Therefore, we are on final passage.

On the question recurring,  
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—139**

Acosta	Fairchild	Lederer	Rudy
Allen	Fajt	Lee	Santoni
Baker	Fargo	Lescovitz	Sather
Battisto	Fee	Linton	Saurman
Bebko-Jones	Fichter	Lloyd	Saylor
Belardi	Fleagle	Lucyk	Scrimenti
Belfanti	Freeman	Maitland	Serafini
Birmelin	Gamble	Manderino	Smith, S. H.
Bishop	Geist	Markosek	Staback
Blaum	George	McCall	Stairs
Brown	Gigliotti	McGeehan	Steelman
Bunt	Gladeck	McNally	Steighner
Butkovitz	Gordner	Melio	Stern
Buxton	Gruitza	Michlovic	Stetler
Caltagirone	Haluska	Mihalich	Stish
Cappabianca	Hanna	Mundy	Sturla
Carn	Harley	Murphy	Surra
Carone	Hasay	Nickol	Tangretti
Cawley	Hess	O'Brien	Taylor, J.
Cessar	Hughes	O'Donnell	Thomas
Clark	Itkin	Olasz	Tigue
Cohen, M.	Jadlowiec	Oliver	Trello
Colaella	James	Pesci	Trich
Colaizzo	Jarolin	Petrarca	Van Horne
Cornell	Josephs	Petrone	Veon
Corrigan	Kaiser	Phillips	Waugh
Cowell	Kasunic	Pistella	Williams
Coy	Keller	Preston	Wogan
Curry	Kenney	Richardson	Wozniak
Daley	King	Rieger	Wright, D. R.
DeLuca	Kirkland	Ritter	Yandrisevits
Dent	Krebs	Roberts	Yewcic
Dermody	Kukovich	Robinson	
Donatucci	LaGrotta	Roebuck	DeWeese,
Egolf	Laughlin	Rooney	Speaker
Evans			

**NAYS—61**

Adolph	Godshall	Miller	Schuler
Argall	Gruppo	Nailor	Semmel
Armstrong	Heckler	Nyce	Smith, B.
Barley	Hennessey	Perzel	Snyder, D. W.
Boyes	Herman	Pettit	Steil
Chadwick	Hershey	Piccola	Strittmatter
Civera	Hutchinson	Pitts	Taylor, E. Z.



Clymer	Laub	Platts	Tomlinson
Cohen, L. I.	Lawless	Raymond	True
Dempsey	Leh	Reber	Tulli
Druce	Lynch	Reinard	Uliana
Durham	Marsico	Rohrer	Vance
Farmer	Masland	Rublely	Vitali
Flick	Merry	Ryan	Wright, M. N.
Gannon	Micozzie	Scheetz	Zug
Gerlach			

NOT VOTING—2

Levdansky      Mayernik

EXCUSED—1

Bush

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

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

VOTE CORRECTION

The SPEAKER. Mr. Cessar is recognized.

Mr. CESSAR. Thank you, Mr. Speaker.

On HB 1596, PN 1842, my switch did not work correctly.

I wanted to vote in the negative.

The SPEAKER. The gentleman's remarks will be spread across the record.

BILLS ON THIRD  
CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 323, PN 1145, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "school bus"; and further providing for registration requirements for school buses and for certification of mechanics.

On the question,

Will the House agree to the bill on third consideration?

Mr. LINTON offered the following amendments No. A2244:

Amend Title, page 1, line 1, by striking out "Title" and inserting

Titles 74 (Transportation) and

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for the distribution of asset maintenance funds; authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of 20 miles of any such first class county, as a body corporate and politic and as an agency and instrumentality of the Commonwealth for the purpose of establishing an integrated mass transportation system with all pertinent powers, including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for or otherwise providing for the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor and conferring the right of eminent domain on such an authority; altering the jurisdiction of the Pennsylvania Public Utility Commission,

authorizing the acceptance of grants from Federal, State and local governments, limiting actions against such an authority and exempting it from taxation, authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, creating a citizen advisory committee, conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority and empowering each authority to function outside the metropolitan area under certain terms and conditions; continuing the existence of a presently existing transportation authority;

Amend Title, page 1, line 2, by striking out "AND"

Amend Title, page 1, line 4, by removing the period after "mechanics" and inserting

; and making repeals.

Amend Bill, page 1, by inserting between lines 5 and 6

The General Assembly finds and declares as follows:

(a) Findings.—

(1) There exists in the urban and suburban communities in metropolitan areas, traffic congestion and serious mass transportation problems because of underdeveloped mass transportation facilities resulting in inadequate or overcrowded high-cost conditions on Commonwealth highways and existing mass transportation facilities.

(2) Such conditions or a combination of some or all of them have made and will continue to result in making such communities economic and social liabilities harmful to the social and economic well-being of the entire area, depreciating values therein, reducing the tax revenues, making the metropolitan areas and their constituent communities less desirable areas in which to live and work and thereby depreciating further the general community wide values.

(3) The foregoing conditions cannot be effectively dealt with by private enterprise under existing law without the additional aids granted in this act.

(4) The sound planning and development of metropolitan mass transportation facilities in accordance with sound and approved plans for their promotion, development and growth will promote the public health, safety, convenience and welfare, and the public acquisition of existing mass transportation facilities in accordance with the sound plans for their redevelopment and promotion will promote the public health, safety, convenience and welfare.

(5) The well-being and economic health of the counties and other communities in the metropolitan areas require integrated systems of mass passenger transportation.

(6) It is desirable that the public transportation systems in the metropolitan areas be improved, extended and supplemented by the creation of authorities as provided in this act.

(7) The establishment of metropolitan transportation authorities as authorities of the Commonwealth and the continuance of the existing metropolitan transportation authorities will promote the public safety, convenience and welfare.

(8) It is intended that metropolitan transportation authorities cooperate with or acquire existing transportation operators or facilities so that private enterprise and government may mutually provide adequate transit facilities for the convenience of the public.

(9) It is intended that any authority created or continued under this act will cooperate with all municipalities and other public bodies in whose territories it operates so that the transportation system may best serve the interests of the residents thereof.

(10) It is intended that the operation of a transportation system will enhance the quality of the environment of the metropolitan area by relieving highway congestion and providing for multipassenger traveling patterns.

(11) It is intended that residents of the metropolitan area may be provided with access to transportation facilities and the ability to travel within the metropolitan area regardless of disability or handicap.

(b) Declaration.—Therefore, it is hereby declared to be the policy of the Commonwealth to promote the safety and welfare of its inhabitants by authorizing the creation or continuation of a body corporate and politic for each metropolitan area, to be known as the transportation authority of such area, which shall exist and operate for the purposes contained in this chapter as an authority of the Commonwealth. These purposes are hereby declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain.

Amend Bill, page 1, by inserting between lines 9 and 10 Section 1. Section 1311 of Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read: § 1311. Use of funds distributed.

\*\*\*

(j) Limit on certain amounts expended.—Notwithstanding any law to the contrary, local transportation organizations and transportation companies are authorized to expend moneys distributed pursuant to section 1310 for asset maintenance costs in an amount not to exceed the greater of:

(1) the maximum amount of asset maintenance expenditures which could have been approved by the department for expenditure by that local transportation organization or transportation company for the 1991-1992 fiscal year pursuant to section 17(a) of the act of August 5, 1991 (P.L.238, No.26), entitled "An act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, codifying provisions relating to public transportation; imposing certain fees and taxes; further providing for certain Pennsylvania Turnpike projects; defining 'farm equipment'; further providing for the responsibilities of vehicle transferees, for exemptions from registration and certificates of title and for the use of dealer plates, multipurpose dealer plates and farm equipment plates; further providing for funeral processions; further providing for a restricted receipts fund and for registration for snowmobiles and ATV's; establishing the Snowmobile Trail Advisory Committee; further providing for the highway maintenance and construction tax; and making repeals," based upon a projection of \$200,000,000 in total dedicated capital assistance funds; or

(2) the amount permitted to be expended for such purposes under subsection (e).

Section 2. Sections 1312(c) and 1313(b) of Title 74 are amended to read:

§ 1312. Community transportation programs.

\*\*\*

(c) [Next fiscal year] Succeeding fiscal years.—Funds not expended under this section in the fiscal year in which they were made available shall not lapse and shall be available for use pursuant to this section in [the next fiscal year] succeeding fiscal years.

§ 1313. Additional programs.

\*\*\*

(b) [Next fiscal year] Succeeding fiscal years.—Funds not expended under this section in the fiscal year in which they were made available shall not lapse and shall be available for use pursuant to this section in [the next fiscal year] succeeding fiscal years.

Section 3. Chapter 15 of Title 74 is repealed.

Section 4. Title 74 is amended by adding a chapter to read:

CHAPTER 17

METROPOLITAN TRANSPORTATION AUTHORITIES

Subchapter

- A. General Provisions
- B. Authorization and Organization of Authorities
- C. Powers and Duties
- D. Funds and Bonds of Authorities
- E. Miscellaneous Provisions

SUBCHAPTER A  
GENERAL PROVISIONS

Sec.

1701. Definitions.

§ 1701. 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:

"Authority." Any body corporate and politic created under this chapter or created under the former provisions of Article III of the act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass Transportation Law, or the former provisions of Chapter 15 (relating to metropolitan transportation authorities) and continued under this chapter.

"Board." The governing and policymaking body of an authority.

"Bonds." Notes, bonds, bond anticipation notes, refunding notes and bonds, interim certificates, debentures and other evidences of indebtedness or obligations which an authority is authorized to issue under this chapter.

"Cash flow deficit." A cash deficit occurring solely because revenues and expenditures, even when in balance on a fiscal year basis or with respect to any other period of computation, are not received and disbursed at equivalent rates throughout the fiscal year or other period of computation.

"Comprehensive transportation plan." A comprehensive statement, consisting of maps, charts and textual matter, of an authority's policies, strategies and objectives for the development of the transportation system consistent with the legislative findings and declared policy of this chapter and the rights, powers and duties of the authority.

"Department." The Department of Transportation of the Commonwealth.

"Federal agency." The Federal Government, the President of the United States and any department or corporation, agency or instrumentality, heretofore or hereafter created, designated or established by the Federal Government.

"Government agency." The Governor, departments, boards, commissions, authorities and other officers and agencies of this Commonwealth, including, but not limited to, those which are not subject to the policy supervision and control of the Governor, any political subdivision, municipality, municipal or other local authority and any officer or agency of any such political subdivision or local authority. The term does not include any court or other officer or agency of the unified judicial system or the General Assembly or its officers and agencies.

"Government obligations."

(1) Direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the Federal Government, including, but not limited to, evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the Federal Government, which obligations are held in a custody account by a custodian under the terms of a custody agreement.

(2) The term includes obligations issued by any state of the United States or any political subdivision, public instrumentality or public authority of any state of the United States, provision for the full and timely payment of the principal or premium of and interest on which shall have been made by deposit with a trustee or escrow agent, under an irrevocable security agreement, of obligations described in paragraph (1).

"Legislative body." The term shall mean, in counties of the first class, the city council, in the other counties, the board of county commissioners or the county council and, in the other municipalities, that body authorized by law to enact ordinances.

"Majority." Any whole number constituting more than half of the total number.

"Master trust indenture." A trust indenture, trust agreement or deed of trust providing for the incurrence of indebtedness guaranteed on a joint and several basis by a group of obligated issuers.

"Mayor." The chief executive officer of any first class city in any first class county.

"Metropolitan area." All of the territory within the boundaries of any county of the first class and all other counties located in whole or in part within 20 miles of the first class county.

"Municipality." Any city, county, borough, incorporated town, township or other political subdivision. The terms "municipality" and "political subdivision" shall have the same meaning when used in this chapter.

"Obligee of an authority." Any holder or owner of any bond of an authority or any trustee or other fiduciary for any such holder or any provider of a letter of credit, policy of municipal bond insurance or other credit enhancement or liquidity facility for bonds of an authority.

"Person." The term shall mean and include corporations, partnerships, associations, Federal agencies, the Commonwealth, government agencies and other entities, as well as natural persons.

"Political subdivision." Any county, city, borough, incorporated town, township, school district, vocational school district and county institution district.

"Project." Any structure, facility or undertaking which an authority is authorized to acquire, construct, improve, lease, maintain, operate, contract for or otherwise function with respect to, under the provisions of this or any other act, including, but not limited to, all work and material incidental thereto and all costs thereof, including all amounts necessary to place the project into operation.

"Qualified financial institution." A bank, bank and trust company, trust company, national banking association, insurance company or other financial services company whose unsecured long-term debt obligations, in the case of a bank, trust company, national banking association or other financial services company, or whose claims paying abilities, in the case of an insurance company, are rated in any of the three highest rating categories, without reference to subcategories, by a rating agency. For purposes of this definition, the term "financial services company" shall include any investment banking firm or any affiliate or division thereof which may be legally authorized to enter into the transactions described in this chapter pertaining, applicable or limited to a qualified financial institution.

"Rating agency."

(1) The term includes the following:

(i) Standard & Poor's Corporation and any successor thereto.

(ii) Moody's Investors Service and any successor thereto.

(iii) Fitch Investors Service, Inc., and any successor thereto.

(2) If the rating agencies cited in paragraph (1) shall no longer perform the functions of a securities rating service, the term shall mean any other nationally recognized rating service or services.

"Real estate-related matter." A transaction or agreement which involves any fee, leasehold or other estate or interest in, over or under real property in which the authority has an interest or wishes to acquire an interest, including, but not limited to, structures, fixtures and other improvements and interests which by custom, usage or law pass with the conveyance of real property though not described in the contract of sale or instrument of conveyance. The term includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water and includes any contract, joint venture, management or brokerage agreement which is related directly or indirectly thereto.

"Transportation system." All property, real and personal, useful for the transportation of passengers for hire, including, but not limited to, power plants, substations, terminals, garages, bridges, tunnels, subways, elevated lines, monorails, railroad motive power, trains, railroad passenger cars and equipment, belt conveyors, inclines, car barns, street cars, buses, rails, lines, poles, wires, stations and off-street parking facilities rights-of-way, as well as the franchises, rights and licenses therefor, including

rights to provide group, party and paratransit services. The term shall not include a taxicab.

#### SUBCHAPTER B AUTHORIZATION AND ORGANIZATION OF AUTHORITIES

Sec.

1711. Creation of metropolitan transportation authorities.

1712. Governing and policymaking body.

1713. Appointment of board members.

1714. Resignation and vacancies.

1715. Meetings, quorum, officers and records.

1716. Secretary, oath, bond.

1717. Controller.

1718. Signatures.

1719. General manager.

1720. Treasurer.

1721. Counsel to the board.

1722. Legal division and general counsel.

1723. Other employees.

1724. Personnel matters.

1725. Public hearings.

1726. Citizen advisory committee.

1727. Investigations and subpoenas.

1728. Conflicts of interest.

§ 1711. Creation of metropolitan transportation authorities.

(a) Creation and purpose.—There is hereby authorized the creation of a separate body corporate and politic in each metropolitan area, to be known as the transportation authority of that metropolitan area, extending to and including all of the territory in the metropolitan area. An authority shall in no way be deemed to be an instrumentality of any city or county or other municipality or engaged in the performance of a municipal function, but shall exercise the public powers of the Commonwealth as an agency and instrumentality thereof. An authority shall exist for the purpose of planning, acquiring, holding, constructing, improving, maintaining, operating, leasing, either as lessor or lessee, and otherwise functioning with respect to a transportation system in the metropolitan area and outside of such area, whether within or beyond the boundaries of this Commonwealth, to the extent necessary for the operation of an integrated transportation system and for the provision of all group and party services which can be provided by the existing transportation system or transportation systems subject to acquisition under this chapter. All services rendered by an authority outside the metropolitan area shall be pursuant to certificates of public convenience or other appropriate authorization issued to it by the Pennsylvania Public Utility Commission or other appropriate regulatory agency of the Federal Government or any state. Except as provided in subsection (c), an authority shall transact no business or otherwise become operative until and unless a majority of its board shall have been qualified in accordance with this subchapter.

(b) Certificate of incorporation.—

(1) The certification by the appointing power of each board member, and the constitutional oath of office subscribed by each member, shall be filed with the Department of State, and, except as provided in subsection (c), upon the receipt of initial certifications and respective oaths of a majority of the total number of board members appropriate to any metropolitan area, the Secretary of the Commonwealth shall issue a certificate of incorporation. This certificate shall refer to that authority by the name which shall be designated by the board members.

(2) In any suit, action or proceeding involving or relating to the validity or enforcement of any contract or act of an authority, a copy of the certificate of incorporation, duly certified by the Department of State, shall be admissible in evidence and shall be conclusive proof of the legal establishment of the authority.

(c) Transition provisions.—

(1) Any authority established under the former provisions of Article III of the act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass

Transportation Law, or the former provisions of Chapter 15 (relating to metropolitan transportation authorities) shall be deemed, for all purposes, to be an authority created under this chapter, shall continue in effect under this chapter as an authority of the Commonwealth and shall exercise those powers, functions and duties and be governed by those provisions applicable to an authority created under this chapter. Such authority established under the former provisions of Article III of the Pennsylvania Urban Mass Transportation Law or the former provisions of Chapter 15 shall be deemed to have satisfied the requirements of subsections (a) and (b) concerning the organization of an authority under this chapter. Nothing in this chapter shall be construed to alter or modify in any respect any contract or other obligation of such authority entered into prior to the effective date of this chapter.

(2) An authority created or existing under this chapter, including any authority established under the former provisions of Article III of the Pennsylvania Urban Mass Transportation Law or the former provisions of Chapter 15, shall, without the necessity of action or assignment by it or any other person:

(i) continue in the rights and responsibilities of any authority existing under the former provisions of the Pennsylvania Urban Mass Transportation Law or the former provisions of Chapter 15 for all purposes, including, but not limited to, receipt of all grants, gifts, appropriations, subsidies or other payments;

(ii) continue to be the owner of any real or personal property and enjoy and be subject to any and all rights and responsibilities appurtenant thereto of any authority existing under the former provisions of the Pennsylvania Urban Mass Transportation Law or the former provisions of Chapter 15, including, but not limited to, all assets, property, real and personal, tangible and intangible, all easements and all evidences of ownership or other interest in part or in whole, and all records, and other evidences pertaining thereto; and

(iii) continue to be obligated with respect to all debt and other contractual obligations of any authority existing under the former provisions of the Pennsylvania Urban Mass Transportation Law or the former provisions of Chapter 15.

#### § 1712. Governing and policymaking body.

(a) Transportation board.—The governing and policymaking body of an authority shall be a board, to be known as the transportation board of the metropolitan area, consisting of members to be appointed as provided in section 1713 (relating to appointment of board members), who, except for the appointee of the Governor, must be residents of the metropolitan area. No board member shall be allowed any fees, perquisites or emoluments, reward or compensation for his services as a member or officer of an authority, but the board member shall be reimbursed for actual expenses incurred in the performance of his duties.

(b) Limit on exercise of powers.—The board shall not involve itself in the day-to-day administration of the authority's business. It shall limit its exercise of powers to such areas of discretion or policy as the functions and programs of the authority, the authority's operating and capital budgets, the authority's standard of services, utilization of technology, the organizational structure and, subject to the provisions of this chapter, the selection of and the establishment of salaries for personnel.

#### § 1713. Appointment of board members.

(a) Appointment.—Except as provided in subsection (d) with respect to the continuation in office of members of the board of any authority established under the former provisions of Article III of the act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass Transportation Law, or the former

provisions of Chapter 15 (relating to metropolitan transportation authorities) at any time after the effective date of this chapter:

(1) The Governor may appoint as a member of the board, one person, who may be an ex officio appointee from among the various officials in this Commonwealth and whose term as a board member shall run concurrently with that of his Commonwealth position, if any, or the term of the appointing Governor, whichever is shorter.

(2) The county commissioners or the county council in each county and, in any county of the first class containing a city of the first class, the mayor, with the approval of the city council, may appoint two persons from each county to serve as board members.

(3) The Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives may each appoint one person to serve as a board member, whose term shall be concurrent with the term and who shall serve at the pleasure of the appointing legislative leader.

(b) Successor.—At the expiration of the term of any board member, his successor shall be appointed by the same power who appointed that board member, for a term of five years from the expiration date.

(c) Certification and oath of office.—The appointing powers shall certify their respective appointments to the Secretary of the Commonwealth. Within 30 days after certification of his appointment and before entering upon the duties of his office, each member of the board shall take and subscribe the constitutional oath of office and file it in the office of the Secretary of the Commonwealth.

(d) Transition provision.—With respect to the board of any authority established under the former provisions of Article III of the Pennsylvania Urban Mass Transportation Law or the former provisions of Chapter 15, all members of the board of the authority shall be deemed to be members of the board of an authority created under this chapter and shall continue in office until their respective terms of office would have expired as provided for in the former provisions of the Pennsylvania Urban Mass Transportation Law or in section 1517 (relating to appointment of board members) and shall exercise the powers, functions and duties of a board of an authority created under this chapter.

#### § 1714. Resignation and vacancies.

(a) Removal and vacancy.—Members of the board shall hold office until their respective successors have been appointed and have qualified. The appointing power may remove any member of the board appointed by that appointing power, but only in case of incompetency, neglect of duty or malfeasance in office. No member shall be thus removed except after having been given a copy of the charges against the member and an opportunity to be publicly heard, at a place in the metropolitan area, in person or by counsel, in his own defense upon not less than ten days' written notice. In case of failure to qualify within the time required or of abandonment of his office or in case of death, conviction of a felony or removal from office, that office shall become vacant.

(b) Abandonment.—A member shall be deemed to have abandoned his office upon failure to attend any regular or special meeting of the board, without excuse approved by resolution of the board, for a period of four months or upon removal of his residence from the metropolitan area.

(c) Filling of vacancy.—Each vacancy shall be filled for the unexpired term by appointment in like manner and with like regard as to the place of residence of the appointee as in case of expiration of the term of a member of the board.

(d) Appeal.—A member removed for incompetency, neglect of duty or malfeasance in office shall have the right to appeal that removal to the court of common pleas of the county for which that member was appointed, but only on the ground of error of law or manifest and flagrant abuse of discretion.

#### § 1715. Meetings, quorum, officers and records.

(a) Meetings.—Regular meetings of the board shall be held in the metropolitan area at least once in each calendar month except July or August, the time and place of the meetings to be

fixed by the board. A majority of the board shall constitute a quorum for the transaction of business. All action of the board shall be by resolution, and the affirmative vote of a majority of all the members shall be necessary for the adoption of any resolution. No action by the board to which an express objection has been made, under this section, by a board member or members representing a county or counties having one-third or more of the population of the metropolitan area, as determined by the most recent decennial census, shall be carried unless supported at a subsequent regular meeting of the board by the votes of at least three-quarters of the membership of the board. In case of disagreement between members representing the same county, each member shall be deemed to represent one-half of the population of that county.

(b) Officers.—The board shall elect from among its members a chairman and a vice chairman, each of whom shall serve for a term of one year and until his successor shall have been elected and qualified and who shall perform those duties as the board shall, by resolution, determine.

(c) Public meetings and records.—The board shall be subject to the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, and the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

§ 1716. Secretary, oath, bond.

The board shall appoint a secretary, who shall not be a member of the board, to hold office at the pleasure of the board and shall fix his duties and compensation. The secretary shall not be engaged in any other business or employment during his tenure of office as secretary of the board. Before entering upon the duties of the office of secretary, he shall take and subscribe the constitutional oath of office. Officers and employees of the authority, and those members of the board as the board may determine, shall execute corporate surety bonds conditioned upon the faithful performance of their respective duties. A blanket form of surety bond may be used for this purpose if the board deems this procedure to be practical and prudent. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure or closing of any national or state bank, bank and trust company or trust company wherein funds of the authority have been deposited if the bank, bank and trust company or trust company has been approved by the board as a depository for these funds. The oaths of office and the surety bond or bonds shall be filed in the principal office of the authority.

§ 1717. Controller.

The board shall appoint a controller, who shall not be a member of the board, to hold office at the pleasure of the board and shall fix his compensation. The controller shall consult with, advise and assist the board on financial and accounting matters, including, but not limited to, the authority's system of internal controls, financial reports, current financial condition and such other financial and accounting matters which the board may deem appropriate. The controller shall submit an annual report of the authority's financial condition which shall be in addition to any other financial report required by this chapter to the board, the general manager and the Secretary of Transportation. The controller shall execute a corporate surety bond and, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office.

§ 1718. Signatures.

(a) Facsimile signatures.—Whenever the business of the authority requires the affixing of the signature of any officer or employee of the authority, the use of a facsimile signature, when expressly authorized by resolution of the board, shall have the same force and effect as an original signature.

(b) Signatures of officers ceasing to hold office.—In case any officer whose signature appears upon any check, draft, bond, certificate or interest coupon issued under this chapter ceases to hold office before the delivery thereof to the payee or the purchaser of any bond or certificate, the officer's signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he had remained in office until delivery thereof.

§ 1719. General manager.

The board shall appoint a general manager, who shall be the chief operations officer of the authority and who shall have demonstrated that he is competent and experienced in the area of transit management, and shall fix his compensation. The general manager shall have the power and duty to:

(1) Manage the properties of the authority.

(2) Attend to the day-to-day administration, fiscal management and operation of the authority's business.

(3) Appoint such employees as he deems necessary to conduct the affairs of his office, subject to the provisions of this chapter.

(4) Implement and enforce all resolutions, rules and regulations of the board.

(5) Submit to the board, according to a schedule established by it, periodic reports showing the overall state or condition of the transportation system according to established industry performance standards. These reports shall be considered public records.

(6) Implement policies established by the board.

§ 1720. Treasurer.

The general manager shall appoint a treasurer to hold office at his pleasure. In addition to the duties imposed on the treasurer by this chapter, the treasurer shall perform such other duties as the general manager shall prescribe. The treasurer shall execute a corporate surety bond and, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office.

§ 1721. Counsel to the board.

The board shall appoint a counsel to the board, who shall be an attorney at law admitted to practice before the Supreme Court of Pennsylvania and who shall be appointed by the board to serve at its discretion. The board shall pay the counsel to the board reasonable compensation for services actually performed. The counsel to the board shall advise the board in all matters relating to its official duties and shall, notwithstanding any other provision of this chapter, approve all matters relating to bonds and indentures.

§ 1722. Legal division and general counsel.

(a) Legal division.—The general manager shall establish a legal division which shall be administered by a full-time general counsel who shall be an attorney at law admitted to practice before the Supreme Court of Pennsylvania and who shall be appointed by the general manager to serve at his pleasure. The legal division, in addition to the general counsel, shall consist of those attorneys and other employees as the general counsel from time to time shall determine to be necessary and who shall be appointed by the general manager. Except as provided in section 1721 (relating to counsel to the board), the legal division shall administer the legal affairs of the authority, shall prosecute and defend, settle or compromise all suits or claims for and on behalf of the authority and shall advise the general manager in all matters relating to his official duties. The authority shall not be considered either an executive agency or an independent agency for the purpose of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, but shall possess the same status for such purpose as the Auditor General, State Treasurer and the Pennsylvania Public Utility Commission, except that the provisions of section 204(b) and (f) of the Commonwealth Attorneys Act shall not apply to the authority and, notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority through its counsel shall defend actions brought against the authority and its officers and employees when acting within the scope of their official duties.

(b) Other counsel.—The general counsel may, from time to time, with the approval of the general manager, retain other legal counsel on those terms and for those purposes as shall be deemed by the general manager to be necessary or in cases where the needs of the authority would be better served. Nothing in this section or section 1721 shall be construed so as to limit the power of the legal or other officers of the counties and municipalities comprising the metropolitan area to act in behalf of the general manager in their official capacities when requested so to do by the general manager.

§ 1723. Other employees.

(a) **Collective bargaining.**—The board acting through the general manager shall have the right to bargain collectively and enter into agreements with labor organizations. The board acting through the general manager shall recognize and be bound by existing labor union agreements where they exist between labor unions and transportation companies that are acquired, purchased, condemned or leased by the board. It shall designate their duties and require bonds of those of them as the board may designate.

(b) **Compensation.**—The compensation of the general manager, counsel to the board, secretary and controller shall be fixed by the board. For all other officers, employees, attorneys, engineers, consultants and agents, the board shall establish salary scales. The general manager shall establish, within these salary scales, compensation levels based upon written appraisals of performance for all employees under his control. The secretary and the controller shall establish, within these salary scales, compensation levels based upon written appraisals of performance for all employees in their respective offices.

(c) **Other offices or employment.**—With the exception of the secretary, any of the officers and employees described in subsection (b) may be appointed, retained, hired or employed on a part-time basis and may be engaged in other business or professional activities. No salaried executive officer of the authority shall hold any other office in or be an employee of the Federal, State or any county or municipal government except an office or employment without compensation or an office in the military reserve or National Guard.

§ 1724. Personnel matters.

(a) **Classification of position.**—

(1) The general manager shall classify all the offices, positions and grades of regular employment required with reference to the duties and compensation fixed therefor and adopt rules governing appointments to any of such offices or positions on the basis of merit and efficiency.

(2) Paragraph (1) shall not apply to the chairman of the board, secretary, counsel to the board or controller.

(3) No discrimination shall be made in any appointment or promotion because of age, sex, race, creed, color, political or religious affiliations or disability. No officer or employee shall be discharged or demoted except for just cause.

(b) **Change in work force.**—The general manager may abolish any office or reduce the force of employees for lack of work or lack of funds, but, in so doing, the officer or employee with the shortest service record in the classification and grade to which the officer or employee belongs shall be first released from service and shall be reinstated in order of seniority when additional force of employees in that job classification and grade is required. No person shall be released from service under this subsection if the person can be transferred:

(i) to another job classification at a lower grade in which job classification the person had previously served, for which that person is qualified, and in which the incumbent is junior in seniority; or

(ii) to a vacancy in another job classification for which that person is qualified.

(c) **Pension system.**—There shall be established and maintained by the authority a pension and retirement system to provide for payments when due under such system or as modified from time to time by resolution of the board. For this purpose, both the board and the participating employees shall make such periodic payments to the established system as may be determined by resolution. The board may provide for participation by its employees in the Social Security program or, in lieu of Social Security payments required to be paid by private corporations engaged in similar activity, shall make payments into such established system at least equal in amount to the amount so required to be paid by such private corporations or shall make such other arrangements as will accomplish the same purpose. Provisions shall be made by the board for all officers and employees of the authority appointed under this chapter to become, subject to reasonable rules and regulations, members and beneficiaries of the pensions and retirement system, with uniform

rights, privileges, obligations and status as to the class in which the officers and employees belong. Members and beneficiaries of any pension or retirement system established by a transportation system acquired by the authority shall continue to have rights, privileges, benefits, obligations and status with respect to the previously established system. To achieve the purposes set forth in this subsection, the board shall make appropriate rules and regulations and from time to time shall obtain competent actuarial advice.

§ 1725. Public hearings.

(a) **Conduct.**—All public hearings required by this chapter shall be conducted so as to insure that:

(1) Members of the public are afforded a reasonable opportunity to comment orally or in writing or both orally and in writing concerning actions the authority proposes to take.

(2) The site of the hearing is a convenient, accessible location.

(3) Members of the public are adequately informed at the outset regarding the purposes of the hearing and the matters on the agenda.

(4) Reasonable and legitimate questions from members of the public are answered.

(b) **Decrease in service.**—Whenever a decrease in service is proposed, a public hearing shall be conducted in accordance with this section in the area affected by the proposed decrease in service.

§ 1726. Citizen advisory committee.

(a) **Establishment and composition.**—There is hereby established a Citizen Advisory Committee. The committee shall consist of:

(1) an even number of members of the general public not fewer than 14 and not greater than 24, the exact number to be determined by the general manager, who shall be appointed by the county commissioners or the county council, as the case may be, of all counties of the third class and second class A who are involved with any city of the first class in the operation of a transportation system and by the mayor of any such city of the first class from residents of their respective municipalities who are regular users of mass transportation service; and

(2) five members of the general public, one resident from each of the counties mentioned in paragraph (1) and one resident from the city mentioned in paragraph (1) who are regular users of mass transportation service, who shall be appointed by the general manager.

(b) **Terms.**—The composition of the committee shall reflect the proportionate distribution of total ridership among all counties of the third class and second class A who are involved with any city of the first class in the operation of a transportation system and any such city of the first class. The terms of the members shall be two years from the date of appointment or until a successor has been appointed except that one-half of the members first appointed shall serve for terms of one year and the other one-half shall serve for terms of two years. No member shall serve more than three consecutive terms. The committee shall select from among its number a chairman, vice chairman and a secretary. A majority of the members of the committee plus one shall constitute a quorum.

(c) **Subjects to be submitted.**—Regardless of whether public hearings are required on the matters described in this subsection, the general manager shall submit to the committee proposals regarding the adoption or amendment of a comprehensive transportation plan, the annual operating budget, any capital budget, the facilities to be operated, the services to be available and the rates to be charged therefor or other matters of a similar nature prior to any final action relating to any of the foregoing. The committee may thoroughly consider the proposals and may prepare and transmit to the general manager and to any interested member of the public written comments concerning the proposals prior to the date when final action is to be taken.

(d) **Nature of committee's comments.**—Although the general manager shall give careful and due consideration to the

committee's comments prior to the taking of any final action, the comments shall be considered only advisory in nature.

(e) *Transition provision.*—With respect to the Citizen Advisory Committee established under the former provisions of Article III of the act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass Transportation Act, or the former provisions of Chapter 15 (relating to metropolitan transportation authorities) that committee shall continue in effect and shall be deemed, for all purposes, to be a committee created under this section. This committee shall be deemed to have satisfied the requirements of subsections (a) and (b) concerning the establishment, functions and duties of a Citizens Advisory Committee under this chapter. All members of the committee shall continue in office and shall exercise the powers, functions and duties of members of the committee until the expiration of their respective terms of office in effect on the effective date of this chapter.

§ 1727. Investigations and subpoenas.

(a) *Procedure.*—The board may investigate all means of transportation and the management thereof, the enforcement of its resolutions, rules and regulations, and the action, conduct, and efficiency of all officers, agents and employees of the authority. In the conduct of investigations, the board may hold public hearings on its own motion and shall do so on complaint or petition of any municipality in the metropolitan area. Each member of the board shall have power to administer oaths, and the secretary, by order of the board, shall issue subpoenas to secure the attendance and testimony of witnesses and the production of books and papers relevant to investigations and to any hearing before the board or any member thereof, or any officers' committee or employees' committee, appointed by the board to hear any complaint of an officer or employee who has been discharged or demoted.

(b) *Enforcement.*—Any court of record of this Commonwealth, or any judge thereof, either in term time or vacation, upon application of the board or any member thereof, may, in his discretion, compel the attendance of witnesses, the production of books and papers and giving of testimony before the board or before any member thereof, or any officers' committee or employees' committee appointed by the board by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before the court.

§ 1728. Conflicts of interest.

Every member of the board and every employee of the authority shall be subject to the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act, and the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law.

### SUBCHAPTER C POWERS AND DUTIES

Sec.

- 1741. General powers.
- 1742. Power to acquire property.
- 1743. Power to contract with public utilities.
- 1744. Power of eminent domain.
- 1745. Use of ways occupied by passenger utilities.
- 1746. Transfer of records by Pennsylvania Public Utility Commission.
- 1747. Acquisition of equipment.
- 1748. Transfers of facilities or things of value to any authority.
- 1749. Compacts to finance operations and particular projects.
- 1750. Contracts, procurement and sale of property.
- 1751. Fiscal provisions.
- 1752. Financial statements and audit.
- 1753. Aid from Federal Government.

§ 1741. General powers.

(a) *Powers enumerated.*—An authority shall have and may exercise all powers necessary or convenient for the carrying out of the purposes of this chapter, including the following rights, powers and duties:

- (1) To have perpetual existence.
- (2) To sue and be sued, implead and be impleaded, complain and defend in all courts, to petition the Interstate

Commerce Commission or any other Federal or State regulatory body or join in any proceeding before any such bodies or courts in any matter affecting the operation of any project of the authority.

(3) To adopt and use and alter at will a corporate seal.

(4) To establish a principal office within the county of the first class and such other office or offices as may be necessary for the carrying on of its duties.

(5) To make and from time to time to amend and repeal bylaws, rules, regulations and resolutions.

(6) To conduct examinations and investigations and to hear testimony and take proof, under oath or affirmation at public or private hearings, as provided in this chapter, on any matter material to the public purposes set forth in this chapter.

(7) To appoint officers, agents, employees and servants and to prescribe their duties and fix their compensation, subject, however, to specific provisions of this chapter. Members of the board, as well as officers and employees of the authority, shall not be liable personally on any obligations, including, but not limited to, bonds of the authority.

(8) To enter into contracts of group insurance for the benefit of its employees or to continue any existing insurance and/or pension or retirement system and/or any other employee benefit arrangement covering employees of an acquired existing transportation system, and/or to set up a retirement or pension fund or any other employee benefit arrangement for its employees.

(9) To procure such insurance, letters of credit, liquidity facilities, guaranties and sureties containing such coverages, including, but not limited to, contracts insuring or guaranteeing the timely payment in full of principal of and interest on bonds of the authority, or providing liquidity for purchase of bonds of the authority in such amounts, from such insurers, sureties, guarantors or other persons, as the authority may determine to be necessary or desirable for its purposes.

(10) To self-insure or otherwise provide for the insurance of any property or operations of the authority against any risks or hazards.

(11) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, as authorized by section 1761 (relating to management of funds).

(12) To acquire by purchase, gift or otherwise, hold, lease as lessee and use any franchise, right or property, real, personal or mixed, tangible or intangible, or any interest or right therein necessary, desirable or useful for carrying out the purposes of the authority; to sell, lease as lessor, transfer, dispose of or otherwise convey any franchise, right or property, real, personal or mixed, tangible or intangible, or any interest or right therein, at any time acquired by it; or to exchange the same for other property or rights which are useful for its purposes.

(13) To acquire by eminent domain any real or personal property, including improvements, fixtures and franchises of any kind whatever, for the public purposes set forth in this chapter in the manner provided in this chapter.

(14) To acquire by purchase, lease or otherwise and to construct, improve, maintain, repair and operate passenger transportation facilities and a transportation system or systems or portions thereof, and to pay all costs thereof, including, but not limited to, the costs of all work and materials incidental thereto and all amounts necessary to place any project into operation.

(15) To fix, alter, charge and collect fares, rates, rentals and other charges for its facilities by zones or otherwise at reasonable rates to be determined exclusively by it, subject to appeal, as provided in this chapter, for the purpose of providing for the payment of all expenses and obligations of the authority, including the acquisition,

construction, improvement, repair, maintenance and operation of its facilities and properties, the maintenance and operation of a transportation system, the payment of the principal and interest on its obligations, and to comply fully with the terms and provisions of any agreements made with the purchasers of bonds or obligees of the authority. An authority shall determine by itself, exclusively, the facilities to be operated by it, the services to be available and the rates to be charged therefor. Public hearings shall be held prior to such determinations when changes are proposed which would increase or decrease fares, establish new routes, eliminate routes, change routes or make substantial changes in the level of service scheduled. However, public hearings need not be held for route changes, fares or level of scheduled service in the case of temporary changes not exceeding 90 days caused by emergencies; promotional fares or services, or experimental services, adopted to increase revenue and ridership, subject to board resolution; or special events in which the authority participates as provided by board resolution. Notice of public hearings shall be published in two newspapers of general circulation and a publication specifically designed to reach minorities not fewer than 30 calendar days prior to such hearing. Any person aggrieved by any rate or service or change of service fixed by the authority may bring an appeal against the authority for the purpose of protesting against any such charge, service or change of service. The grounds for the suits shall be restricted to a manifest and flagrant abuse of discretion or an error of law; otherwise, all actions by the authority shall be final. Upon the finding of an error of law or a manifest and flagrant abuse of discretion, the court shall issue an order setting forth the abuse or error and returning the matter to the authority for such further action as shall be not inconsistent with the findings of the court. No appeal from the action of the authority or from the decision of the court of common pleas shall act as a supersedeas, except when taken by the authority or, in other cases, when specially granted after a finding that irreparable and extraordinary harm will result. The courts shall give priority to all appeals, and no bond shall be required of any party instituting such an appeal under the provisions of this section.

(16) To fix rates, fares and charges in such manner that they shall be at all times sufficient in the aggregate, and in conjunction with any grants from Federal or other sources and any other income available to the authority, to provide funds for the payment of all operating costs and expenses which shall be incurred by the authority, for the payment of the interest on and principal of all bonds payable from the revenues and to meet all other charges upon such revenues as provided by any trust agreement executed by the authority in connection with the issuance of bonds.

(17) To enter into agreements with the United States Postal Service, or any successor organization, for the transportation of mail and payment of compensation to the authority in lieu of fares for the transportation of letter carriers in uniform at all times. The board may provide free transportation for firefighters in uniform and police officers when in uniform or when not in uniform, upon presentation of identification as police officers. The board may provide free transportation for employees of the authority when in uniform or upon presentation of identification as such employees, provide free transportation to dependents of employees of the authority upon presentation of identification as provided by the board and enter into reciprocal arrangements to provide free transportation to employees and dependents of employees of other transportation agencies.

(18) To borrow money from any person for the purpose of paying the costs of any project or in anticipation of the receipt of income of the authority and to evidence the same; make and issue bonds of the authority; secure the payment of such bonds or any part thereof, by pledge of or

security interest, which may be a senior, parity or subordinated pledge or security interest, in all or any of its revenues, rentals, receipts and contract rights and all or any of its moveable equipment and other tangible personal property; to secure the payment of such bonds or any part thereof by a mortgage lien on real property of the authority or any interest therein, provided, however, that no such lien shall extend to real property of the authority comprising rights of way, easements or any other interests in real property used or useful for passage of transportation vehicles or necessary for the safe and sound routing or control of transportation vehicles; issue bonds on an unsecured basis; issue bonds on a limited recourse or nonrecourse basis; issue bonds under a master trust indenture; make agreements with the purchasers or holders of bonds or with other obligees of the authority in connection with any bonds, whether issued or to be issued, as the authority shall deem advisable, which agreements shall constitute contracts with the purchasers or obligees of the authority; obtain credit enhancement or liquidity facilities in connection with any bonds as the authority shall determine to be advantageous; and, in general, provide for the security for the bonds and the rights of the obligees of the authority.

(19) To accept grants and to enter into contracts, leases, subleases, licenses or other transactions with any person on such terms and for such purposes as the authority shall deem proper.

(20) To negotiate and enter into arrangements, including futures contracts, forward contracts and cap, collar, corridor, floor or ceiling agreements, with respect to essential supplies and commodities for an authority for the purpose of reducing the risk to the authority of price fluctuations for the supplies and commodities.

(21) To make and execute all contracts and other instruments necessary or convenient to the exercise of the powers of the authority, and any contract or instrument when signed by the chairman or vice chairman and secretary or assistant secretary or treasurer or assistant treasurer of the authority shall be held to have been properly executed for and on its behalf. Without limiting the generality of the foregoing, the authority is also authorized to enter into contracts for the purchase, lease, operation or management of transportation facilities within or without the metropolitan area or within or without this Commonwealth. Whenever the facilities are located outside the metropolitan area, they shall be subject to the jurisdiction of the appropriate regulatory agencies.

(22) To enter into contracts with government agencies and Federal agencies on such terms as the authority shall deem proper for the use of any facility or other real or personal property of the authority, and fixing the amount to be paid therefor.

(23) To agree with the constituent municipalities in which it operates for the lease of present and future municipal property, where such a lease would be advantageous to the authority in the financing or the operation of improved passenger transportation service.

(24) To explore alternative means of raising revenue or reducing expenses, including, but not limited to, real estate leases and rentals, equipment leases and rentals, contracting of services, the solicitation of competitive bids and the awarding of contracts to the highest responsive, responsible bidder for both interior and exterior advertising on all authority equipment on which the public is charged a fare for riding. However, on rail passenger units only bids for interior advertising shall be solicited. Nothing in this chapter or in any other law of this Commonwealth shall preclude the negotiation and execution of contracts with respect to real estate-related matters in accordance with and subject solely to the provisions of this paragraph. The general manager may recommend in writing that the board make a finding of special opportunity with respect to a real estate-related matter. The board shall consider the general



manager's recommendation at a public meeting. The notice given in accordance with the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, with respect to such meeting shall state that the board will consider making a *finding of special opportunity* at such meeting and shall describe the nature of the proposed finding of special opportunity. Any finding of special opportunity shall be *approved by the board* in accordance with the provisions of section 1715 (relating to meetings, quorum, officers and records). The board shall adopt, by resolution, a process under which the authority shall enter into contracts needed to implement a finding of special opportunity. The process adopted by the board shall provide a method of prequalifying prospective contracting parties, where appropriate; for the reasonable notification of prospective contracting parties of the issuance of requests for proposals and the reasonable opportunity for qualified prospective contracting parties to submit proposals; for review of proposals from qualified prospective contracting parties; for the negotiation of contracts with one or more prospective contracting parties; for award of contracts on the basis of evaluation of the characteristics of the proposals; and for giving such weight to the various characteristics of any proposal as the board shall determine is in the best interest of the authority. The characteristics by which proposals may be evaluated under a finding of special opportunity may include the likely complexity of the transaction; the amount of investment any selected contracting party will be required to make or offers to make in the real estate-related matter; the experience and prior success of the proposed contracting party in other similar dealings with the same type of real estate-related matters or with the authority; the quality, feasibility and potential for economic success of the proposal; any cost or potential return to the authority; the economic reliability and financial viability of the proposed contracting party; the compatibility of the proposal with the authority's basic function as a public transportation provider; the date by which the proposed contracting party agrees to complete the real estate-related matter; and other factors which the board shall specify. The authority shall make available a copy of the process adopted by the board to any person requesting a copy of the process. The general manager may make a written recommendation to the board concerning the award of a contract under a finding of special opportunity. The general manager's recommendation shall include the identity of the prospective contracting party or parties, the purpose of the contract, the substance of the finding of special opportunity, the substance and term of the proposed contract, the identities of any other prospective contracting parties who submitted proposals and the criteria upon which the general manager's recommendation was made and the reasons for selecting the prospective contracting party. Upon the written recommendation of the general manager, the board may award contracts under this paragraph after approving the awarding of the contract by a resolution adopted at a public meeting. The notice given in accordance with the Sunshine Act with respect to such meeting shall state that the board will consider awarding a contract under a finding of special opportunity at such meeting and shall describe the subject matter of such proposed contract. The authority shall by April 15 of each year submit a report to the department and the Auditor General. The report shall detail the actions of the authority in exploring alternate means of raising revenue and reducing expenses. The department shall review the report and issue its findings and recommendations to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives no later than 30 days after receipt of such report for review and consideration of future funding by such committees. Where any alternate means have been rejected, the authority shall demonstrate that the feasibility and cost-effectiveness of that alternate means have been considered. As used in this paragraph, "finding of

special opportunity" shall mean a written determination by the board that exclusion of a real estate-related matter from bidding procedures, as provided in this chapter or any other law, will be in the best interest of the authority and will be compatible with the authority's basic function as a public transportation provider, considering the nature of the real estate-related matter with respect to which the authority proposes to contract. Any finding of special opportunity shall include the basis on which the finding of special opportunity is being made.

(25) To lease property or contract for service, including managerial and operating service, whenever it can more efficiently and effectively serve the public by so doing, rather than conducting its own operations with its own property.

(26) To have the right to use any public road, street, way, highway, bridge or tunnel for the operation of a transportation system within the metropolitan area. In all cases involving the facilities of a railroad, any operations of which extend beyond the metropolitan area, the exercise of this right by the authority shall be subject to the jurisdiction of the Pennsylvania Public Utility Commission under Title 66 (relating to public utilities) only to the extent that the operations extend beyond the metropolitan area.

(27) To act as agent of any government agency or any Federal agency for the public purposes set forth in this chapter.

(28) To make available to any government agency the recommendations of the authority affecting any area in the authority's field of operation or property therein, which it may deem likely to promote the public health, morals, safety and welfare.

(29) To form plans for the improvement of mass transportation and the operation of a transportation system in order to promote the economic development of the metropolitan area in which the transportation authority operates, to make recommendations concerning mass transportation facilities which the authority does not own or operate, to make recommendations concerning thoroughways and arterial highway connections to the department and to other appropriate governmental bodies and otherwise to cooperate with all such governmental bodies. The authority shall give advance notice to the department of any plans which it may have for the occupation or use of any part of any State highway.

(30) To rehabilitate, reconstruct and extend as possible all portions of any transportation system acquired by the authority and to maintain at all times a fast, reliable and economical transportation system suitable and adapted to the needs of the municipalities served by the authority and for safe, comfortable and convenient service. To that end, the board shall make every effort to utilize high-speed rights-of-way, private or otherwise, to the maximum extent practicable to avoid air pollution by its vehicles, to abandon no physical property which the authority has determined retains continued usefulness to the authority and to extend its rail and highway services into areas which have sufficient need for them to economically or strategically justify such extension.

(31) To adopt, consistent with the policies of this act and from time to time amend a comprehensive transportation plan. A public hearing shall be conducted prior to adoption or amendment. Notice of the public hearing shall be published in two newspapers of general circulation and a publication specifically designed to reach minorities not fewer than 30 days prior to the hearing.

(32) To do all acts and things necessary for the promotion of its business and the general welfare of the authority to carry out the powers granted to it by this chapter or any other statute. Notwithstanding any other provision of law, the board shall adopt procedures and practices to implement the provisions of this chapter by resolution of the board.

(b) Public highways.—Private rights and property in the beds of existing public highways vacated in order to facilitate the purposes of the authority shall not be deemed destroyed or ousted by reason of the vacation, but shall be acquired or relocated by the authority in the same manner as other property.

(c) Certain powers denied.—The authority shall have no power, at any time or in any manner, to pledge the credit or taxing power of the Commonwealth or any other government agency, nor shall any of the authority's obligations be deemed to be obligations of the Commonwealth or of any other government agency, nor shall the Commonwealth or any government agency be liable for the payment of principal or interest on such obligations.

(d) No power to levy taxes.—The authority shall not have power to levy taxes for any purpose whatsoever.

§ 1742. Power to acquire property.

(a) General rule.—

(1) The authority shall have power to acquire by purchase, condemnation, lease, gift or otherwise all or any part of the property of any public utility operating a transportation system within the metropolitan area, including, but not limited to, the plant, equipment, property rights in property reserve funds, employees' pension or retirement funds, special funds, franchises, licenses, patents, permits, operating rights and paper documents and records, which property shall be located within the metropolitan area and shall be appropriate for the purposes for which the authority is established, as well as all or any part of the right-of-way, equipment, fixed facilities and other property of any kind of any utility, extending beyond the boundaries of the metropolitan area and forming or capable of forming part of an integrated suburban rapid transit or rail transportation facility, connecting with rapid transit or electric railway lines of the authority in superhighways or elsewhere. No interest in the right-of-way of a railroad company the operations of which extend beyond the metropolitan area shall be acquired or occupied under the power of eminent domain under this section or any other section without the consent of the railroad.

(2) Such properties, upon acquisition by or lease to the authority, shall become and be operated as part of the transportation system of the authority, and the authority shall have all powers in connection with such properties and such operations as are conferred by this chapter.

(3) The authority shall also have the power to enter into agreements to operate any lines located or extending beyond the boundaries of the metropolitan area, such agreements to be subject to all other provisions of this chapter. The authority shall have power to lease or purchase any municipally owned local transportation subways or other municipally owned local transportation facilities for operation and maintenance by the authority.

(b) Condemnation procedure.—

(1) Whenever the authority shall condemn all or substantially all of the property of a transportation system, it may elect to commence condemnation proceedings without immediate passage of title by inserting a provision to that effect in the declaration of taking. In that event, the provisions of section 402 of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, shall not apply, and the title shall not pass to the authority and the authority shall not be entitled to possession until payment to the condemnee or into court of the amount of the just compensation payable for the property taken, determined as of the date of filing of the declaration of taking, as finally determined in accordance with the provisions of this article, provided that such payment occurs within one year of the final determination.

(2) From and after the filing of the declaration of taking until the payment to the condemnee of just compensation for the condemned property, the authority shall have the right to petition the court having jurisdiction of the proceedings to prevent waste, substantial disposition

or any transaction with respect to the condemned property other than in the ordinary course of business without obtaining the prior written consent of the authority. The condemnee shall have no right to tender possession of the property or otherwise to demand payment of any compensation prior to the passage of title.

§ 1743. Power to contract with public utilities.

The authority shall have power to enter into agreements with any public utility operating a railroad or any other transportation facility, either within or without the metropolitan area, for the joint use of any property of the authority or public utility or the establishment of through routes, joint fares and transfer of passengers. The authority shall have power to enter into agreements with any public utility, either within or without the metropolitan area, which in the judgment of the authority are necessary and convenient for carrying out the purposes of this chapter.

§ 1744. Power of eminent domain.

(a) Utility structures.—

(1) The authority shall have power, subject to relevant provisions of section 1741(a)(27) (relating to general powers), to require persons or corporations owning or operating public utility structures and appliances in, upon, under, over, across or along the public roads, streets or other public ways in which the authority has the right to own, construct, operate or maintain transportation facilities to remove the public utility structures and appliances from their locations. If any person or corporation owning or operating public utility structures and appliances fails or refuses to remove or relocate them, the authority may remove or relocate them. The authority shall provide the new location which the structures or appliances as relocated shall occupy, and to that end the authority is hereby authorized to acquire by purchase or by the exercise of the power of eminent domain any necessary land or right-of-way for such purpose, if the new location shall not be in, on or above a highway, road or street. The exact new location shall be chosen by agreement of the authority and the utility. Upon the completion of the relocation, the authority shall reimburse the public utility for the cost of relocation which shall be the entire amount paid by the utility properly attributable to the relocation of the structure or appliance after deducting the cost of any increase in the service capacity of the new structure or appliance and any salvage value derived from the old structure or appliance.

(2) If an issue shall arise between the authority and the public utility as to the amount of the cost of relocation or the new location either party may institute a proceeding by complaint before the Pennsylvania Public Utility Commission, which is hereby given exclusive jurisdiction to hear and determine the issue. Appeal from the order of the commission in any proceeding may be taken in the same manner as is prescribed by law for appeals from other orders of the commission.

(b) Eminent domain.—

(1) The authority shall have the right of eminent domain which may be exercised, either within or without the metropolitan area, to acquire private property and property devoted to any public use which is necessary for the purposes of the authority, except property of a public utility operating transportation facilities extending beyond the boundaries of the metropolitan area.

(2) The authority shall have the right of eminent domain to acquire property of any railroad which property is not used for or in connection with the transportation of persons or property and to acquire rights and easements across, under or over the right-of-way of such railroad whenever the authority shall acquire the private right-of-way or other property of a public utility used or useful in its service to the public.

(3) It shall, before requiring the removal of the existing structures and appliances, provide a new location for the structures and appliances and, upon the completion

of relocation, reimburse the public utility for the cost thereof in the manner provided in subsection (a).

(c) Title.—Title to any property acquired by an authority through eminent domain shall be an absolute ownership or fee simple title unless a lesser title shall be designated specifically in the eminent domain proceedings.

(d) Public utilities.—Real and personal property of any kind whatever belonging to a public utility corporation providing transportation or transportation-related services may be acquired without the approval of the Pennsylvania Public Utility Commission. In all cases involving the facilities of a railroad, any operations of which extend beyond the metropolitan area, the exercise of the power of the authority under this subsection shall be subject to the jurisdiction of that commission under Title 66 (relating to public utilities).

(e) Certain property exempt.—No property owned or used by the United States, the Commonwealth, any political subdivision thereof or any body politic and corporate organized as an authority under any law of this Commonwealth or by any agency of any of them, nor property used for burial purposes or places of public worship, shall be taken under the right of eminent domain without the consent of the owner or user thereof.

(f) Negotiation.—Before exercising the power of eminent domain, reasonable efforts shall be made by the authority to achieve the desired result through negotiation.

§ 1745. Use of ways occupied by passenger utilities.

The authority shall not have the right to use any street or public way, occupied prior to January 15, 1964, by a public utility engaged in local passenger transportation, for a competing purpose, without the agreement of the public utility.

§ 1746. Transfer of records by Pennsylvania Public Utility Commission.

In case the authority acquires the plant, equipment, property and rights in property of any public utility used or useful in the operation of a transportation system, the Pennsylvania Public Utility Commission shall transfer and deliver to the board, upon its demand, in writing, all books, papers and records in control of the commission affecting the public utility exclusively.

§ 1747. Acquisition of equipment.

(a) General rule.—The authority shall have power to purchase or otherwise acquire the ownership or use of or access to equipment, such as cars, trolley buses, street cars, buses, monorails, railroad motive power, trains, railroad passenger cars and equipment, subway passenger cars and equipment, elevated passenger or passenger and rail rolling stock, self-propelled and gallery cars, locomotives, rails, lines, poles and wires, as well as any equipment necessary for the improvement of or overhaul of any of the foregoing, and any other equipment which, in the judgment of the authority, may be useful in the operation of a transportation system. The authority shall have the power to execute agreements, leases and equipment trust certificates in a form satisfactory to the authority to effect the purchase or acquisition and may dispose of such equipment trust certificates, provided that the certificates shall be offered for sale in a manner similar to that provided for the sale of bonds in this chapter. All money required to be paid by the authority under the provisions of the agreements, leases and equipment trust certificates shall be payable solely from the revenue or income to be derived from the transportation system and from grants and loans as provided elsewhere in this chapter. Payment for the equipment or rentals therefor may be made in installments and the deferred installments may be evidenced by equipment trust certificates payable solely from such revenue, income, grants or loans and title to the equipment shall not vest in the authority until the equipment trust certificates are paid.

(b) Trustee.—The agreement to purchase may direct the vendor to sell and assign the equipment to a bank, bank and trust company or trust company duly authorized to transact business in this Commonwealth as trustee for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the equipment to one or more designated officers of the authority and may authorize the trustee simultaneously therewith to execute and deliver a lease of the equipment to the authority.

(c) Authorization and acknowledgment.—The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgments of deeds and in the form required for acknowledgments of deeds, and such agreements, leases and equipment trust certificates shall be authorized by resolution of the board and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the transportation system.

(d) Provisions of agreements.—The covenants, conditions and provisions of the agreements, leases and equipment trust certificates shall not conflict with any of the provisions of any trust indenture securing the payment of bonds of the authority.

(e) Filing.—An executed copy of each agreement and lease shall be filed in the Office of the Secretary of the Commonwealth who shall be entitled to receive \$1 for each copy filed. This filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased and leased shall have the name of the owner and lessor plainly marked upon both sides thereof, followed by the words "Owner and Lessor."

§ 1748. Transfers of facilities or things of value to any authority.

Any person may and is hereby authorized to sell, lease, lend, grant, convey, transfer or pay over to any authority, with or without consideration, any project or any part or parts thereof, or any interest in real or personal property or any funds available for building construction or improvement purposes, including the proceeds of bonds previously or hereafter issued for building construction or improvement purposes, or any money or thing of value, including services, which may be used by the authority in the construction, acquisition, improvement, maintenance or operation of any project or for any other of its corporate purposes, any other law to the contrary notwithstanding.

§ 1749. Compacts to finance operations and particular projects.

(a) General rule.—The counties and municipalities in any metropolitan area shall enter into a compact or compacts among themselves and/or with the authority to provide for meeting the authority's capital or operating budget by appropriations, annual or otherwise, of such sums and in such proportions as may be agreed upon in the compact to be paid by each signatory party thereto. The obligation incurred thereby shall be for the term as set forth in the compact without regard to the provisions of any law, ordinance or regulation to the contrary and shall constitute a commitment and obligation, binding and absolute, on the part of each signatory party to appropriate and pay over the necessary funds in accordance therewith. The operating budget shall include all sums of money necessary for the formation and organization of any authority and all items of operating expenses in connection with the authority, as well as necessary funds for planning and research appropriate and consistent with the purposes of this chapter and any compact entered into under this chapter.

(b) Financing of particular projects.—A compact may also provide for the financing of a particular mass transportation project in such manner as shall be provided for in the compact.

(c) Commitment of party.—Whenever a party signatory to a compact thereby expresses its approval of the budget for financing a particular project, this shall then constitute a commitment and obligation, binding and absolute, on the part of the party signatory to appropriate the necessary funds in accordance therewith.

(d) Commitment of county or municipality.—No commitment or obligation involving the payment of moneys to or on behalf of the authority shall exist in any instance on the part of any county or other municipality within the metropolitan area unless and until the commitment or obligation shall first have been expressly and lawfully undertaken and assumed by the county or other municipality.

§ 1750. Contracts, procurement and sale of property.

(a) Competitive bids.—Except in the purchase of unique articles or articles which, for any other reason, cannot be obtained in the open market and except as provided in section 1741 (relating to general powers) and as provided in this chapter, competitive bids shall be secured before any purchase or sale, by contract or otherwise, is made or before any contract is awarded

for construction, alterations, supplies, equipment, repairs or maintenance or for rendering any services to the authority other than professional services. Purchases shall be made from or the contract shall be awarded to the lowest responsive, responsible bidder. Sales shall be made to the highest responsive, responsible bidder. No purchase of any unique article or other articles which cannot be obtained in the open market shall be made without express approval of the board where the amount involved is in excess of \$25,000. The authority shall not be subject to the act of November 26, 1978 (P.L.1309, No.317), entitled "An act regulating the awarding and execution of certain public contracts; providing for contract provisions relating to the retention, interest and payment of funds payable under the contracts; and repealing inconsistent acts." Nothing in this section or any other law of this Commonwealth shall require the authority to competitively bid architectural design, engineering, construction management or other professional services required by the authority.

(b) Procedure.—All purchases and sales in excess of \$25,000 shall be awarded after advertising in a local newspaper of general circulation in the metropolitan area at least two weeks prior to the bid opening. Bids shall be publicly opened and read aloud at a date, time and place designated in the invitation to bid. Invitations to bid shall be sent at least one week prior to the bid opening to at least three potential bidders who are qualified technically and financially to submit bids, or, in lieu thereof, a memorandum shall be kept on file showing that less than three potential bidders so qualified exist in the market area within which it is practicable to obtain bids.

(c) Qualified vendors.—Written price quotations from at least three qualified and responsible vendors shall be solicited for all purchases and sales under \$25,000 and over \$10,000, or, in lieu thereof, a memorandum approved by the general manager shall be kept on file showing that less than three vendors so qualified exist in the market area within which it is practicable to obtain quotations, except as provided in this chapter.

(d) Small purchases.—Purchases or sales under \$10,000 may be negotiated with or without competitive bidding under sound procurement procedures as promulgated and established by the general manager.

(e) Waiver.—Competitive bidding requirements may be waived if it is determined by the general manager, or in such other manner as the board may provide, that an emergency directly and immediately affecting customer service or public health, safety or welfare requires immediate delivery of supplies, materials, equipment or services. A record of circumstances explaining the emergency shall be submitted to the board at its next regular meeting and thereafter kept on file.

(f) Concessions.—All concessions granted by the authority for the sale of products or the rendition of services for a consideration on authority property shall be awarded only under written specifications after competitive bidding and to the highest responsive, responsible bidder in a manner similar to that required by subsection (b) or (c) as appropriate. This requirement for competitive bidding shall not apply to any concession which has been granted by a transportation system acquired by the authority and which by the terms of the agreement granting it will terminate within one year from date of the acquisition of the transportation system by the authority, nor to any concession involving the estimated receipt by the authority of less than \$10,000 over the period for which the concession is granted.

(g) Sale or lease of real property.—Contracts for the sale or lease of real property owned by the authority shall be awarded after competitive bidding as shown in subsection (b), except as provided in section 1741(22) where the contract is entered into with the Commonwealth or any government agency or with the United States government or any agency or instrumentality thereof or as provided in section 1741(24).

(h) Property management contracts.—Contracts for the management of authority-owned property, such as bus routes or subway systems, may be negotiated and awarded by an affirmative vote of one more than a majority of all members of the board.

(i) Avoidance prohibited.—Requirements shall not be split into parts for the purpose of avoiding the provisions of this section.

(j) Rejection of bids.—The authority shall have the right to reject any or all bids or parts of any or all bids, whenever, in the opinion of the board, rejection is necessary for the protection of the interests of the authority. In every case, a record shall be made setting forth the reason for the rejection, which record shall thereafter be kept on file.

(k) Rules and regulations.—The board may adopt bylaws, policies and internal regulations to effectuate the provisions of this section.

#### § 1751. Fiscal provisions.

(a) Fiscal year and budget.—The board shall establish a fiscal year for operations and a fiscal year for capital programs. At least 90 days prior to the beginning of the first full fiscal year after the creation of the authority and annually thereafter, the board shall cause to be prepared and submitted to it a tentative operating budget and a tentative capital budget for the ensuing fiscal year. The tentative budgets shall be considered by the board and, subject to any revision and amendments as may be determined, shall be adopted prior to the first day of the ensuing fiscal year as the budgets for that year. The board shall establish such rules as are necessary for proper observance of the budgets. Simultaneously with the adoption of the capital budget, the board shall adopt a tentative capital program covering the ensuing six years.

(b) Procedure.—A public hearing shall be conducted prior to the adoption of the final operating budget and tentative capital program. Notice of the public hearing shall be published in two newspapers of general circulation and a publication specifically designed to reach minorities not fewer than 30 days prior to the hearing.

#### § 1752. Financial statements and audit.

(a) Statement.—As soon after the end of each fiscal year as is feasible, the board shall cause to be prepared and printed a report and financial statement of the authority's operations for the previous year and of its assets and liabilities prepared in accordance with generally accepted accounting principles. A reasonably sufficient number of copies of the report shall be printed for distribution to persons interested, upon request. A copy of the report shall be filed with the Secretary of the Commonwealth, the county clerk of each county in the metropolitan area and the clerk of each municipality which has granted rights to the authority by ordinance, and a copy of the report shall be addressed to and mailed to the mayor and city council or the governing body of the municipality. The board from time to time shall mail, to the persons and offices specified, copies of the interim financial reports as may be prepared by the authority, copies of all bylaws, rules and regulations, and amendments thereto, and copies of the annual financial budgets.

(b) Audit.—The board shall appoint in due time each year a firm of independent certified public accountants as auditors who shall examine the books, records and accounts, operations and assets and liabilities of the authority for the purpose of auditing and reporting upon its financial statements for such year. The auditors shall audit the books, records, accounts, operations and assets and liabilities of the authority in accordance with generally accepted auditing standards. The report of the auditors shall be appended to the financial statement.

#### § 1753. Aid from Federal Government.

In addition to the powers conferred upon any authority by other provisions of this chapter, the authority is empowered to borrow or accept money or accept grants or other financial assistance from any Federal agency for or in aid of the authority's operations. It is the purpose and intent of this chapter to authorize the authority, and the authority is so authorized, to do any and all things necessary or desirable to secure the financial aid or cooperation of any Federal agency in any of the authority's operations. These things may include, without limiting the generality of the foregoing, the power to change or revise rates, fares and charges, to make relocation payments to families, businesses and nonprofit organizations, to provide an areawide

transportation plan or program for the development of a comprehensive and coordinated mass transportation system for the metropolitan area, to carry out research, development and demonstration projects and to provide a share of the cost of any project and all as may be required by any Federal law or by the requirements of any Federal agency authorized to administer any Federal program of aid to any mass transportation program.

#### SUBCHAPTER D

#### FUNDS AND BONDS OF AUTHORITIES

Sec.

- 1761. Management of funds.
- 1762. Special funds.
- 1763. Bonds.
- 1764. Contracts with obligees of an authority.
- 1765. Commonwealth pledges.
- 1766. Provisions of bonds and trust indentures.
- 1767. Bonds to be legal investments.
- 1768. Rights and remedies.
- 1769. Additional remedies conferrable by an authority.
- 1770. Validity of pledge.
- 1771. Security interest in funds and accounts.
- 1772. Payment of proceeds of tax levied for authority purposes.
- 1773. Limitation on authority under Federal bankruptcy code.

§ 1761. Management of funds.

(a) General rule.—All funds of an authority received from any source shall be delivered to the treasurer of the authority or to such other agent of the authority as the board may designate. The funds shall be promptly deposited in the name of the authority in a bank or banks, bank and trust company or bank and trust companies, trust company or trust companies in this Commonwealth chosen by the authority. The moneys in the account or accounts may be withdrawn or paid out only by check or draft upon the bank, bank and trust company or trust company, signed by the treasurer or other designated agent of the authority on warrant of the treasurer of the authority and countersigned by the chairman of the board or by such persons as the board may authorize. Moneys in the account or accounts may be withdrawn or paid out by electronic funds transfer on instructions signed and countersigned in the manner provided for checks or drafts. The board may designate any of its members or any officer or employee of the authority to affix the signature of the chairman to any check or draft for payment of salaries or wages and for the payment of any other obligation of not more than \$100,000. The general manager may designate any officer or employee of the authority to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for the payment of any other obligation of not more than \$100,000.

(b) Management of funds.—

(1) All bank, bank and trust company or trust company balances of the authority, to the extent the same are not insured, shall be continuously secured by a pledge of direct obligations of the United States, of the Commonwealth or of any municipality or municipalities in the metropolitan area having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such bank, bank and trust company or trust company. The securities shall either be deposited with the treasurer of the authority or be held by a trustee or agent satisfactory to the authority. All depository institutions are authorized to give security for the deposits.

(2) Subject to the provisions of any agreements with obligees of the authority, all funds of the authority, including, but not limited to, the proceeds of bonds that are not required for immediate use may be invested by the board consistent with sound business practice. The board shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the board.

(c) Authorized investments.—The authorized types of investments for authority funds shall be any of the following:

- (1) Government obligations.
- (2) Debt obligations issued by any of the following Federal agencies or such other like Federal agencies which

may be designated by the board: Bank for Cooperatives, Federal Intermediate Credit Banks, Federal Financing Bank, Federal Home Loan Bank System, Federal National Mortgage Association, Export-Import Bank of the United States, Farmers Home Administration, Resolution Funding Corporation, Small Business Administration, Student Loan Marketing Association, Inter-American Development Bank, International Bank for Reconstruction and Development, Federal Land Banks or Government National Mortgage Association.

(3) Short-term or long-term debt obligations of any state or political subdivision thereof or any agency or instrumentality of such a state or political subdivision or of any municipal corporation, provided that the obligations are rated by a rating agency in any of the three highest rating categories (without reference to subcategories) assigned by the rating agency.

(4) Rights to receive the principal of or the interest on obligations of states, political subdivisions, agencies or instrumentalities meeting the requirements set forth in paragraphs (2) and (3), whether through direct ownership as evidenced by physical possession of the obligations or unmaturing interest coupons or by registration as to ownership on the books of the issuer or its duly authorized paying agent or transfer agent or through the purchase of certificates or other instruments evidencing an undivided ownership interest in payments of the principal of or interest on the obligations.

(5) Negotiable and nonnegotiable certificates of deposit, time deposits or other similar banking arrangements which are issued by banks, bank and trust companies, trust companies or savings and loan associations, provided that, unless issued by a qualified financial institution, any such certificate, deposit or other arrangement shall be continuously secured as to principal in the manner and to the extent provided in subsection (d).

(6) Repurchase agreements for investment securities described in paragraph (1) or (2) with a qualified financial institution or with dealers in government bonds which report to, trade with and are recognized as primary dealers by a Federal Reserve Bank and are members of the Securities Investors Protection Corporation, provided that the repurchase price payable under any agreement shall be continuously secured in the manner and to the extent provided in subsection (d).

(7) Investment agreements with qualified financial institutions.

(8) Commercial paper rated in the highest rating category (without reference to subcategories) by a rating agency.

(9) Shares or certificates in any short-term investment fund rated in the highest rating category (without reference to subcategories) by a rating agency, which short-term investment fund invests solely in obligations described in paragraphs (1) and (2).

(10) Debt obligations of any foreign government or political subdivision thereof or any agency or instrumentality of foreign government or political subdivision, provided that the obligations are rated by a rating agency (without reference to subcategories) in the highest rating category assigned by the rating agency.

(11) Such other investments which at the time of the acquisition thereof shall be listed as permissible investments for trust funds in an indenture or resolution with respect to indebtedness which is incurred under this chapter.

(d) Security for investment securities.—Any security required to be maintained as collateral for investment securities in the form of certificates of deposit, time deposits, other similar banking arrangements and repurchase agreements described in subsection (c)(5) and (6) shall be subject to the following requirements:

- (1) The collateral shall be in the form of obligations described in subsection (c)(1) and (2), except that the

security for certificates of deposit, time deposits or other similar banking arrangements may include other marketable securities which are eligible as security for trust funds under applicable regulations of the Comptroller of the Currency of the United States of America or under applicable state laws and regulations.

(2) The collateral shall have an aggregate market value, calculated not less frequently than monthly, at least equal to the principal amount (less any portion insured by the Federal Deposit Insurance Corporation or any comparable insurance corporation chartered by the United States of America) or the repurchase price secured thereby, as the case may be. The instruments governing the issuance of and security for the Investment Securities shall designate the person responsible for making the foregoing calculations.

(3) The authority shall have a perfected security interest in the collateral securing certificates of deposit, time deposits or other similar banking arrangements, and the collateral shall be held free and clear of the claims of third parties. The collateral shall be deposited with the authority, with a Federal Reserve Bank for the account of the authority or with a bank, bank and trust company or trust company (other than the obligor) which is acting solely as agent for the authority and has a combined net capital and surplus equal to at least \$100,000,000.

(4) Collateral for repurchase agreements shall be held free and clear of the claims of third parties by the authority, or by a Federal Reserve Bank for the account of the authority, or by a bank, bank and trust company or trust company which is acting solely as agent for the authority and has a combined net capital and surplus at least equal to \$100,000,000. A perfected first priority security interest for the benefit of the authority shall be created in the collateral under Title 13 (relating to commercial code) or book entry procedures prescribed by applicable Federal regulations.

#### § 1762. Special funds.

An authority, under resolutions adopted from time to time by the board, may establish and create such special funds as may be found desirable by the board and, in and by such resolutions, may provide for payments into all special funds from specified sources with such preferences and priorities as may be deemed advisable and may provide for the custody, disbursement and application of any moneys in any such special funds consistent with the provisions of this subchapter and consistent with generally accepted accounting principles.

#### § 1763. Bonds.

##### (a) General rule.—

(1) The bonds of the authority shall be authorized by resolution of the board thereof and shall be of such series, bear such date or dates, bear or accrue interest at such rate or rates, fixed or variable, as shall be determined by the board as necessary to issue and sell the authorized bonds, be in such denominations, be in such form, either coupon or fully registered without coupons, be in certificated or book-entry-only form, carry such registration and exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities of payment in the revenues or receipts of the authority as the resolution or trust indenture adopted or approved by the authority may provide.

(2) The bonds shall be signed by or shall bear the facsimile signatures of such officers as the board shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the authority, and all bonds shall be authenticated by an authenticating agent, fiscal agent or trustee, all as may be prescribed in the resolution or trust indenture.

(3) Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing bonds or the treasurer whose facsimile signature shall be upon the coupon, or any thereof, shall have ceased to be an

officer or officers at the time when the bonds shall actually be delivered.

(4) The proceeds of an issue of bonds may be used to pay the costs of a project; subject to the limitations of subsection (b), to finance any cash flow deficit of the authority; to reimburse any costs of a project initially paid by the authority or any person; to fund any required reserves; to capitalize interest; or to pay costs of issuance including, but not limited to, costs of obtaining credit enhancement for the bonds.

(b) Maturity.—Bonds issued to finance the costs of a project shall mature at such time or times not exceeding 40 years from their respective dates of original issue as the authority shall by resolution determine. Bonds issued in anticipation of income of the authority shall mature within one fiscal year after the fiscal year of the date of issuance thereof, except for bonds issued in anticipation of grants with respect to the cost of a project, which bonds shall mature no later than six months beyond the time of anticipated receipt of the final payment of the grant.

(c) Sale.—Bonds may be sold at public sale or invited sale for such price or prices and at such rate or rates of interest as the authority shall determine. Bonds may be sold at private sale by negotiation at such price or prices and at such rate or rates of interest as the authority shall determine, but only if the authority makes a written public explanation of the circumstances and justification for the private sale by negotiation. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(d) Negotiable instruments.—Bonds of an authority shall have the qualities of negotiable instruments under Title 13 (relating to commercial code).

##### (e) Refunding.—

(1) Subject to the provisions of the outstanding bonds, notes or other obligations issued under this chapter or prior acts and subject to the provisions of this chapter, the authority shall have the right and power to refund any outstanding debt, whether the debt represents principal or interest, in whole or in part, at any time.

(2) As used in this subsection, "refund" shall mean the issuance and sale of obligations the proceeds of which are used or are to be used for the payment or redemption of outstanding obligations upon or prior to maturity. Refunding bonds shall mature at such time or times not exceeding 40 years from their dates of original issuance as the authority shall determine by resolution.

(f) Credit of Commonwealth and political subdivisions not pledged.—Under no circumstances shall any bonds issued by the authority or any other obligation of the authority be or become an indebtedness or liability of the Commonwealth or of any government agency, provided that any government agency may guarantee bonds of an authority to the extent and for the purposes for which the government agency may make loans or grants to an authority.

(g) Nonliability.—Neither the board members, any employees of the authority nor any person executing the bonds shall be liable personally on any bonds by reason of the issuance thereof. Bonds of an authority shall contain a statement of the limitation set forth in this subsection.

(h) Bonds deemed valid.—Any bond reciting in substance that it has been issued by the authority to accomplish the public purposes of this subchapter shall be conclusively deemed in any suit, action or proceeding involving the validity or enforceability of the bonds or security therefor to have been issued for such purpose.

##### (i) Notice and challenges.—

(1) The authority may cause a copy of any resolution authorizing the issuance of bonds adopted by it to be filed for public inspection in its office and in the office of the clerk of the governing body of each county and the governing body of the city of the first class within its service area and may thereupon cause to be published in a newspaper published or circulating in its service area a

notice stating the fact and date of the adoption, the places where the resolution has been so filed for public inspection, the date of publication of the notice and that any action or proceeding of any kind or nature in any court questioning the validity or proper authorization of bonds provided for by the resolution, or the validity of any covenants, agreements or contract provided for by such resolution, shall be commenced within 20 days after the publication of the notice.

(2) If any notice shall at any time be published and if no action or proceeding questioning the validity or proper authorization of bonds provided for by the resolution, or the validity of any covenants, agreements or contract provided for by such resolution, shall be commenced within 20 days after the publication of the notice, then all residents, taxpayers and owners of property in the service area and users of the transportation system of the authority and all other persons whatsoever shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or pleading any defense to any action or proceedings, questioning the validity or proper authorization of such bonds, or the validity of any such covenants, agreements or contracts and said bonds, covenants, agreements and contracts, shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

(3) After issuance of bonds, all bonds shall be conclusively presumed to be fully authorized and issued by all the laws of this Commonwealth, and any person shall be estopped from questioning their sale, execution or delivery by the authority.

§ 1764. Contracts with obligees of an authority.

Except as otherwise provided in any resolution of an authority authorizing or awarding bonds, the terms thereof and of this chapter as in effect when the bonds were authorized shall constitute a contract between the authority and obligees of the authority, subject to modification in such manner as the resolution, the trust indenture securing such bonds or the bonds shall provide.

§ 1765. Commonwealth pledges.

(a) Limitation of powers.—

(1) The Commonwealth does hereby pledge to and agree with any person, firm or corporation, government agency, whether in this Commonwealth or elsewhere, or Federal agency subscribing to or acquiring the bonds to be issued by the authority that the Commonwealth will not limit or alter the rights hereby vested in the authority in any manner inconsistent with the obligations of the authority to the obligees of the authority until all bonds at any time issued, together with the interest thereon, are fully paid or provided for. The Commonwealth does further pledge to and agree with any Federal agency that, in the event that any Federal agency shall contribute any funds for the authority or any project, the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the due performance of any agreements between the authority and any Federal agency.

(2) The Commonwealth does hereby pledge to and agree with any person who, as owner thereof, leases or subleases property to or from an authority that the Commonwealth will not limit or alter the rights and powers hereby vested in the authority or otherwise created by this act in any manner which impairs the obligations of the authority until all obligations of the authority under the lease or sublease are fully met and discharged.

(b) Tax proceeds.—If and to the extent that the authority pledges its share of the proceeds of a tax authorized by law to be levied for authority purposes or made available for use by the authority as security for the payment of bonds issued by the authority, the Commonwealth does hereby pledge to and agree with any person, firm or corporation, government agency, whether in this Commonwealth or elsewhere, or Federal agency subscribing to or acquiring such bonds to be issued by the

authority that the Commonwealth itself will not, nor will it authorize any government entity levying such tax to, abolish or to reduce the rate of tax imposed for authority purposes or made available for use by the authority until all bonds so secured by the pledge of the authority, together with the interest thereon, are fully paid or provided for.

§ 1766. Provisions of bonds and trust indentures.

In connection with the issuance of bonds or the incurring of obligations under leases, and in order to secure the payment of the bonds and obligations, the authority, in addition to its other powers, shall have the power to:

(1) Pledge or grant a security interest, senior, parity or subordinated, in all or any part of its revenues, including, but not limited to, the proceeds of any tax levied for the purposes of or made available for use by the authority, to which its right then exists or may thereafter come into existence.

(2) Grant a lien on or a security interest in, senior, parity or subordinated, in all or any part of its real or personal property then owned or thereafter acquired, provided, however, that no such lien shall extend to real property of an authority comprising rights-of-way, easements or any other interests in real property used or useful for passage of transportation vehicles or necessary for the safe and sound routing or control of transportation vehicles.

(3) Provide for the issuance of unsecured bonds, limited recourse bonds or nonrecourse bonds.

(4) Enter into trust indentures securing bonds, including, but not limited to, master trust indentures.

(5) Covenant against pledging or granting a lien on or security interest in all or any part of its revenues or all or any part of its real or personal property to which its right or title exists or may thereafter come into existence, or against permitting or suffering any lien on the revenues or property, covenant with respect to limitations on its right to sell, lease or otherwise dispose of any of its real property and covenant as to which other or additional debts or obligations may be incurred by it.

(6) Covenant as to the bonds to be issued and as to the issuance of such bonds, in escrow or otherwise, and as to the use and disposition of the proceeds thereof, provide for the replacement of lost, destroyed or mutilated bonds, covenant against extending the time for the payment of its bonds or interest thereon and covenant for the redemption of bonds and provide the terms and conditions thereof.

(7) Covenant as to the amount of revenues to be raised in each fiscal year or other period of time by the authority, as well as to the use and disposition to be made thereof, create or authorize the creation of special funds for debt service or other purposes and covenant as to the use and disposition of the moneys held in such funds.

(8) Prescribe the procedure, if any, by which the terms of any contract with obligees of the authority may be supplemented, amended or abrogated, prescribe which supplements or amendments will require the consent of obligees of the authority and the amount of bonds to be held by obligees to effect such consent and prescribe the manner in which such consent may be given.

(9) Covenant as to the use of any or all of its real or personal property, warrant its title and covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance proceeds.

(10) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation, provided that the authority shall not be permitted to covenant that upon such breach any or all of its bonds or obligations the payment of which is secured solely by a pledge of or security interest in the proceeds of a tax authorized by law to be levied for authority purposes or made available by an authority shall become or may be declared due before the stated maturity thereof.

(11) Vest in the obligees of the authority, or any proportion of them, the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; vest in a trustee the right, in the event of default by the authority, to take possession and use, operate and manage any real or personal property and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with such trustee; provide for the powers and duties of a trustee and to limit liabilities thereof; and provide the terms and conditions upon which the trustee or the obligees of the authority, or any proportion of them, may enforce any covenant or rights securing or relating to the bonds.

(12) Negotiate and enter into interest rate exchange agreements, interest rate cap, collar, corridor, ceiling and floor agreements, forward agreements, float agreements and other similar arrangements which, in the judgment of the authority, will assist the authority in managing the interest costs of the authority.

(13) Obtain letters of credit, bond insurance and other facilities for credit enhancement and liquidity.

(14) Exercise all or any part or combination of the powers granted in this section to make covenants other than and in addition to the covenants expressly authorized in this section, to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the authority, as will tend to accomplish the purposes of this chapter, by making the bonds more marketable notwithstanding that such covenants, acts or things may not be specifically enumerated in this section.

(15) Except as specifically authorized by this chapter, the real property of the authority shall not be mortgaged and shall not be subject to attachment nor levied upon by execution or otherwise. The revenues of the authority and the real and tangible personal property of the authority shall be pledged or otherwise encumbered only as expressly provided in this section and, except to the extent necessary to effectuate such pledge or encumbrance, shall not be subject to attachment nor levied upon by execution or otherwise.

#### § 1767. Bonds to be legal investments.

Bonds issued under this chapter are hereby made securities in which all public officers and the instrumentalities and agencies of the Commonwealth and its political subdivisions, all insurance companies, banks, bank and trust companies, trust companies, banking associations, banking corporations, savings banks, investment companies, executors, trustees, the trustees of any retirement, pension or annuity fund or system of the Commonwealth and other fiduciaries may properly and legally invest funds, including capital, deposits or other funds in their control or belonging to them. These bonds are hereby made securities which may properly and legally be deposited with and received by any Commonwealth or municipal officer or any agency or instrumentality or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth now or may hereafter be authorized by law.

#### § 1768. Rights and remedies.

(a) Additional rights.—An obligee of an authority shall have the right, in addition to all other rights which may be conferred on the obligee, subject only to any contractual restrictions binding upon the obligee:

(1) By mandamus, suit, action or proceeding at law or in equity, to compel the authority and the members, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any bond or contract of the authority with or for the benefit of the obligee and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this chapter.

(2) By proceeding in equity, to obtain an injunction against any acts or things which may be unlawful or the violation of any of the rights of the obligee of the authority.

(3) To require the authority to account as if it were the trustee of an express trust for the obligees of the authority for any pledged revenues received.

(4) To enforce a pledge of or security interest in revenues of the authority securing payment of the bonds against all Commonwealth and local public officials in possession of any revenues at any time, which revenues may be collected directly from such officials upon notice by the obligee of the authority or a trustee for application to the payment of the bonds as and when due for deposits in any sinking, bond or debt service fund established with the trustee at the times and in the amounts specified in the bonds or the resolution or indenture or trust agreement securing the bonds. Any Commonwealth or local public official in possession of any revenues shall make payment against receipt and shall thereby be discharged from any further liability or responsibility for the revenues. If the payment shall be to an obligee of the authority, it shall be made against surrender of the bonds to the payor for delivery to the authority in the case of payment in full; otherwise, it shall be made against production of the bonds for notation thereon of the amount of the payment. The provisions of this section with respect to the enforceability and collection of revenues which secure bonds of the authority shall supersede any contrary or inconsistent statutory provision or rule of law.

(b) Application of section.—This section shall be construed and applied to fulfill the legislative purpose of clarifying and facilitating the financing of the authority of the costs of its transportation system by assuring to the obligees of the authority the full and immediate benefit of the security therefor without delay, diminution or interference based on any statute, decision, ordinance or administrative rule or practice.

§ 1769. Additional remedies conferrable by an authority.

An authority shall have power, by its resolution, trust indenture or loan or lease agreement, to confer upon any obligees holding or representing a specified percentage of bonds, or upon any bond insurer or provider of a letter of credit or other credit or liquidity facility, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default or such particular events of default as may be specified in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction to obtain the appointment of a receiver of any real property or personal property or leasehold interest of the authority and of the rents and profits therefrom. If a receiver is appointed, the receiver may enter and take possession of such real property or any leasehold interest, operate the same and collect and receive all revenues or other income thereafter arising therefrom and shall keep such moneys in a separate account and apply the same in accordance with the obligations of the authority as the court shall direct. Nothing in this section or any other section of this chapter shall authorize any receiver appointed under this chapter for the purpose of operating and maintaining any facilities of the authority to sell, assign, mortgage or otherwise dispose of any of the assets, of whatever kind or character, belonging to the authority, except for the sale or other disposition of moveable equipment or other tangible personal property in the ordinary course of business or to secure the authority's bonds. It is the intention of this chapter to limit the powers of the receiver to the operation and maintenance of the facilities of the authority as the court shall direct, and no obligee of the authority shall ever have the right in any suit, action or proceeding, at law or in equity, to compel a receiver, nor shall any receiver ever be authorized or any court be empowered to direct the receiver, to sell, assign, mortgage or otherwise dispose of any assets, of whatever kind or character, belonging to the authority, except for the expenditure of funds and the sale or other disposition of moveable equipment or other tangible personal property in the ordinary course of business or



the sale or disposition of real or personal property to the extent it is pledged to secure the authority's bonds.

§ 1770. Validity of pledge.

Any pledge of or grant of a lien on or security interest in revenues of an authority or real or personal property of an authority made by an authority shall be valid and binding from the time when the pledge is made, the revenues or other property so pledged and thereafter received by the authority making such pledge shall immediately be subject to the lien of any such pledge, lien or security interest without any physical delivery thereof or further act, and the lien of any such pledge or security interest shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument of the authority by which a pledge, lien or security interest is created need be recorded or filed to perfect such pledge or security interest.

§ 1771. Security interest in funds and accounts.

Any moneys deposited in any fund created by the authority pledged to be used to pay debt service on bonds of the authority, including any sinking fund or debt service reserve fund, and all investments and proceeds of investments thereof, shall, without further action or filing, be subjected to a perfected security interest for the obligees of the authority with respect to the bonds until such moneys or investments shall be properly disbursed in accordance with this chapter and subject to the terms of any trust indenture or other contract between the authority and the obligees of the authority with respect to the bonds.

§ 1772. Payment of proceeds of tax levied for authority purposes.

The proceeds of any tax levied for authority purposes or made available for use by the authority and collected by the Department of Revenue, which tax proceeds shall have been pledged by an authority to secure its bonds, shall be transferred by the State Treasurer to or upon the order of the authority at the times provided by law, subject to any limitations set forth in the resolution of the authority authorizing the bonds.

§ 1773. Limitation on authority under Federal bankruptcy code.

So long as an authority shall have outstanding any bonds issued under this chapter, the authority shall not be authorized to file a petition for relief under 11 U.S.C. Chapter 9 (relating to adjustment of debts of a municipality), and no public officer or agency or instrumentality of the Commonwealth shall authorize the authority to become a debtor under 11 U.S.C. Chapter 9 so long as any bonds issued under this chapter are outstanding.

#### SUBCHAPTER E

#### MISCELLANEOUS PROVISIONS

Sec.

1781. Exemption from taxation.

1782. Rights and remedies preserved.

1783. Officers and employees continued.

1784. Continuance of bonds.

1785. Repeal.

§ 1781. Exemption from taxation.

The effectuation of the authorized purposes of an authority created or continued under this chapter shall and will be in all respects for the benefit of the people of this Commonwealth, for the increase of their commerce and prosperity and for the improvements of their health and living conditions, and, since an authority will, as a public instrumentality of the Commonwealth, be performing essential governmental functions in effectuating such purposes, such an authority shall not be required to pay any taxes or assessments of any kind or nature whatsoever, now in existence or to be enacted in the future, whether imposed by the Commonwealth or by any government agency upon any property or the income therefrom acquired or used or permitted to be used by an authority for such purposes, and the bonds issued by any authority, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from State and local taxation within this Commonwealth. This exemption shall not extend to gift, estate, succession or inheritance taxes or any other taxes not levied directly on the

bonds, the transfer thereof, the income therefrom or the realization of profits on the sale thereof.

§ 1782. Rights and remedies preserved.

The provisions of this chapter shall not in any way impair or in any manner affect the rights and remedies of obligees of a continued authority, and, notwithstanding any other provision of this chapter, all such rights and remedies shall be preserved by this chapter and shall be and shall remain valid, binding and enforceable in all respects. As used in this section, "obligees of a continued authority" shall mean the holders of any notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidences of indebtedness, obligees of contracts or other obligations of an authority established under the former provisions of Article III of the act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass Transportation Law, or the former provisions of Chapter 15 (relating to metropolitan transportation authorities) and continued under section 1711 (relating to creation of metropolitan transportation authorities).

§ 1783. Officers and employees continued.

With respect to the officers and employees of any authority established under the former provisions of Article III of the act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass Transportation Law or the former provisions of Chapter 15 (relating to metropolitan transportation authorities) all such officers shall continue in office until the expiration of their respective terms of office, and all employees shall continue in employment under the terms and conditions of their respective contracts or agreements of employment; and all officers and employees shall exercise the powers, functions and duties of their respective offices or employment under this chapter.

§ 1784. Continuance of bonds.

Bonds, contracts and obligations of an authority continued under this chapter which contracts and obligations are in effect or outstanding on the effective date of this act shall continue in full force and effect.

§ 1785. Repeal.

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

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting

5

Amend Sec. 1, page 1, line 11, by striking out "OF THE PENNSYLVANIA CONSOLIDATED STATUTES"

Amend Sec. 2, page 2, line 21, by striking out "2" and inserting

6

Amend Sec. 3, page 4, lines 3 through 8, by striking out all of said lines and inserting

Section 7. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 4726(a) 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 the amendment, Mr. Linton is recognized.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, the amendment to SB 323 does two very simple things. Number one, it allows transit authorities around the State to have some flexibility in using the money that we passed in a bill, Act 26 of 1991. Act 26 allows transit authorities to transfer money between asset maintenance and for capital needs. This bill will give the transit authorities more flexibility in being able to distribute those same dollars.

The second part of this bill updates the bonding capabilities of the transit authorities. There has been a change in the

bonding laws in the Nation over the last decade or two, and unfortunately, the statute that many of the authorities in Pennsylvania are operating under was passed in the 1960's. This amendment allows us to update the statute so that they can take advantage of the current conditions in the bond markets.

That is all the bill does. It is fairly simple. There are no controversial aspects of it, and I ask for an affirmative vote. Thank you very much.

The SPEAKER. The gentleman, Mr. Cessar, is recognized. Mr. CESSAR. Thank you, Mr. Speaker.

I rise to support the Linton amendment. I would just like to inform the members on this side of the aisle, this amendment is supported by the PAT (Port Authority of Allegheny County), of course SEPTA (Southeastern Pennsylvania Transportation Authority), and all the PAMTA (Pennsylvania Association of Municipal Transit Authorities) organizations. It is also supported by PennDOT, and it is an amendment that I think will add to the existing law and allow the Port Authority, PAMTA, and SEPTA to be able to go out into the bond market and also to be able to use money from the capital funds for operating expenses which they sorely need today.

So I urge a positive vote on this amendment, Mr. Speaker. The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Butkovitz	Haluska	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Callagirono	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafella	Josephs	Phillips	True

Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Utiana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

NAYS—0

NOT VOTING—1

Hanna

EXCUSED—1

Bush

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?

The SPEAKER. Mr. Saurman is recognized for the purpose of making a statement.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am withdrawing this amendment. I just wanted to get into the record the reason for withdrawing it.

This would establish a process for using the Breathalyzer for repeat offenders in DUI (driving under the influence) cases. This is something that comes up frequently that I think a lot of people would like to do. The department is not in favor of it and they have asked me to not offer the amendment. They claim that there have been some problems with the equipment itself. So I am going to withdraw that amendment, but I just wanted to explain why. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Haluska	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colaella	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubleby	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Bush

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.

HB 1596 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan, who moves that the vote by which HB 1596, PN 1842, was passed on the 28th day of May be reconsidered.

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

The following roll call was recorded:

YEAS—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Haluska	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colaella	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubleby	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Bush

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

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—137

Acosta	Fajt	Lescovitz	Roebuck
Allen	Fargo	Levdansky	Rooney
Baker	Fee	Linton	Rudy
Battisto	Fleagle	Lloyd	Santoni
Bebko-Jones	Freeman	Lucyk	Sather
Belardi	Gamble	Lynch	Scrimenti
Beffanti	Geist	Manderino	Smith, S. H.
Bishop	George	Markosek	Staback
Blaum	Gigliotti	Masland	Stairs
Brown	Gordner	McCall	Steelman
Butkovitz	Gruitza	McGeehan	Steighner
Buxton	Haluska	McNally	Stern
Caltagirone	Hanna	Melio	Stetler
Cappabianca	Hasay	Merry	Stish
Carn	Hennessey	Michlovic	Sturla
Carone	Hess	Mihalich	Surra
Cawley	Hughes	Mundy	Tangretti
Chadwick	Hutchinson	Murphy	Taylor, J.
Clark	Itkin	Nickol	Thomas
Cohen, M.	Jadlowiec	O'Brien	Tigue
Colafrella	James	O'Donnell	Trello
Colaizzo	Jarolin	Olasz	Trich
Corrigan	Josephs	Oliver	Van Horne
Cowell	Kaiser	Pesci	Veon
Coy	Kasunic	Petrarca	Waugh
Curry	Keller	Petrone	Williams
Daley	Kenney	Phillips	Wogan
DeLuca	King	Pistella	Wozniak
Dempsey	Kirkland	Preston	Wright, D. R.
Dent	Krebs	Reber	Yandrisevits
Dermody	Kukovich	Richardson	Yewcic
Donatucci	LaGrotta	Rieger	
Egolf	Laughlin	Ritter	DeWeese,
Evans	Lederer	Roberts	Speaker
Fairchild	Lee	Robinson	

NAYS—64

Adolph	Flick	Miller	Schuler
Argall	Gannon	Nailor	Semmel
Armstrong	Gerlach	Nyce	Serafini
Barley	Gladeck	Perzel	Smith, B.
Birmelin	Godshall	Pettit	Snyder, D. W.
Boyes	Gruppo	Piccola	Steil
Bunt	Harley	Pitts	Strittmatter
Cessar	Heckler	Platts	Taylor, E. Z.
Civera	Herman	Raymond	Tomlinson
Clymer	Hershey	Reinard	True
Cohen, L. I.	Laub	Rohrer	Tulli
Cornell	Lawless	Rubley	Uliana
Druce	Leh	Ryan	Vance
Durham	Maitland	Saurman	Vitali
Farmer	Marsico	Saylor	Wright, M. N.
Fichter	Micozzie	Scheetz	Zug

NOT VOTING—1

Mayernik

EXCUSED—1

Bush

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

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

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of SB 474, PN 1303, entitled:

An Act establishing the Governor's Office of Citizen Service (PennSERVE) within the Department of Labor and Industry; creating the Community Service Advisory Board; and providing for coordination of Commonwealth community service programs.

On the question,

Will the House agree to the bill on third consideration?

Mrs. MILLER offered the following amendment No. A1971:

Amend Sec. 5, page 12, lines 23 through 29, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mrs. MILLER. Thank you, Mr. Speaker.

I am offering this amendment to the PennSERVE (Governor's Office of Citizen Service) legislation in order to correct what I feel is a deficiency in the bill as far as clarity. This legislation is designed to support the volunteer programs that we have in the Conservation Corps and also in college student programs. However, we feel that it is unclear that the section that provides for compensation actually applies only to the administration in the program. Therefore, this is the first of two amendments, and it does delete the section on compensation.

**POINT OF ORDER**

Mr. GORDNER. A point of order, Mr. Speaker.

Again, I do not believe that we have a copy of this amendment.

The SPEAKER. The gentleman is in order, and his point is well taken. The House will yield momentarily. The amendment is being distributed at this moment by the pages.

The Chair thanks Representative Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

**VOTE CORRECTION**

The SPEAKER. The Chair recognizes the gentleman from Lock Haven, Mr. Hanna.

Mr. HANNA. Would it be appropriate to correct the record at this time?

The SPEAKER. The gentleman is in order.

Mr. HANNA. Mr. Speaker, on SB 323, amendment 2244, I was not recorded and I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread across the record.

**CONSIDERATION OF SB 474 CONTINUED**

The SPEAKER. Does the gentleman, Mr. Belfanti, seek recognition?

Mr. BELFANTI. Yes, Mr. Speaker.

Mr. Speaker, amendment A1971 has been agreed to.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—199**

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	McCall	Semmel
Belardi	Gerlach	McGeehan	Serafini
Belfanti	Gigliotti	McNally	Smith, B.
Birmelin	Gladeck	Melio	Smith, S. H.
Bishop	Godshall	Merry	Snyder, D. W.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Haluska	Miller	Steighner
Butkovitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Callagirona	Hasay	Nailor	Stetler
Cappabianca	Heckler	Nickol	Stish
Carn	Hennessey	Nyce	Strittmatter
Carone	Herman	O'Brien	Sturla
Cawley	Hershey	O'Donnell	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, I. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali

DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—3

George                      Mayernik                      Williams

EXCUSED—1

Bush

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?

Mrs. MILLER offered the following amendment No. A1998:

Amend Sec. 4, page 11, by inserting between lines 17 and 18

(e) Prohibited funding.—The expenditure of money by PennSERVE for the compensation of participants, other than PennSERVE employees, in a community service program, or in any other program established by a community-based agency or by the Commonwealth or a political subdivision, is prohibited.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the gentlelady, Mrs. Miller, is recognized.

Mrs. MILLER. Mr. Speaker, the purpose of this amendment is to add the clarifying language that basically says that the compensation under PennSERVE would only be allowed to be given to those folks who are in the community organizations who are actually administering the program. However, the volunteers that are participating through these programs will not be compensated. And again, this amendment has been discussed with both Labor and Industry and the chairman of the House Labor Relations Committee.

The SPEAKER. The Chair thanks the lady.

On the question, the Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

For the purpose of legislative intent and so that the amendment would not have to be redrafted, there is one word in the amendment that refers to "participants," and I would just like for the record to ask the gentlelady, Mrs. Miller, to stand for a one-question interrogation.

The SPEAKER. Mrs. Miller indicates that she will stand for interrogation. Mr. Belfanti may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, it is not your intention by offering this amendment to have included, under the guise of "participants," administrative staff of PennSERVE or of the Red Cross or any other such agency. Your amendment really deals with volunteers as opposed to paid formal staff people. Is that correct?

Mrs. MILLER. That is correct.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I would like to comment that the amendment is agreed to.

The SPEAKER. The Chair thanks the gentleman from Northumberland but nevertheless recognizes the sage of Somerset County, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I wonder if the prime sponsor of the amendment would consent to interrogation.

Mrs. MILLER. Sure.

The SPEAKER. Mrs. Miller indicates that she will.

Mr. LLOYD. Mr. Speaker, one of the confusing things here is the word "participants," and just for the purpose of the record, am I correct in assuming that since the Pennsylvania Conservation Corps is under PennSERVE in the organizational structure of the department, that it is not your intent to deny compensation to people who are corps members and crew leaders in the PCC? Am I correct?

Mrs. MILLER. That is correct, and we do provide for participation under a separate act.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—202

Acosta	Fanner	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Haluska	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.

Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colaella	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rublely	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Bush

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

The SPEAKER. The Chair congratulates the lady on her first amendment.

On the question recurring,

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

Mr. McNALLY offered the following amendments No. A2026:

Amend Title, page 1, lines 25 through 28, by striking out all of said lines and inserting  
Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," establishing the Governor's Office of Citizen Service (PennSERVE) within the Department of Labor and Industry;

creating the Community Service Advisory Board; providing for coordination of Commonwealth community service programs; establishing the Poison Control Fund; and imposing a surcharge on birth records.

Amend Bill, page 9, lines 14 through 30; pages 10 through 16, lines 1 through 30; page 17; lines 1 through 9, by striking out all of said lines on said pages and inserting

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 2111.1. Poison Control Fund.—(a) There is hereby established within the State Treasury the Poison Control Fund. The moneys in this fund shall only be used to further the purposes of regional poison control centers throughout this Commonwealth.

(b) A surcharge of three dollars (\$3) shall be levied on each fee imposed under section 807 of the act of June 29, 1953 (P.L.304, No.66), known as the "Vital Statistics Law of 1953," and under 20 Pa.C.S. § 711(9) (relating to mandatory exercise of jurisdiction through orphans' court division in general). The three dollar (\$3) surcharge collected under section 807 of the "Vital Statistics Law of 1953" shall be transmitted to the Poison Control Fund.

Section 2. The act is amended by adding an article to read:

#### ARTICLE XXII-B

#### COORDINATION OF COMMONWEALTH COMMUNITY SERVICE PROGRAMS

Section 2201-B. Definitions.—The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board" means the Community Service Advisory Board.

"Community-based agency" means a private, nonprofit organization that is representative of a community or a significant segment of a community that is engaged in meeting human, educational or environmental community needs.

"Community service" means performance of tasks designated to accomplish any of the following:

(1) Environmental preservation, enhancement and remediation.

(2) Promotion of the well-being of children, the elderly, persons with physical or developmental disabilities and persons with low incomes.

(3) Educational development, including, but not limited to, literacy training, adult basic education courses and instruction in job search skills and job application skills.

(4) Improvement activities on public lands or facilities.

(5) Projects or activities calculated to improve public health, safety and welfare developed by the board.

(6) Educational activities, through a Pennsylvania education system or a community or governmental entity, that instill an ethic of civic responsibility and citizenship in all Pennsylvanians and in particular young Pennsylvanians.

"Department" means the Department of Labor and Industry of the Commonwealth.

"Office" means the Governor's Office of Citizen Service (PennServe) within the Department of Labor and Industry.

Section 2202-B. Governor's Office of Citizen Service (PennServe) Established.—(a) There is hereby established within the department the Governor's Office of Citizen Service (PennServe).

(b) The department shall provide staff, space, equipment and supplies for the office to discharge its duties.

Section 2203-B. Responsibilities of Office.—(a) The predominant, but not the sole responsibility of the office shall be to coordinate the development and implementation of community service programs within this Commonwealth.

(b) PennSERVE is established to make community service the common expectation and experience of all Pennsylvanians with a special concentration on Pennsylvania's young people.

(c) PennSERVE shall work to renew the ethic of civic responsibility in Pennsylvania and to involve and enroll young people in service opportunities that will benefit Pennsylvania while offering our young people literacy skills and improved job skills. PennSERVE shall build on the existing organizational

framework of State, local, and community-based programs and agencies to expand full-time and part-time service opportunities for all citizens, but particularly youth.

(d) All Commonwealth departments, agencies, boards, commissions and instrumentalities shall share information and cooperate with the office to enable it to perform the functions assigned to it in this article.

Section 2204-B. Commonwealth Departments and Agencies.—The office shall have the following powers and duties:

(1) (i) To develop jointly with the Department of Education and the Pennsylvania Higher Education Assistance Agency a plan under which at least ten per centum (10%) of the funds available under Title IV of the Higher Education Act of 1965 (Public Law 89-329, 79 Stat. 1219), may be used to permit students to perform community service. The office shall assist the Department of Education and the Pennsylvania Higher Education Assistance Agency in preparing a public information program for students receiving the funds to apprise them of the community service option.

(ii) To develop jointly with the Department of Education and the Pennsylvania Higher Education Assistance Agency a plan to encourage college and university students to participate in thirty (30) hours of community service each year. The plan shall include tuition reimbursement or academic course credit or tuition reimbursement and academic course credit for students who perform community service.

(2) To cooperate with the Department of Community Affairs to produce the following:

(i) A plan to advise local governments of the procedure for establishing community service programs. The plan shall include creation of a data base that will enable local governments to share information with educational institutions, community-based agencies and other entities and individuals concerned with community service and the private sector on a regional basis.

(ii) An informational brochure or pamphlet for local governments that describes community-based agencies and explains the desirability of having participants in community service and recipients of community service serve on the governing board of community-based agencies.

(iii) A proposal, including a fee schedule, that would permit participants in community service programs and participants in the corps program under the act of July 2, 1984 (P.L.561, No.112), known as the "Pennsylvania Conservation Corps Act," to perform services for State or local governments and community-based agencies and to receive compensation for their services.

(3) To work jointly with the Department of Corrections and the State Board of Education to formulate and implement a project to encourage children adjudicated delinquent for commission of nonviolent offenses to perform community service for local governments and school districts. The project shall include an evaluative and reflective component.

(4) To cooperate with the Department of Education to implement the policy of the State Board of Education that all secondary, college and university students be encouraged to become involved in community service.

(5) (i) To work with other bureaus and offices of the department to attempt to obtain increased Federal funding for the Pennsylvania Conservation Corps and Summer Youth Corps programs.

(ii) To meet and consult with other bureaus and offices of the department to enhance the quality and efficiency of job training programs.

(6) To assist the Department of Environmental Resources in incorporating the goals of protecting the environment, promoting recreational facilities and restoring public parks into the mission of the Pennsylvania Conservation Corps.

(7) To work with the Department of Aging to produce the following results:

(i) Involvement of young people in assisting professional staff in the delivery of services to older Pennsylvanians in nursing homes, retirement communities or personal households.

(ii) Expansion of service opportunities that combine the human resources of younger Pennsylvanians with the human

resources of older Pennsylvanians to expand inter-generational programs so as to combine the energy, wisdom, strength and time of both our younger and older population in order to address vital social needs.

(8) To develop with the Department of Health a proposal that will allow young people to be involved in the health-related activities, including, but not limited to, the following:

(i) Educational programs that are aimed at increasing awareness in communities and educational institutions about community health problems.

(ii) Engagement with community health clinics and professional medical personnel to ensure that all Pennsylvania children are immunized.

(9) To work with the Department of Transportation to meet the transportation and infrastructure needs of Pennsylvania by ensuring the eligibility of the Pennsylvania Conservation Corps or local corps to perform contract work that may include, but need not be limited to, maintenance work, rehabilitation and repainting of bridge and underpass structures and beautifying efforts along public roadways.

(10) To develop and implement with the Department of Public Welfare a plan for job training programs that will have community service options which can serve as a transition from public assistance to sustained employment.

Section 2205-B. Liaison with Federal Government.—The office shall serve as the liaison between the Federal Government and State, county and local governments for submitting grant proposals, accessing funds, seeking changes in Federal community service laws and regulations and related purposes.

Section 2206-B. Annual Report.—The office, through the Secretary of Labor and Industry, shall submit an annual report of its activities to the General Assembly.

Section 2207-B. Community Service Advisory Board.—(a) There is hereby established within the department the Community Service Advisory Board which shall include no more than twenty-five (25) members.

(b) The board shall include the following members:

(1) The Secretary of Labor and Industry who shall be the presiding officer of the board.

(2) The Secretary of Education.

(3) The Secretary of Community Affairs.

(4) The Secretary of Corrections.

(5) The executive director of the Pennsylvania Higher Education Assistance Agency.

(6) A member of the Senate appointed by the Majority Leader.

(7) A member of the Senate appointed by the Minority Leader.

(8) A member of the House of Representatives appointed by the Majority Leader.

(9) A member of the House of Representatives appointed by the Minority Leader.

(10) A representative of the State System of Higher Education, who is an active member of the Pennsylvania Campus Compact, appointed by the Governor.

(11) A representative of a private college or university, who is an active member of the Pennsylvania Campus Compact, appointed by the Governor.

(12) A college or university student who is personally involved in community service, appointed by the Governor.

(13) One adult and one minor who are actively involved in the Pennsylvania Conservation Corps or the Summer Youth Corps, both appointed by the Governor.

(14) A public school administrator, appointed by the Governor.

(15) A secondary public school student, appointed by the Governor.

(16) Two representatives of community-based agencies, both appointed by the Governor.

(17) A member of a labor organization, appointed by the Governor.

(18) A member representing the business community, appointed by the Governor.

(19) A member of the Pennsylvania Service Delivery Area, appointed by the Governor.

(20) Other members, at the discretion of and appointed by the Governor.

(c) The terms of office of the public members shall coincide with the terms of their respective elective or appointive offices. Members appointed by the Governor shall serve for a term of two years. No member shall serve for more than two consecutive terms on the board.

(d) The board shall have the power to adopt rules governing its organization and its procedure.

(e) The members of the board shall receive no compensation for their services on the board, but shall be reimbursed by the department for ordinary and necessary expenses incurred in the performance of their duties.

(f) The board shall consult with and advise the office on the development of a Statewide plan for expansion of community service opportunities. The board shall encourage youth to participate in community service, shall disseminate information concerning community service and shall monitor the effectiveness and geographical distribution of community service programs. The board shall also have the power to develop novel community service programs.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. The gentleman, Mr. McNally, indicates that the amendment has been withdrawn.

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—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Butkovitz	Haluska	Miller	Steil
Buxton	Hanna	Mundy	Stern
Callagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Cam	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturlia



Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrarca	Tomlinson
Cohen, M.	James	Petrone	Trello
Colafiglia	Jarolin	Pettit	Trich
Colaizzo	Josephs	Phillips	True
Cornell	Kaiser	Piccola	Tulli
Corrigan	Kasunic	Pistella	Uliana
Cowell	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Bush

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.

**LEAVE OF ABSENCE**

The SPEAKER. The gentleman from Philadelphia, Mr. O'Donnell, requests to be placed on leave for the remainder of the voting day.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 754, PN 1346**, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method accounting for the funds appropriated.

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?

**POINT OF ORDER**

The SPEAKER. The gentleman, Mr. Lee, is recognized on SB 754.

Mr. LEE. Thank you, Mr. Speaker. Very quickly. A point of order.

I was on the House floor yesterday, on May 27, at about 2 p.m. when this bill was considered for the first time and all the other nonpreferreds were considered for the first time. Now today, May 28, the bill is being considered for the third time. Rule 21, as well as Article III, section 4, of the Constitution, requires that all bills be considered on three different days, and therefore, I request a ruling as to whether this bill is in order. Thank you.

The SPEAKER. The Chair indicates to the gentleman, Mr. Lee, that the bill is in order and has been read on three separate legislative days.

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—201**

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boyes	Gordner	Michlovic	Steelman
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkowitz	Haluska	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Carn	Heckler	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrarca	Tomlinson
Cohen, L. I.	Jadlowiec	Petrone	Trello
Cohen, M.	James	Pettit	Trich
Colafiglia	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance

Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wozniak
Dermody	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yandrisevits
Durham	Lederer	Roebuck	Yewcic
Egolf	Lee	Rohrer	Zug
Evans	Leh	Rooney	
Fairchild	Lescovitz	Rublely	DeWeese,
Fajt	Levdansky	Rudy	Speaker
Fargo	Linton	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 755, PN 818**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L., 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

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—201

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Luceyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayermik	Serafini
Belardi	George	McCall	Smith, B.

Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boyes	Gordner	Michlovic	Steelman
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkovitz	Haluska	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Carn	Heckler	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrarca	Tomlinson
Cohen, L. I.	Jadlowiec	Petrone	Trello
Cohen, M.	James	Pettit	Trich
Colafella	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wozniak
Dermody	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yandrisevits
Durham	Lederer	Roebuck	Yewcic
Egolf	Lee	Rohrer	Zug
Evans	Leh	Rooney	
Fairchild	Lescovitz	Rublely	DeWeese,
Fajt	Levdansky	Rudy	Speaker
Fargo	Linton	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 756, PN 1352**, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a

basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

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—201

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boyes	Gordner	Michlovic	Steelman
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkowitz	Haluska	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Carn	Heckler	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrarca	Tomlinson
Cohen, L. I.	Jadlowiec	Petrone	Trello
Cohen, M.	James	Pettit	Trich
Colaella	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wozniak
Dermody	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yandrisevits
Durham	Lederer	Roebuck	Yewcic
Egolf	Lee	Rohrer	Zug
Evans	Leh	Rooney	
Fairchild	Lescovitz	Rubley	DeWeese,
Fajt	Levdansky	Rudy	Speaker
Fargo	Linton	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 757, PN 820, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled, "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth;...." making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

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—201

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boyes	Gordner	Michlovic	Steelman
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkowitz	Haluska	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Carn	Heckler	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrarca	Tomlinson
Cohen, L. I.	Jadlowiec	Petrone	Trello

Cohen, M.	James	Pettit	Trich
Colaifella	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wozniak
Dermody	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yandrisevits
Durham	Lederer	Roebuck	Yewcic
Egolf	Lee	Rohrer	Zug
Evans	Leh	Rooney	
Fairchild	Lescovitz	Rubley	DeWeese,
Fajt	Levdansky	Rudy	Speaker
Fargo	Linton	Ryan	

NAYS—0

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 758, PN 1353**, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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?

On the question, the Chair recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, this is the first in a series of bills that provide funding, extraordinary funding, to a few universities and colleges in this State, and all of us have universities and colleges in our areas or in our regions and I have long argued that we ought to all be treated fairly. These few are in the nonpreferred budget. They have been there for years. I thought we were rid of them last session. Apparently they have reappeared, and I would urge a negative vote on this and the next several bills. Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE  
(GREGORY C. FAJT) PRESIDING**

On the question recurring,  
Shall the bill pass finally?  
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—177

Acosta	Fargo	Leh	Ryan
Adolph	Farmer	Lescovitz	Santoni
Allen	Fee	Linton	Sather
Argall	Fichter	Lloyd	Saurman
Armstrong	Fleagle	Lucyk	Scheetz
Baker	Flick	Lynch	Schuler
Barley	Freeman	Maitland	Scrimenti
Battisto	Gannon	Manderino	Semmel
Bebko-Jones	Geist	Markosek	Serafini
Belardi	George	Marsico	Smith, B.
Belfanti	Gerlach	Masland	Smith, S. H.
Birmelin	Gigliotti	Mayernik	Snyder, D. W.
Bishop	Gladeck	McCall	Staback
Blaum	Godshall	McGeehan	Stairs
Boyes	Gordner	McNally	Steelman
Brown	Gruitza	Melio	Steighner
Bunt	Gruppo	Merry	Steil
Butkovitz	Haluska	Micozzie	Stern
Buxton	Harley	Mihalich	Stetler
Callagiron	Hasay	Miller	Strittmatter
Carone	Heckler	Mundy	Sturla
Cessar	Hennessey	Nailor	Taylor, E. Z.
Chadwick	Herman	Nickol	Taylor, J.
Civera	Hershey	Nyce	Thomas
Clark	Hess	O'Brien	Tomliason
Clymer	Hughes	Oliver	Trich
Cohen, I. I.	Hutchinson	Perzel	True
Cohen, M.	Itkin	Petrarca	Tulli
Colaifella	Jadlowiec	Pettit	Uliana
Colaizzo	James	Phillips	Vance
Cornell	Jarolin	Piccola	Veon
Corrigan	Josephs	Pistella	Vitali
Cowell	Kasunic	Pitts	Waugh
Coy	Keller	Platts	Williams
Curry	Kenney	Raymond	Wogan
Daley	King	Reber	Wozniak
Dempsey	Kirkland	Reinard	Wright, D. R.
Dent	Krebs	Richardson	Wright, M. N.
Dermody	Kukovich	Rieger	Yandrisevits
Donatucci	LaGrotta	Ritter	Yewcic
Druce	Laub	Roberts	Zug
Durham	Laughlin	Roebuck	
Egolf	Lawless	Rohrer	DeWeese,
Evans	Lederer	Rooney	Speaker
Fairchild	Lee	Rubley	

NAYS—24

Cappabianca	Hanna	Pesci	Stish
Carn	Kaiser	Petrone	Surra
Cawley	Levdansky	Preston	Tangretti
DeLuca	Michlovic	Robinson	Tigue
Fajt	Murphy	Rudy	Trello
Gamble	Olasz	Saylor	Van Horne

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 759, PN 1354**, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

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

The SPEAKER pro tempore. 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—164

Adolph	Farmer	Lescovitz	Santoni
Allen	Fee	Linton	Sather
Argall	Fichter	Lucyk	Saurman
Armstrong	Fleagle	Lynch	Scheetz
Baker	Flick	Manderino	Schuler
Barley	Freeman	Markosek	Scrimenti
Battisto	Gannon	Marsico	Semmel
Bebko-Jones	Geist	Masland	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Merry	Stairs
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkovitz	Haluska	Miller	Stern
Buxton	Harley	Mundy	Stetler
Caltagirone	Hasay	Nailor	Strittmatter
Cessar	Heckler	Nyce	Sturla
Chadwick	Hennessey	O'Brien	Taylor, E. Z.
Civera	Hershey	Oliver	Taylor, J.
Clark	Hess	Perzel	Thomas
Clymer	Hughes	Petrarca	Tomlinson
Cohen, L. I.	Hutchinson	Pettit	Trich
Cohen, M.	Itkin	Phillips	True
Colaella	Jadlowiec	Piccola	Tulli
Colaizzo	James	Pistella	Uliana
Cornell	Jarolin	Pitts	Vance
Corrigan	Josephs	Raymond	Veon
Cowell	Kasunic	Reber	Vitali
Coy	Keller	Reinard	Williams
Curry	Kenney	Richardson	Wogan
Daley	King	Rieger	Wozniak
Dempsey	Kirkland	Ritter	Wright, D. R.
Dent	Kukovich	Roberts	Wright, M. N.
Dermody	LaGrotta	Roebuck	Yandrisevits
Donatucci	Laub	Rohrer	Yewcic
Druce	Laughlin	Rooney	Zug

Durham	Lawless	Rubley	
Egolf	Lederer	Rudy	DeWeese,
Evans	Lee	Ryan	Speaker
Fairchild	Leh		

NAYS—36

Birmelin	Gordner	Michlovic	Saylor
Cappabianca	Hanna	Murphy	Steelman
Carn	Herman	Nickol	Stish
Carone	Kaiser	Olasz	Surra
Cawley	Krebs	Pesci	Tangretti
DeLuca	Levdansky	Petrone	Tigue
Fajt	Lloyd	Platts	Trello
Fargo	Maitland	Preston	Van Horne
Gamble	Mayernik	Robinson	Waugh

NOT VOTING—1

Acosta

EXCUSED—2

Bush O'Donnell

The two-thirds 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 760, PN 1355**, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

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

The SPEAKER pro tempore. 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—167

Acosta	Fairchild	Lee	Ryan
Adolph	Farmer	Lescovitz	Santoni
Allen	Fee	Linton	Sather
Argall	Fichter	Lucyk	Saurman
Armstrong	Fleagle	Lynch	Scheetz
Baker	Flick	Manderino	Schuler
Barley	Freeman	Markosek	Scrimenti
Battisto	Gannon	Marsico	Semmel
Bebko-Jones	Geist	Masland	Serafini
Belardi	George	Mayernik	Smith, B.
Belfanti	Gerlach	McCall	Smith, S. H.
Bishop	Gigliotti	McGeehan	Snyder, D. W.
Blaum	Gladeck	McNally	Staback
Boyes	Godshall	Melio	Stairs

Brown	Gordner	Merry	Steighner
Bunt	Gruitza	Micozzie	Steil
Butkovitz	Gruppo	Mihalich	Stern
Buxton	Haluska	Miller	Stetler
Caltagirone	Harley	Mundy	Strittmatter
Carn	Hasay	Nailor	Sturla
Cessar	Heckler	Nyce	Taylor, E. Z.
Chadwick	Hennessey	O'Brien	Taylor, J.
Civera	Hershey	Oliver	Thomas
Clark	Hess	Perzel	Tomlinson
Clymer	Hughes	Petrarca	Trich
Cohen, L. I.	Hutchinson	Pettit	True
Cohen, M.	Itkin	Phillips	Tulli
Colafella	Jadlowiec	Piccola	Uliana
Colaizzo	James	Pistella	Vance
Cornell	Jarolin	Pitts	Veon
Corrigan	Josephs	Raymond	Vitali
Cowell	Kasunic	Reber	Williams
Coy	Keller	Reinard	Wogan
Curry	Kenney	Richardson	Wozniak
Daley	King	Rieger	Wright, D. R.
Dempsey	Kirkland	Ritter	Wright, M. N.
Dent	Kukovich	Roberts	Yandrisevits
Dermody	LaGrotta	Roebuck	Yewcic
Donatucci	Laub	Rohrer	Zug
Druce	Laughlin	Rooney	
Durham	Lawless	Rubley	DeWeese,
Egolf	Lederer	Rudy	Speaker
Evans			

NAYS-34

Birmelin	Herman	Nickol	Steelman
Cappabianca	Kaiser	Olasz	Stish
Carone	Krebs	Pesci	Surra
Cawley	Leh	Petrone	Tangretti
DeLuca	Levdansky	Platts	Tigue
Fajt	Lloyd	Preston	Trello
Fargo	Maitland	Robinson	Van Horne
Gamble	Michlovic	Saylor	Waugh
Hanna	Murphy		

NOT VOTING-0

EXCUSED-2

Bush O'Donnell

The two-thirds 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 761, PN 1356**, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

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

The SPEAKER pro tempore. 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-165

Acosta	Fairchild	Lee	Santoni
Adolph	Farmer	Lescovitz	Sather
Allen	Fee	Linton	Saurman
Argall	Fichter	Lucyk	Scheetz
Armstrong	Fleagle	Lynch	Schuler
Baker	Flick	Manderino	Scrimenti
Barley	Freeman	Markosek	Semmel
Battisto	Gannon	Marsico	Serafini
Bebko-Jones	Geist	Masland	Smith, B.
Belardi	George	Mayernik	Smith, S. H.
Belfanti	Gerlach	McCall	Snyder, D. W.
Bishop	Gigliotti	McGeehan	Staback
Blaum	Gladeck	McNally	Stairs
Boyes	Godshall	Melio	Steighner
Brown	Gruitza	Merry	Steil
Bunt	Gruppo	Micozzie	Stern
Butkovitz	Haluska	Mihalich	Stetler
Buxton	Harley	Miller	Strittmatter
Caltagirone	Hasay	Mundy	Sturla
Carn	Heckler	Nailor	Taylor, E. Z.
Cessar	Hennessey	Nyce	Taylor, J.
Chadwick	Herman	O'Brien	Thomas
Civera	Hershey	Oliver	Tomlinson
Clark	Hess	Perzel	Trich
Clymer	Hughes	Petrarca	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Uliana
Colafella	Jadlowiec	Piccola	Vance
Colaizzo	James	Pistella	Veon
Cornell	Jarolin	Pitts	Vitali
Corrigan	Josephs	Raymond	Williams
Cowell	Kasunic	Reber	Wogan
Coy	Keller	Reinard	Wozniak
Curry	Kenney	Richardson	Wright, D. R.
Dempsey	King	Rieger	Wright, M. N.
Dent	Kirkland	Ritter	Yandrisevits
Dermody	Kukovich	Roberts	Yewcic
Donatucci	LaGrotta	Roebuck	Zug
Druce	Laub	Rooney	
Durham	Laughlin	Rubley	DeWeese,
Egolf	Lawless	Rudy	Speaker
Evans	Lederer	Ryan	

NAYS-36

Birmelin	Gordner	Murphy	Saylor
Cappabianca	Hanna	Nickol	Steelman
Carone	Kaiser	Olasz	Stish
Cawley	Krebs	Pesci	Surra
Daley	Leh	Petrone	Tangretti
DeLuca	Levdansky	Platts	Tigue
Fajt	Lloyd	Preston	Trello
Fargo	Maitland	Robinson	Van Horne
Gamble	Michlovic	Rohrer	Waugh

NOT VOTING-0

EXCUSED-2

Bush O'Donnell

The two-thirds 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 762, PN 1357**, entitled:

An Act making appropriations to the Philadelphia College of Osteopathic Medicine, Philadelphia.

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

The SPEAKER pro tempore. 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—163

Acosta	Fairchild	Lederer	Rudy
Adolph	Farmer	Lee	Ryan
Allen	Fee	Lescovitz	Santoni
Argall	Fichter	Linton	Sather
Armstrong	Fleagle	Lucyk	Saurman
Baker	Flick	Lynch	Scheetz
Barley	Freeman	Manderino	Schuler
Battisto	Gannon	Markosek	Scrimenti
Bebko-Jones	Geist	Marsico	Semmel
Belardi	George	Masland	Serafini
Belfanti	Gerlach	Mayermik	Smith, B.
Bishop	Gigliotti	McCall	Smith, S. H.
Blaum	Gladeck	McGeehan	Snyder, D. W.
Boyes	Godshall	McNally	Staback
Brown	Gruitza	Melio	Stairs
Bunt	Gruppo	Merry	Steighner
Butkovitz	Haluska	Micozzie	Steil
Buxton	Harley	Mihalich	Stern
Caltagirone	Hasay	Miller	Stetler
Carn	Heckler	Mundy	Strittmatter
Cessar	Hennessey	Naflor	Sturla
Chadwick	Herman	Nyce	Taylor, E. Z.
Civera	Hershey	O'Brien	Taylor, J.
Clark	Hess	Oliver	Thomas
Clymer	Hughes	Perzel	Tomlinson
Cohen, I. I.	Hutchinson	Petrarca	Trich
Cohen, M.	Itkin	Pettit	Tulli
Colafrella	Jadlowiec	Phillips	Uliana
Colaizzo	James	Piccola	Vance
Cornell	Jarolin	Pistella	Veon
Corrigan	Josephs	Pitts	Vitali
Cowell	Kasunic	Raymond	Williams
Coy	Keller	Reber	Wogan
Curry	Kenney	Reinard	Wozniak
Dempsey	King	Richardson	Wright, D. R.
Dent	Kirkland	Rieger	Wright, M. N.
Dermody	Kukovich	Ritter	Yandrisevits
Donatucci	LaGrotta	Roberts	Zug
Druce	Laub	Roebuck	

Durham	Laughlin	Rooney	DeWeese,
Egolf	Lawless	Rublely	Speaker
Evans			

NAYS—38

Birmelin	Hanna	Olasz	Stish
Cappabianca	Kaiser	Pesci	Surra
Carone	Krebs	Petrone	Tangretti
Cawley	Leh	Platts	Tigue
Daley	Levdansky	Preston	Trello
DeLuca	Lloyd	Robinson	True
Fajt	Maitland	Rohrer	Van Horne
Fargo	Michlovic	Saylor	Waugh
Gamble	Murphy	Steelman	Yewcic
Gordner	Nickol		

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 763, PN 1358**, entitled:

An Act making appropriations to the Trustees of Drexel University, Philadelphia.

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

The SPEAKER pro tempore. 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—160

Acosta	Fairchild	Lederer	Ryan
Adolph	Farmer	Lee	Santoni
Allen	Fee	Lescovitz	Sather
Argall	Fichter	Linton	Saurman
Armstrong	Fleagle	Lucyk	Scheetz
Baker	Flick	Lynch	Schuler
Barley	Freeman	Manderino	Scrimenti
Battisto	Gannon	Markosek	Semmel
Bebko-Jones	Geist	Marsico	Serafini
Belardi	George	Mayermik	Smith, B.
Belfanti	Gerlach	McCall	Smith, S. H.
Bishop	Gigliotti	McGeehan	Snyder, D. W.
Blaum	Gladeck	McNally	Staback
Boyes	Godshall	Melio	Stairs
Brown	Gruitza	Merry	Steighner
Bunt	Gruppo	Micozzie	Steil

Butkovitz	Haluska	Mihalich	Stern
Buxton	Harley	Miller	Stetler
Caltagirone	Hasay	Mundy	Strittmatter
Cessar	Heckler	Nailor	Sturla
Chadwick	Hennessey	Nyce	Taylor, E. Z.
Civera	Herman	O'Brien	Taylor, J.
Clark	Hershey	Oliver	Thomas
Clymer	Hess	Perzel	Tomlinson
Cohen, L. I.	Hughes	Petrarca	Trich
Cohen, M.	Hutchinson	Pettit	True
Colafrilla	Itkin	Phillips	Tulli
Colaizzo	Jadlowiec	Piccola	Uliana
Cornell	James	Pistella	Veon
Corrigan	Jarolin	Pitts	Vitali
Cowell	Josephs	Raymond	Williams
Coy	Kasunic	Reber	Wogan
Curry	Keller	Reinard	Wozniak
Dempsey	Kenney	Richardson	Wright, D. R.
Dent	King	Rieger	Wright, M. N.
Dermody	Kirkland	Ritter	Yandrisevits
Donatucci	Kukovich	Roberts	Zug
Druce	LaGrotta	Roebuck	
Durham	Laub	Rooney	DeWeese,
Egolf	Laughlin	Rubley	Speaker
Evans	Lawless		

NAYS—41

Birmelin	Hanna	Nickol	Steelman
Cappabianca	Kaiser	Olasz	Stish
Carn	Krebs	Pesci	Surra
Carone	Leh	Petrone	Tangretti
Cawley	Levdansky	Platts	Tigue
Daley	Lloyd	Preston	Trello
DeLuca	Maitland	Robinson	Vance
Fajt	Masland	Rohrer	Van Horne
Fargo	Michlovic	Rudy	Waugh
Gamble	Murphy	Saylor	Yewcic
Gordner			

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 765, PN 1360, entitled:

An Act making appropriations to the University of the Arts, Philadelphia.

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

The SPEAKER pro tempore. 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—141

Acosta	Egolf	Lederer	Rooney
Adolph	Evans	Lescovitz	Rubley
Allen	Fairchild	Linton	Ryan
Argall	Farmer	Lucyk	Santoni
Armstrong	Fee	Manderino	Saurman
Battisto	Fichter	Markosek	Scheetz
Bebko-Jones	Fleagle	Marsico	Schuler
Belardi	Flick	Mayernik	Scrimenti
Belfanti	Freeman	McCall	Semmel
Bishop	Gannon	McGeehan	Smith, B.
Blaum	George	Melio	Snyder, D. W.
Boyes	Gerlach	Merry	Staback
Brown	Gigliotti	Micozzie	Stairs
Bunt	Gladeck	Mihalich	Steighner
Butkovitz	Godshall	Miller	Steil
Buxton	Gruitza	Mundy	Strittmatter
Caltagirone	Gruppo	Nailor	Sturla
Carn	Haluska	Nyce	Taylor, E. Z.
Cessar	Harley	O'Brien	Taylor, J.
Chadwick	Hasay	Oliver	Thomas
Civera	Heckler	Perzel	Tomlinson
Clark	Hennessey	Petrarca	Trich
Cohen, L. I.	Hershey	Pettit	Tulli
Cohen, M.	Hughes	Phillips	Uliana
Colafrilla	Itkin	Piccola	Veon
Colaizzo	James	Pistella	Vitali
Cornell	Jarolin	Pitts	Williams
Corrigan	Josephs	Raymond	Wozniak
Cowell	Kasunic	Reber	Wright, D. R.
Coy	Keller	Reinard	Wright, M. N.
Dempsey	Kirkland	Richardson	Yandrisevits
Dent	Kukovich	Rieger	Zug
Dermody	LaGrotta	Ritter	
Donatucci	Laub	Roberts	DeWeese,
Druce	Laughlin	Robinson	Speaker
Durham	Lawless	Roebuck	

NAYS—59

Baker	Herman	McNally	Steelman
Barley	Hess	Michlovic	Stern
Birmelin	Hutchinson	Murphy	Stetler
Cappabianca	Jadlowiec	Nickol	Stish
Carone	Kaiser	Olasz	Surra
Cawley	Kenney	Pesci	Tangretti
Clymer	King	Petrone	Tigue
Daley	Krebs	Platts	Trello
DeLuca	Lee	Preston	True
Fajt	Leh	Rohrer	Vance
Fargo	Levdansky	Rudy	Van Horne
Gamble	Lloyd	Sather	Waugh
Geist	Lynch	Saylor	Wogan
Gordner	Maitland	Serafini	Yewcic
Hanna	Masland	Smith, S. H.	

NOT VOTING—1

Curry

EXCUSED—2

Bush O'Donnell



The two-thirds 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 767, PN 1362**, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

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

The **SPEAKER** pro tempore. 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—171**

Acosta	Fairchild	Lescovitz	Rooney
Adolph	Fajt	Levdansky	Rubley
Allen	Farmer	Linton	Rudy
Argall	Fee	Lloyd	Ryan
Armstrong	Fichter	Lucyk	Santoni
Baker	Fleagle	Manderino	Saurman
Barley	Flick	Markosek	Scheetz
Battisto	Freeman	Marsico	Schuler
Bebko-Jones	Gamble	Mayernik	Scrimenti
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Serafini
Bishop	George	McNally	Smith, B.
Blaum	Gerlach	Melio	Snyder, D. W.
Boyes	Gigliotti	Merry	Staback
Brown	Gladeck	Michlovic	Stairs
Bunt	Godshall	Micozzie	Steighner
Butkowitz	Gruitza	Mihalich	Steil
Buxton	Gruppo	Miller	Stern
Caltagirone	Haluska	Mundy	Strittmatter
Carn	Harley	Murphy	Sturla
Cawley	Hasay	Nailor	Taylor, E. Z.
Cessar	Heckler	Nyce	Taylor, J.
Chadwick	Hennessey	O'Brien	Thomas
Civera	Herman	Olasz	Tomlinson
Clark	Hershey	Oliver	Trello
Clymer	Hess	Perzel	Trich
Cohen, L. I.	Hughes	Petrarca	True
Cohen, M.	Hutchinson	Petrone	Tulli
Colafrilla	Itkin	Pettit	Uliana
Colaizzo	James	Phillips	Vance
Cornell	Jarolin	Piccola	Van Horne
Corrigan	Josephs	Pistella	Veon
Cowell	Kaiser	Pitts	Vitali
Coy	Kasunic	Preston	Williams
Curry	Keller	Raymond	Wogan
DeLuca	Kenney	Reber	Wozniak
Dempsey	Kirkland	Reinard	Wright, D. R.
Dent	Kukovich	Richardson	Wright, M. N.

Dermody	LaGrotta	Rieger	Yandrisevits
Donatucci	Laub	Ritter	Zug
Druce	Laughlin	Roberts	
Durham	Lawless	Robinson	DeWeese,
Egolf	Lederer	Roebuck	Speaker
Evans			

**NAYS—30**

Birmelin	King	Pesci	Stetler
Cappabianca	Krebs	Platts	Stish
Carone	Lee	Rohrer	Surra
Daley	Leh	Sather	Tangretti
Fargo	Lynch	Saylor	Tigue
Gordner	Maitland	Smith, S. H.	Waugh
Hanna	Masland	Steelman	Yewcic
Jadlowiec	Nickol		

**NOT VOTING—0**

**EXCUSED—2**

Bush	O'Donnell
------	-----------

The two-thirds 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 768, PN 831**, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown.

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

The **SPEAKER** pro tempore. 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—177**

Acosta	Fajt	Levdansky	Rubley
Adolph	Farmer	Linton	Rudy
Allen	Fee	Lloyd	Ryan
Argall	Fichter	Lucyk	Santoni
Armstrong	Fleagle	Lynch	Sather
Baker	Flick	Manderino	Saurman
Barley	Freeman	Markosek	Scheetz
Battisto	Gamble	Marsico	Schuler
Bebko-Jones	Gannon	Masland	Scrimenti
Belardi	Geist	Mayernik	Semmel
Belfanti	George	McCall	Serafini
Bishop	Gerlach	McGeehan	Smith, B.
Blaum	Gigliotti	McNally	Snyder, D. W.
Boyes	Gladeck	Melio	Staback
Brown	Godshall	Merry	Stairs

Bunt	Gordner	Michlovic	Steighner
Butkovitz	Gruitza	Micozzie	Steil
Buxton	Gruppo	Mihalich	Stern
Caltagirone	Haluska	Miller	Strittmatter
Carn	Harley	Mundy	Sturla
Cawley	Hasay	Murphy	Taylor, E. Z.
Cessar	Heckler	Nailor	Taylor, J.
Chadwick	Hennessey	Nyce	Thomas
Civera	Herman	O'Brien	Tomlinson
Clark	Hershey	Olasz	Trello
Clymer	Hess	Oliver	Trich
Cohen, L. I.	Hughes	Perzel	True
Cohen, M.	Itkin	Petrarca	Tulli
Colafella	James	Petrone	Uliana
Colaizzo	Jarolin	Pettit	Vance
Cornell	Josephs	Phillips	Van Horne
Corrigan	Kaiser	Piccola	Veon
Cowell	Kasunic	Pistella	Vitali
Coy	Keller	Pitts	Williams
Curry	Kenney	Preston	Wogan
DeLuca	King	Raymond	Wozniak
Dempsey	Kirkland	Reber	Wright, D. R.
Dent	Kukovich	Reinard	Wright, M. N.
Dermody	LaGrotta	Richardson	Yandrisevits
Donatucci	Laub	Rieger	Yewcic
Druce	Laughlin	Ritter	Zug
Durham	Lawless	Roberts	
Egolf	Lederer	Robinson	DeWeese,
Evans	Lee	Roebuck	Speaker
Fairchild	Lescovitz	Rooney	

NAYS—24

Birmelin	Hutchinson	Pesci	Stetler
Cappabianca	Jadlowiec	Platts	Stish
Carone	Krebs	Rohrer	Surra
Daley	Leh	Saylor	Tangretti
Fargo	Maitland	Smith, S. H.	Tigue
Hanna	Nickol	Steelman	Waugh

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 769, PN 832**, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton.

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

The **SPEAKER pro tempore**. 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—171

Acosta	Fairchild	Lee	Rubley
Adolph	Fajt	Lescovitz	Rudy
Allen	Farmer	Levdansky	Ryan
Argall	Fee	Linton	Santoni
Armstrong	Fichter	Lloyd	Saurman
Baker	Fleagle	Lucyk	Scheetz
Barley	Flick	Manderino	Schuler
Battisto	Freeman	Markosek	Scrimenti
Bebko-Jones	Gamble	Marsico	Semmel
Belardi	Gannon	Mayermik	Serafini
Belfanti	Geist	McCall	Smith, B.
Bishop	George	McGeehan	Snyder, D. W.
Blaum	Gerlach	McNally	Staback
Boyes	Gigliotti	Melio	Stairs
Brown	Gladeck	Merry	Steighner
Bunt	Godshall	Michlovic	Steil
Butkovitz	Gordner	Micozzie	Stern
Buxton	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Strittmatter
Carn	Haluska	Mundy	Sturla
Cawley	Harley	Murphy	Taylor, E. Z.
Cessar	Hasay	Nyce	Taylor, J.
Chadwick	Heckler	O'Brien	Thomas
Civera	Hennessey	Olasz	Tomlinson
Clark	Herman	Oliver	Trello
Clymer	Hershey	Perzel	Trich
Cohen, L. I.	Hess	Petrarca	True
Cohen, M.	Hughes	Petrone	Tulli
Colafella	Itkin	Pettit	Uliana
Colaizzo	James	Phillips	Van Horne
Cornell	Jarolin	Piccola	Veon
Corrigan	Josephs	Pistella	Vitali
Cowell	Kaiser	Pitts	Williams
Coy	Kasunic	Preston	Wogan
Curry	Keller	Raymond	Wozniak
DeLuca	Kenney	Reber	Wright, D. R.
Dempsey	Kirkland	Reinard	Wright, M. N.
Dent	Kukovich	Richardson	Yandrisevits
Dermody	LaGrotta	Rieger	Yewcic
Donatucci	Laub	Ritter	Zug
Druce	Laughlin	Roberts	
Durham	Lawless	Roebuck	DeWeese,
Egolf	Lederer	Rooney	Speaker
Evans			

NAYS—30

Birmelin	King	Pesci	Steelman
Cappabianca	Krebs	Platts	Stetler
Carone	Leh	Robinson	Surra
Daley	Lynch	Rohrer	Tangretti
Fargo	Maitland	Sather	Tigue
Hanna	Masland	Saylor	Vance
Hutchinson	Nailor	Smith, S. H.	Waugh
Jadlowiec	Nickol		

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 770, PN 833, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

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

The SPEAKER pro tempore. 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—174

Acosta	Fairchild	Lescovitz	Rudy
Adolph	Fajt	Levdansky	Ryan
Allen	Farmer	Linton	Santoni
Argall	Fee	Lloyd	Sather
Armstrong	Fichter	Lucyk	Saurman
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gamble	Mayernik	Semmel
Belardi	Gannon	McCall	Serafini
Belfanti	Geist	McGeehan	Smith, B.
Bishop	George	McNally	Snyder, D. W.
Blaum	Gerlach	Melio	Staback
Boyes	Gigliotti	Merry	Stairs
Brown	Gladeck	Michlovic	Steighner
Bunt	Godshall	Micozzie	Stel
Butkovitz	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stish
Caltagirone	Haluska	Mundy	Strittmatter
Carn	Harley	Murphy	Sturla
Cawley	Hasay	Nailor	Taylor, E. Z.
Cessar	Heckler	Nyce	Taylor, J.
Chadwick	Hennessey	O'Brien	Thomas
Civera	Herman	Olasz	Tomlinson
Clark	Hershey	Oliver	Trello
Clymer	Hess	Perzel	Trich
Cohen, L. I.	Hughes	Petrarca	True
Cohen, M.	Itkin	Petrone	Tulli
Colafrilla	James	Pettit	Uliana
Colaizzo	Jarolin	Phillips	Vance
Cornell	Josephs	Piccola	Van Horne
Corrigan	Kaiser	Pistella	Veon
Cowell	Kasunic	Pitts	Vitali
Coy	Keller	Preston	Williams
Curry	Kenney	Raymond	Wogan
DeLuca	King	Reber	Wozniak
Dempsey	Kirkland	Reinard	Wright, D. R.
Dent	Kukovich	Richardson	Wright, M. N.
Dermody	LaGrotta	Rieger	Yandrisevits
Donatucci	Laub	Ritter	Yewcic

Druce	Laughlin	Roberts	Zug
Durham	Lawless	Roebuck	
Egolf	Lederer	Rooney	DeWeese,
Evans	Lee	Rublely	Speaker

NAYS—27

Birmelin	Hutchinson	Nickol	Stelman
Cappabianca	Jadlowiec	Pesci	Stetler
Carone	Krebs	Platts	Surra
Daley	Leh	Robinson	Tangretti
Fargo	Lynch	Rohrer	Tigue
Gordner	Maitland	Saylor	Waugh
Hanna	Masland	Smith, S. H.	

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 771, PN 1363, entitled:

An Act making appropriations to the Pennsylvania College of Optometry, Philadelphia.

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

The SPEAKER pro tempore. 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—173

Acosta	Farmer	Levdansky	Sather
Adolph	Fee	Linton	Saurman
Allen	Fichter	Lucyk	Scheetz
Argall	Fleagle	Lynch	Schuler
Armstrong	Flick	Manderino	Scrimenti
Baker	Freeman	Markosek	Semmel
Barley	Gannon	Marsico	Serafini
Battisto	Geist	Masland	Smith, B.
Bebko-Jones	George	Mayernik	Smith, S. H.
Belardi	Gerlach	McCall	Snyder, D. W.
Belfanti	Gigliotti	McGeehan	Staback
Bishop	Gladeck	Melio	Stairs
Blaum	Godshall	Merry	Stelman
Boyes	Gordner	Wogan	Steighner
Brown	Gruitza	Mihalich	Stel
Bunt	Gruppo	Miller	Stern
Butkovitz	Haluska	Mundy	Stetler
Buxton	Harley	Nailor	Stish
Caltagirone	Hasay	Nyce	Strittmatter

Carn	Heckler	O'Brien	Sturla
Cessar	Hennessey	Olasz	Taylor, E. Z.
Chadwick	Herman	Oliver	Taylor, J.
Civera	Hershey	Perzel	Thomas
Clark	Hess	Petrarca	Tomlinson
Clymer	Hughes	Petrone	Trello
Cohen, L. I.	Hutchinson	Petit	Trich
Cohen, M.	Itkin	Phillips	True
Colaella	James	Piccola	Tulli
Colaizzo	Jarolin	Pistella	Uliana
Cornell	Josephs	Pitts	Vance
Corrigan	Kaiser	Raymond	Veon
Cowell	Kasunic	Reber	Vitali
Coy	Keller	Reinard	Williams
Curry	Kenney	Richardson	Wogan
DeLuca	King	Rieger	Wozniak
Dempsey	Kirkland	Ritter	Wright, D. R.
Dent	Kukovich	Roberts	Wright, M. N.
Dermody	LaGrotta	Robinson	Yandrisevits
Donatucci	Laub	Roebuck	Yewcic
Druce	Laughlin	Rooney	Zug
Durham	Lawless	Rubley	
Egolf	Lederer	Rudy	DeWeese,
Evans	Lee	Ryan	Speaker
Fairchild	Lescovitz	Santoni	

NAYS—28

Birmelin	Gamble	McNally	Rohrer
Cappabianca	Hanna	Michlovic	Saylor
Carone	Jadlowiec	Murphy	Surra
Cawley	Krebs	Nickol	Tangretti
Daley	Leh	Pesci	Tigue
Fajt	Lloyd	Platts	Van Horne
Fargo	Maitland	Preston	Waugh

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 772, PN 1364**, entitled:

An Act making appropriations to the Pennsylvania College of Podiatric Medicine, Philadelphia.

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

The **SPEAKER** pro tempore. 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—169

Acosta	Fairchild	Linton	Santoni
Adolph	Farmer	Lucyk	Sather
Allen	Fee	Lynch	Saurman
Argall	Fichter	Manderino	Scheetz
Armstrong	Fleagle	Markosek	Schuler
Baker	Flick	Marsico	Scrimenti
Barley	Freeman	Masland	Semmel
Battisto	Gannon	Mayernik	Serafini
Bebko-Jones	Geist	McCall	Smith, B.
Belardi	George	McGeehan	Smith, S. H.
Belfanti	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Merry	Stairs
Brown	Godshall	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Haluska	Mundy	Stetler
Caltagirone	Harley	Nailor	Stish
Carn	Hasay	Nyce	Strittmatter
Cawley	Heckler	O'Brien	Sturla
Cessar	Hennessey	Olasz	Taylor, E. Z.
Chadwick	Herman	Oliver	Taylor, J.
Civera	Hershey	Perzel	Thomas
Clark	Hess	Petrarca	Tomlinson
Clymer	Hughes	Petrone	Trello
Cohen, L. I.	Hutchinson	Petit	Trich
Cohen, M.	Itkin	Phillips	Tulli
Colaella	James	Piccola	Uliana
Colaizzo	Jarolin	Pistella	Vance
Cornell	Josephs	Pitts	Veon
Corrigan	Kasunic	Raymond	Vitali
Cowell	Keller	Reber	Williams
Coy	Kenney	Reinard	Wogan
Curry	King	Richardson	Wozniak
DeLuca	Kirkland	Rieger	Wright, D. R.
Dempsey	Kukovich	Ritter	Wright, M. N.
Dent	LaGrotta	Roberts	Yandrisevits
Dermody	Laub	Robinson	Yewcic
Donatucci	Laughlin	Roebuck	Zug
Druce	Lawless	Rooney	
Durham	Lederer	Rubley	DeWeese,
Egolf	Lee	Rudy	Speaker
Evans	Lescovitz	Ryan	

NAYS—32

Birmelin	Gordner	Maitland	Saylor
Boyes	Hanna	Michlovic	Steelman
Cappabianca	Jadlowiec	Murphy	Surra
Carone	Kaiser	Nickol	Tangretti
Daley	Krebs	Pesci	Tigue
Fajt	Leh	Platts	True
Fargo	Levdansky	Preston	Van Horne
Gamble	Lloyd	Rohrer	Waugh

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 773, PN 1365**, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

The **SPEAKER** pro tempore. 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—189

Acosta	Farmer	Linton	Sather
Adolph	Fee	Lloyd	Saurman
Allen	Fichter	Lucyk	Scheetz
Argall	Fleagle	Lynch	Schuler
Armstrong	Flick	Manderino	Scrimenti
Baker	Freeman	Markosek	Semmel
Barley	Gamble	Marsico	Serafini
Battisto	Gannon	Masland	Smith, B.
Bebko-Jones	Geist	Mayermik	Smith, S. H.
Belardi	George	McCall	Snyder, D. W.
Belfanti	Gerlach	McGeehan	Staback
Bishop	Gigliotti	McNally	Stairs
Blaum	Gladeck	Melio	Steighner
Boyes	Godshall	Merry	Steil
Brown	Gordner	Michlovic	Stern
Bunt	Gruitza	Micozzie	Stetler
Butkovitz	Gruppo	Mihalich	Stish
Buxton	Haluska	Miller	Strittmatter
Caltagirone	Hanna	Mundy	Sturla
Carn	Harley	Murphy	Surra
Cawley	Hasay	Naylor	Tangretti
Cessar	Heckler	Nyce	Taylor, E. Z.
Chadwick	Hennessey	O'Brien	Taylor, J.
Civera	Herman	Olasz	Thomas
Clark	Hershey	Oliver	Tigue
Clymer	Hess	Perzel	Tomlinson
Cohen, L. I.	Hughes	Petrarca	Trello
Cohen, M.	Hutchinson	Petrone	Trich
Colafrilla	Itkin	Pettit	True
Colaizzo	Jadlowiec	Phillips	Tulli
Cornell	James	Piccola	Uliana
Corrigan	Jarolin	Pistella	Vance
Cowell	Josephs	Pitts	Van Horne
Coy	Kaiser	Platts	Veon
Curry	Kasunic	Preston	Vitali
Daley	Keller	Raymond	Waugh
DeLuca	Kenney	Reber	Williams
Dempsey	King	Reinard	Wogan
Dent	Kirkland	Richardson	Wozniak
Dermody	Kukovich	Rieger	Wright, D. R.
Donatucci	IaGrotta	Ritter	Wright, M. N.
Druce	Laub	Roberts	Yandrisevits

Durham	Laughlin	Roebuck	Yewcic
Egolf	Lawless	Rooney	Zug
Evans	Lederer	Rubley	
Fairchild	Lee	Rudy	DeWeese, Speaker
Fajt	Lescovitz	Ryan	
Fargo	Levdansky	Santoni	

NAYS—12

Birmelin	Krebs	Nickol	Rohrer
Cappabianca	Leh	Pesci	Saylor
Carone	Maitland	Robinson	Steelman

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 774, PN 837**, entitled:

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

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

The **SPEAKER** pro tempore. 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—173

Acosta	Fajt	Levdansky	Rudy
Adolph	Farmer	Linton	Ryan
Allen	Fee	Lloyd	Santoni
Argall	Fichter	Lucyk	Saurman
Armstrong	Fleagle	Manderino	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Freeman	Marsico	Scrimenti
Battisto	Gamble	Masland	Semmel
Bebko-Jones	Gannon	Mayermik	Serafini
Belardi	Geist	McCall	Smith, B.
Belfanti	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steighner
Brown	Godshall	Michlovic	Steil
Bunt	Gruitza	Micozzie	Stish
Butkovitz	Gruppo	Mihalich	Strittmatter
Buxton	Haluska	Miller	Sturla
Caltagirone	Harley	Mundy	Surra
Carn	Hasay	Murphy	Tangretti

Cawley	Heckler	Nailor	Taylor, E. Z.
Cessar	Hennessey	Nyce	Taylor, J.
Chadwick	Herman	O'Brien	Thomas
Civera	Hershey	Olasz	Tomlinson
Clark	Hess	Oliver	Trello
Clymer	Hughes	Perzel	Trich
Cohen, L. I.	Itkin	Petrarca	True
Cohen, M.	James	Petrone	Tulli
Colaella	Jarolin	Pettit	Uliana
Colaizzo	Josephs	Phillips	Vance
Cornell	Kaiser	Piccola	Van Horne
Corrigan	Kasunic	Pistella	Veon
Cowell	Keller	Pitts	Vitali
Coy	Kenney	Preston	Williams
Curry	King	Raymond	Wogan
DeLuca	Kirkland	Reber	Wozniak
Dempsey	Kukovich	Reinard	Wright, D. R.
Dent	LaGrotta	Richardson	Wright, M. N.
Dermody	Laub	Rieger	Yandrisevits
Donatucci	Laughlin	Ritter	Zug
Druce	Lawless	Roberts	
Durham	Lederer	Roebuck	DeWeese,
Evans	Lee	Rooney	Speaker
Fairchild	Lescovitz	Rubley	

NAYS—28

Birmelin	Hanna	Nickol	Smith, S. H.
Cappabianca	Hutchinson	Pesci	Steelman
Carone	Jadlowiec	Platts	Stern
Daley	Krebs	Robinson	Stetler
Egolf	Leh	Rohrer	Tigue
Fargo	Lynch	Sather	Waugh
Gordner	Maitland	Saylor	Yewcic

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 775, PN 838**, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

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

The SPEAKER pro tempore. 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—182

Acosta	Farmer	Linton	Sather
Adolph	Fee	Lloyd	Saurman
Allen	Fichter	Lucyk	Scheetz
Argall	Fleagle	Manderino	Schuler
Armstrong	Flick	Markosek	Scrimenti
Baker	Freeman	Marsico	Semmel
Barley	Gamble	Masland	Serafini
Battisto	Gannon	Mayernik	Smith, B.
Bebko-Jones	Geist	McCall	Smith, S. H.
Belardi	George	McGeehan	Snyder, D. W.
Belfanti	Gerlach	McNally	Staback
Bishop	Gigliotti	Melio	Stairs
Blaum	Gladeck	Merry	Steighner
Boyes	Godshall	Michlovic	Steil
Brown	Gordner	Micozzie	Stern
Bunt	Gruitza	Mihalich	Stetler
Butkovitz	Gruppo	Miller	Stish
Buxton	Haluska	Mundy	Strittmatter
Caltagirone	Harley	Murphy	Sturla
Carn	Hasay	Nailor	Surra
Cawley	Heckler	Nyce	Tangretti
Cessar	Hennessey	O'Brien	Taylor, E. Z.
Chadwick	Herman	Olasz	Taylor, J.
Civera	Hershey	Oliver	Thomas
Clark	Hess	Perzel	Tigue
Clymer	Hughes	Petrarca	Tomlinson
Cohen, L. I.	Hutchinson	Petrone	Trello
Cohen, M.	Itkin	Pettit	Trich
Colaella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Cornell	Josephs	Pistella	Uliana
Corrigan	Kaiser	Pitts	Vance
Cowell	Kasunic	Preston	Van Horne
Coy	Keller	Raymond	Veon
Curry	Kenney	Reber	Vitali
Daley	King	Reinard	Williams
DeLuca	Kirkland	Richardson	Wogan
Dempsey	Kukovich	Rieger	Wozniak
Dent	LaGrotta	Ritter	Wright, D. R.
Dermody	Laub	Roberts	Wright, M. N.
Donatucci	Laughlin	Roebuck	Yandrisevits
Druce	Lawless	Rooney	Yewcic
Durham	Lederer	Rubley	Zug
Evans	Lee	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

NAYS—19

Birmelin	Hanna	Maitland	Rohrer
Cappabianca	Jadlowiec	Nickol	Saylor
Carone	Krebs	Pesci	Steelman
Egolf	Leh	Platts	Waugh
Fargo	Lynch	Robinson	

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 776, PN 839**, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

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

The **SPEAKER pro tempore**. 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—181

Acosta	Fee	Linton	Ryan
Adolph	Fichter	Lloyd	Santoni
Allen	Fleagle	Lucyk	Sather
Argall	Flick	Lynch	Saurman
Armstrong	Freeman	Manderino	Scheetz
Baker	Gamble	Markosek	Schuler
Barley	Gannon	Marsico	Scrimenti
Battisto	Geist	Masland	Semmel
Bebko-Jones	George	Mayernik	Serafini
Belardi	Gerlach	McCall	Smith, B.
Belfanti	Gigliotti	McGeehan	Smith, S. H.
Bishop	Gladeck	McNally	Snyder, D. W.
Blaum	Godshall	Melio	Staback
Brown	Gordner	Merry	Stairs
Bunt	Gruitza	Michlovic	Steighner
Butkovitz	Gruppo	Micozzie	Steil
Buxton	Haluska	Mihalich	Stern
Caltagirone	Harley	Miller	Stish
Cawley	Hasay	Mundy	Strittmatter
Cessar	Heckler	Murphy	Sturla
Chadwick	Hennessey	Nailor	Surra
Civera	Herman	Nyce	Tangretti
Clark	Hershey	O'Brien	Taylor, E. Z.
Clymer	Hess	Olasz	Taylor, J.
Cohen, L. I.	Hughes	Oliver	Thomas
Cohen, M.	Hutchinson	Perzel	Tomlinson
Colaifella	Itkin	Petrarca	Trello
Colaizzo	Jadlowiec	Petrone	Trich
Cornell	James	Pettit	True
Corrigan	Jarolin	Phillips	Fulli
Cowell	Josephs	Piccola	Uliana
Coy	Kaiser	Pistella	Vance
Curry	Kasunic	Pitts	Van Home
DeLuca	Keller	Preston	Veon
Dempsey	Kenney	Raymond	Vitali
Dent	King	Reber	Williams
Dermody	Kirkland	Reinard	Wogan
Donatucci	Kukovich	Richardson	Wozniak
Druce	LaGrotta	Rieger	Wright, D. R.
Durham	Laub	Ritter	Wright, M. N.
Egolf	Laughlin	Roberts	Yandrisevits
Evans	Lawless	Robinson	Zug
Fairchild	Lederer	Roebuck	
Fajt	Lee	Rooney	DeWeese,
Fargo	Lescovitz	Rublely	Speaker
Farmer	Levdansky	Rudy	

NAYS—20

Birmelin	Daley	Nickol	Steelman
Boyes	Hanna	Pesci	Steller
Cappabianca	Krebs	Platts	Tigue
Carn	Leh	Rohrer	Waugh
Carone	Maitland	Saylor	Yewcic

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 777, PN 840**, entitled:

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

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

The **SPEAKER pro tempore**. 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—183

Acosta	Fee	Linton	Ryan
Adolph	Fichter	Lloyd	Santoni
Allen	Fleagle	Lucyk	Sather
Argall	Flick	Lynch	Saurman
Armstrong	Freeman	Manderino	Scheetz
Baker	Gamble	Markosek	Schuler
Barley	Gannon	Marsico	Scrimenti
Battisto	Geist	Masland	Semmel
Bebko-Jones	George	Mayernik	Serafini
Belardi	Gerlach	McCall	Smith, B.
Belfanti	Gigliotti	McGeehan	Smith, S. H.
Bishop	Gladeck	McNally	Snyder, D. W.
Blaum	Godshall	Melio	Staback
Brown	Gordner	Merry	Stairs
Bunt	Gruitza	Michlovic	Steighner
Butkovitz	Gruppo	Micozzie	Steil
Buxton	Haluska	Mihalich	Stern
Caltagirone	Harley	Miller	Stish
Carn	Hasay	Mundy	Strittmatter
Cawley	Heckler	Murphy	Sturla
Cessar	Hennessey	Nailor	Surra
Chadwick	Herman	Nyce	Tangretti
Civera	Hershey	O'Brien	Taylor, E. Z.
Clark	Hess	Olasz	Taylor, J.
Clymer	Hughes	Oliver	Thomas
Cohen, L. I.	Hutchinson	Perzel	Tomlinson
Cohen, M.	Itkin	Petrarca	Trello

Colaella	Jadlowiec	Petrone	Trich
Colaizzo	James	Pettit	True
Cornell	Jarolin	Phillips	Tulli
Corrigan	Josephs	Piccola	Uliana
Cowell	Kaiser	Pistella	Vance
Coy	Kasunic	Pitts	Van Horne
Curry	Keller	Preston	Veon
Daley	Kenney	Raymond	Vitali
DeLuca	King	Reber	Williams
Dempsey	Kirkland	Reinard	Wogan
Dent	Kukovich	Richardson	Wozniak
Dermody	LaGrotta	Rieger	Wright, D. R.
Donatucci	Laub	Ritter	Wright, M. N.
Druce	Laughlin	Roberts	Yandrisevits
Durham	Lawless	Robinson	Yewcic
Egolf	Lederer	Roebuck	Zug
Evans	Lee	Rooney	
Fairchild	Lescovitz	Rubley	DeWeese,
Fajt	Levdansky	Rudy	Speaker
Farmer			

NAYS—18

Birmelin	Hanna	Pesci	Steelman
Boyes	Krebs	Platts	Stetler
Cappabianca	Leh	Rohrer	Tigue
Carone	Maitland	Saylor	Waugh
Fargo	Nickol		

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 778, PN 841**, entitled:

An Act making appropriations to St. Christopher's Hospital, Philadelphia.

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

The SPEAKER pro tempore. 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—183

Acosta	Fleagle	Lynch	Sather
Adolph	Flick	Maitland	Saurman
Allen	Freeman	Manderino	Scheetz
Argall	Gamble	Markosek	Schuler
Armstrong	Gannon	Marsico	Scrimanti

Baker	Geist	Mayernik	Samuel
Barley	George	McCall	Serafini
Battisto	Gerlach	McGeehan	Smith, B.
Bebko-Jones	Gigliotti	McNally	Smith, S. H.
Belardi	Gladeck	Melio	Snyder, D. W.
Beffanti	Godshall	Merry	Staback
Bishop	Gordner	Michlovic	Stairs
Blaum	Gruitza	Micozzie	Steighner
Brown	Gruppo	Mihalich	Steil
Bunt	Haluska	Miller	Stern
Butkovitz	Harley	Mundy	Stetler
Buxton	Hasay	Murphy	Stish
Caltagirone	Heckler	Nailor	Strittmatter
Carr	Hennessey	Nickol	Sturla
Cawley	Hershey	Nyce	Surra
Cessar	Hess	O'Brien	Tangretti
Chadwick	Hughes	Olasz	Taylor, E. Z.
Civera	Hutchinson	Oliver	Taylor, J.
Clark	Itkin	Perzel	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Preston	Vance
Coy	King	Raymond	Van Horne
Curry	Kirkland	Reber	Veon
DeLuca	Kukovich	Reinard	Vitali
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Evans	Lescovitz	Rooney	Yewcic
Fairchild	Levdansky	Rubley	Zug
Fajt	Linton	Rudy	
Farmer	Lloyd	Ryan	DeWeese,
Fee	Lucyk	Santoni	Speaker
Fichter			

NAYS—18

Birmelin	Egolf	Leh	Rohrer
Boyes	Fargo	Masland	Saylor
Cappabianca	Hanna	Pesci	Steelman
Carone	Herman	Platts	Waugh
Daley	Krebs		

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 779, PN 842**, entitled:



An Act making an appropriation to the Lancaster Cleft Palate.

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

The SPEAKER pro tempore. 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—189

Acosta	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Flick	Manderino	Scheetz
Armstrong	Freeman	Markosek	Schuler
Baker	Gamble	Marsico	Scrimenti
Barley	Gannon	Masland	Semmel
Battisto	Geist	Mayernik	Serafini
Bebko-Jones	George	McCall	Smith, B.
Belardi	Gerlach	McGeehan	Smith, S. H.
Belfanti	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boyes	Gordner	Michlovic	Steelman
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkovitz	Haluska	Miller	Stern
Buxton	Harley	Mundy	Stetler
Caltagirone	Hasay	Murphy	Stish
Carn	Heckler	Nailor	Strittmatter
Cawley	Hennessey	Nickol	Sturla
Cessar	Herman	Nyce	Surra
Chadwick	Hershey	O'Brien	Tangretti
Civera	Hess	Olasz	Taylor, E. Z.
Clark	Hughes	Oliver	Taylor, J.
Clymer	Hutchinson	Perzel	Thomas
Cohen, L. I.	Itkin	Petrarca	Tigue
Cohen, M.	Jadlowiec	Petrone	Tomlinson
Colafranca	James	Pettit	Trello
Colaizzo	Jarolin	Phillips	Trich
Cornell	Josephs	Piccola	True
Corrigan	Kaiser	Pistella	Tulli
Cowell	Kasunic	Pitts	Uliana
Coy	Keller	Preston	Vance
Curry	Kenney	Raymond	Van Horne
Daley	King	Reber	Veon
DeLuca	Kirkland	Reinard	Vitali
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wozniak
Dermoddy	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yandrisevits
Durham	Lederer	Roebuck	Yewcic
Egolf	Lee	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Farmer	Lloyd	Ryan	

NAYS—11

Birmelin	Fargo	Leh	Saylor
Cappabianca	Hanna	Pesci	Waugh
Carone	Krebs	Platts	

NOT VOTING—1

Williams

EXCUSED—2

Bush O'Donnell

The two-thirds 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 780, PN 843, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

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

The SPEAKER pro tempore. 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—188

Acosta	Fee	Lynch	Sather
Adolph	Fichter	Maitland	Saurman
Allen	Fleagle	Manderino	Scheetz
Argall	Flick	Markosek	Schuler
Armstrong	Freeman	Marsico	Scrimenti
Baker	Gamble	Masland	Semmel
Barley	Gannon	Mayernik	Serafini
Battisto	Geist	McCall	Smith, B.
Bebko-Jones	George	McGeehan	Smith, S. H.
Belardi	Gerlach	McNally	Snyder, D. W.
Belfanti	Gigliotti	Melio	Staback
Bishop	Gladeck	Merry	Stairs
Blaum	Godshall	Michlovic	Steelman
Boyes	Gordner	Micozzie	Steighner
Brown	Gruitza	Mihalich	Steil
Bunt	Gruppo	Miller	Stern
Butkovitz	Haluska	Mundy	Stetler
Buxton	Harley	Murphy	Stish
Caltagirone	Hasay	Nailor	Strittmatter
Carn	Heckler	Nyce	Sturla
Cawley	Hennessey	O'Brien	Surra
Cessar	Herman	Olasz	Tangretti
Chadwick	Hershey	Oliver	Taylor, E. Z.
Civera	Hess	Perzel	Taylor, J.
Clark	Hughes	Petrarca	Thomas
Clymer	Itkin	Petrone	Tigue
Cohen, L. I.	Jadlowiec	Pettit	Tomlinson
Cohen, M.	James	Phillips	Trello
Colafranca	Jarolin	Piccola	Trich
Colaizzo	Josephs	Pistella	True
Cornell	Kaiser	Pitts	Tulli
Corrigan	Kasunic	Preston	Uliana
Cowell	Keller	Raymond	Vance

Coy	Kenney	Reber	Van Horne
Curry	King	Reinard	Veon
Daley	Kirkland	Richardson	Vitali
DeLuca	Kukovich	Rieger	Williams
Dempsey	LaGrotta	Ritter	Wogan
Dent	Laub	Roberts	Wozniak
Dermody	Laughlin	Robinson	Wright, D. R.
Donatucci	Lawless	Roebuck	Wright, M. N.
Druce	Lederer	Rohrer	Yandrisevits
Durham	Lee	Rooney	Yewcic
Egolf	Lescovitz	Rublely	Zug
Evans	Levdansky	Rudy	
Fairchild	Linton	Ryan	DeWeese,
Fajt	Lloyd	Santoni	Speaker
Farmer	Lucyk		

NAYS—13

Birmelin	Hanna	Leh	Platts
Cappabianca	Hutchinson	Nickol	Saylor
Carone	Krebs	Pesci	Waugh
Fargo			

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 781, PN 844, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

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

The SPEAKER pro tempore. 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	Fee	Lloyd	Sather
Adolph	Fichter	Lucyk	Saurman
Allen	Fleagle	Lynch	Scheetz
Argall	Flick	Manderino	Schuler
Armstrong	Freeman	Markosek	Scrimenti
Baker	Gamble	Marsico	Semmel
Barley	Gannon	Masland	Serafini
Battisto	Geist	Mayernik	Smith, B.
Bebko-Jones	George	McCall	Smith, S. H.
Belardi	Gerlach	McGechan	Snyder, D. W.

Belfanti	Gigliotti	McNally	Staback
Bishop	Gladeck	Melio	Stairs
Blaum	Godshall	Merry	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Butkovitz	Haluska	Miller	Stetler
Buxton	Harley	Mundy	Stish
Caltagirone	Hasay	Murphy	Strittmatter
Carn	Heckler	Nailor	Sturla
Cawley	Hennessey	Nyce	Surra
Cessar	Herman	O'Brien	Tangretti
Chadwick	Hershey	Olasz	Taylor, E. Z.
Civera	Hess	Oliver	Taylor, J.
Clark	Hughes	Perzel	Thomas
Clymer	Hutchinson	Petrarca	Tigue
Cohen, L. I.	Itkin	Petrone	Tomlinson
Cohen, M.	Jadlowiec	Pettit	Trello
Colafella	James	Phillips	Trich
Colaizzo	Jarolin	Piccola	True
Cornell	Josephs	Pistella	Tulli
Corrigan	Kaiser	Pitts	Uliana
Cowell	Kasunic	Preston	Vance
Coy	Keller	Raymond	Van Horne
Curry	Kenney	Reber	Veon
Daley	King	Reinard	Vitali
DeLuca	Kirkland	Richardson	Williams
Dempsey	Kukovich	Rieger	Wogan
Dent	LaGrotta	Ritter	Wozniak
Dermody	Laub	Roberts	Wright, D. R.
Donatucci	Laughlin	Robinson	Wright, M. N.
Druce	Lawless	Roebuck	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rublely	Zug
Evans	Lescovitz	Rudy	
Fairchild	Levdansky	Ryan	DeWeese,
Fajt	Linton	Santoni	Speaker
Farmer			

NAYS—14

Birmelin	Hanna	Nickol	Rohrer
Cappabianca	Krebs	Pesci	Saylor
Carone	Leh	Platts	Waugh
Fargo	Maitland		

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 782, PN 845, entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia.

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

Bill was agreed to.

The SPEAKER pro tempore. 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—190

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Merry	Stairs
Brown	Gordner	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Steil
Butkovitz	Gruppo	Mihalich	Stern
Buxton	Haluska	Miller	Stetler
Caltagirone	Harley	Mundy	Stish
Carn	Hasay	Murphy	Strittmatter
Cawley	Heckler	Nailor	Sturla
Cessar	Hennessey	Nickol	Surra
Chadwick	Herman	Nyce	Tangretti
Civera	Hershey	O'Brien	Taylor, E. Z.
Clark	Hess	Olasz	Taylor, J.
Clymer	Hughes	Oliver	Thomas
Cohen, L. I.	Hutchinson	Perzel	Tigue
Cohen, M.	Itkin	Petrarca	Tomlinson
Colafella	Jadlowiec	Petrone	Trello
Colaizzo	James	Pettit	Trich
Cornell	Jarolin	Phillips	True
Corrigan	Josephs	Piccola	Tulli
Cowell	Kaiser	Pistella	Uliana
Coy	Kasunic	Pitts	Vance
Curry	Keller	Preston	Van Horne
Daley	Kenney	Raymond	Veon
DeLuca	King	Reber	Vitali
Dempsey	Kirkland	Reinard	Waugh
Dent	Kukovich	Richardson	Wogan
Dermody	LaGrotta	Rieger	Wozniak
Donatucci	Laub	Ritter	Wright, D. R.
Druce	Laughlin	Roberts	Wright, M. N.
Durham	Lawless	Robinson	Yandrisevits
Egolf	Lederer	Roebuck	Yewcic
Evans	Lee	Rooney	Zug
Fairchild	Lescovitz	Rublely	
Fajt	Levdansky	Rudy	DeWeese,
Fargo	Linton	Ryan	Speaker

NAYS—10

Birmelin	Hanna	Pesci	Rohrer
Cappabianca	Krebs	Platts	Steelman
Carone	Leh		

NOT VOTING—1

Williams

EXCUSED—2

Bush O'Donnell

The two-thirds 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 783, PN 846**, entitled:

*An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.*

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. 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—182

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Brown	Godshall	Merry	Stairs
Bunt	Gruitza	Michlovic	Steighner
Butkovitz	Gruppo	Micozzie	Steil
Buxton	Haluska	Mihalich	Stetler
Caltagirone	Harley	Miller	Stish
Carn	Hasay	Mundy	Strittmatter
Cawley	Heckler	Murphy	Sturla
Cessar	Hennessey	Nailor	Surra
Chadwick	Herman	Nyce	Tangretti
Civera	Hershey	O'Brien	Taylor, E. Z.
Clark	Hess	Olasz	Taylor, J.
Clymer	Hughes	Oliver	Thomas
Cohen, L. I.	Hutchinson	Perzel	Tomlinson
Cohen, M.	Itkin	Petrarca	Trello
Colafella	Jadlowiec	Petrone	Trich
Colaizzo	James	Pettit	True
Cornell	Jarolin	Phillips	Tulli
Corrigan	Josephs	Piccola	Uliana
Cowell	Kaiser	Pistella	Vance
Coy	Kasunic	Pitts	Van Horne
Curry	Keller	Preston	Veon
Daley	Kenney	Raymond	Vitali
DeLuca	King	Reber	Williams

Dempsey	Kirkland	Reinard	Wogan
Dent	Kukovich	Richardson	Wozniak
Dermody	LaGrotta	Rieger	Wright, D. R.
Donatucci	Laub	Ritter	Wright, M. N.
Druce	Laughlin	Roberts	Yandrisevits
Durham	Lawless	Robinson	Yewcic
Egolf	Lederer	Roebuck	Zug
Evans	Lee	Rooney	
Fairchild	Lescovitz	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker

NAYS—18

Birmelin	Gordner	Pesci	Steelman
Boyes	Hanna	Platts	Stern
Cappabianca	Krebs	Rohrer	Tigue
Carone	Leh	Saylor	Waugh
Fargo	Nickol		

NOT VOTING—1

Levdansky

EXCUSED—2

Bush O'Donnell

The two-thirds 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 784, PN 1366, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

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

The SPEAKER pro tempore. 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—186

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Merry	Stairs

Brown	Gordner	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Steil
Butkovitz	Gruppo	Mihalich	Stern
Buxton	Haluska	Miller	Stetler
Caltagirone	Harley	Mundy	Stish
Carn	Hasay	Murphy	Strittmatter
Cawley	Heckler	Nailor	Sturla
Cessar	Hennessey	Nickol	Surra
Chadwick	Herman	Nyce	Tangretti
Civera	Hershey	O'Brien	Taylor, E. Z.
Clark	Hess	Olasz	Taylor, J.
Clymer	Hughes	Oliver	Thomas
Cohen, L. I.	Itkin	Perzel	Tomlinson
Cohen, M.	Jadlowiec	Petrarca	Trello
Colafella	James	Petrone	Trich
Colaizzo	Jarolin	Pettit	True
Cornell	Josephs	Phillips	Tulli
Corrigan	Kaiser	Piccola	Uliana
Cowell	Kasunic	Pistella	Vance
Coy	Keller	Pitts	Van Horne
Curry	Kenney	Preston	Veon
Daley	King	Raymond	Vitali
DeLuca	Kirkland	Reber	Williams
Dempsey	Kukovich	Reinard	Wogan
Dent	LaGrotta	Richardson	Wozniak
Dermody	Laub	Rieger	Wright, D. R.
Donatucci	Laughlin	Ritter	Wright, M. N.
Druce	Lawless	Roberts	Yandrisevits
Durham	Lederer	Robinson	Yewcic
Egolf	Lee	Roebuck	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker

NAYS—15

Birmelin	Hanna	Pesci	Steelman
Cappabianca	Hutchinson	Platts	Tigue
Carone	Krebs	Rohrer	Waugh
Fargo	Leh	Saylor	

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 785, PN 1367, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

The SPEAKER pro tempore. 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	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Flick	Manderino	Saylor
Armstrong	Freeman	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scriminti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeachan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkovitz	Haluska	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Carn	Hasay	Nailor	Strittmatter
Cawley	Heckler	Nickol	Sturla
Cessar	Hennessey	Nyce	Surra
Chadwick	Herman	O'Brien	Tangretti
Civera	Hershey	Olasz	Taylor, E. Z.
Clark	Hess	Oliver	Taylor, J.
Clymer	Hughes	Perzel	Thomas
Cohen, L. I.	Hutchinson	Petrarca	Tigue
Cohen, M.	Itkin	Petrone	Tomlinson
Colaella	Jadlowiec	Pettit	Trello
Colaizzo	Jarolin	Phillips	Trich
Cornell	Josephs	Piccola	True
Corrigan	Kaiser	Pistella	Tulli
Cowell	Kasunic	Pitts	Uliana
Coy	Keller	Preston	Vance
Curry	Kenney	Raymond	Van Horne
Daley	King	Reber	Veon
DeLuca	Kirkland	Reinard	Vitali
Dempsey	Kukovich	Richardson	Williams
Dent	LaGrotta	Rieger	Wogan
Dermoddy	Laub	Ritter	Wozniak
Donatucci	Laughlin	Roberts	Wright, D. R.
Druce	Lawless	Robinson	Wright, M. N.
Durham	Lederer	Roebuck	Yandrisevits
Egolf	Lec	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rublely	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker
Farmer			

NAYS—9

Birmelin	Krebs	Pesci	Steelman
Cappabianca	Leh	Platts	Waugh
Carone			

NOT VOTING—1

James

EXCUSED—2

Bush O'Donnell

The two-thirds 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 786, PN 849**, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes Representative Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

I know everybody is in a hurry to get out of here, so I will be very brief.

I have voted for all of these nonpreferreds up until now, and if we were running a surplus, I would vote for the rest of them, but I do not believe it is appropriate to be funding museums and cultural institutions when the only way we can raise the money to do so is by raiding the teachers' retirement fund. So I will be voting against the rest of the nonpreferreds. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the Chair also needed a break in the monotony, so thank you.

The Chair recognizes the Representative from Cambria County, Mr. Wozniak.

Mr. WOZNIAK. I am going to rise to agree with the Representative from the other side of the aisle. For every one of these, the museums and the cultural and arts centers that have institutionalized themselves, there are at least 5 to 10 that are just as deserving. It is not fair that some have them and some do not, and I would have preferred to wean them off at 25 percent a year over the next few years, but I will be putting up a negative vote, and hopefully we will get a few other ones up there just to show that we believe in equality and justice and the American way. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—138

Acosta	Fairchild	Linton	Rubley
Allen	Fajt	Lloyd	Ryan
Argall	Farmer	Lucyk	Scheetz
Armstrong	Fee	Manderino	Schuler
Barley	Flick	Markosek	Semmel
Battisto	Freeman	Mayernik	Smith, B.
Belardi	Gamble	McCall	Snyder, D. W.
Belfanti	Geist	McGeehan	Staback
Bishop	George	McNally	Stairs
Blaum	Gerlach	Melio	Steelman
Boyes	Gigliotti	Michlovic	Steighner
Brown	Gladeck	Mihalich	Steil
Bunt	Godshall	Mundy	Strittmatter
Butkovitz	Gruitza	Murphy	Sturla
Caltagirone	Gruppo	Nyce	Surra
Cawley	Haluska	O'Brien	Tangretti
Cessar	Harley	Olasz	Taylor, E. Z.
Civera	Heckler	Oliver	Taylor, J.
Clymer	Hennessey	Perzel	Thomas
Cohen, L. I.	Hershey	Petrarca	Tomlinson
Cohen, M.	Hughes	Petrone	Trello
Colaifella	Itkin	Pettit	Trich
Colaizzo	Jadlowiec	Phillips	True
Cornell	James	Pistella	Tulli
Corrigan	Jarolin	Pitts	Van Horne
Cowell	Josephs	Preston	Veon
Coy	Kasunic	Reber	Vitali
Curry	Keller	Reinard	Williams
DeLuca	Kirkland	Richardson	Wright, D. R.
Dent	Kukovich	Rieger	Wright, M. N.
Dermody	LaGrotta	Ritter	Yandrisevits
Donatucci	Laub	Roberts	Zug
Druce	Laughlin	Robinson	
Durham	Lederer	Roebuck	DeWeese,
Evans	Lescovitz	Rooney	Speaker

NAYS—63

Adolph	Gannon	Maitland	Saurman
Baker	Gordner	Marsico	Saylor
Bebko-Jones	Hanna	Masland	Scrimenti
Birmelin	Hasay	Merry	Serafini
Buxton	Herman	Micozzie	Smith, S. H.
Cappabianca	Hess	Miller	Stern
Carn	Hutchinson	Nailor	Stetler
Carone	Kaiser	Nickol	Stish
Chadwick	Kenney	Pesci	Tigue
Clark	King	Piccola	Uliana
Daley	Krebs	Platts	Vance
Dempsey	Lawless	Raymond	Waugh
Egolf	Lee	Rohrer	Wogan
Fargo	Leh	Rudy	Wozniak
Fichter	Levdansky	Santoni	Yewcic
Fleagle	Lynch	Sather	

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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 787, PN 850**, entitled:

An Act making an appropriation to The Carnegie for the Carnegie Museum of Natural History and the Carnegie Science Center.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. 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—157

Acosta	Fairchild	Lloyd	Sather
Allen	Fajt	Lucyk	Saurman
Argall	Farmer	Maitland	Scheetz
Armstrong	Fee	Manderino	Schuler
Barley	Fichter	Markosek	Scrimenti
Battisto	Flick	Mayernik	Semmel
Bebko-Jones	Freeman	McCall	Smith, B.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Geist	McNally	Staback
Bishop	George	Melio	Stairs
Blaum	Gerlach	Michlovic	Steelman
Boyes	Gladeck	Mihalich	Steighner
Brown	Godshall	Mundy	Steil
Bunt	Gruitza	Murphy	Stern
Butkovitz	Gruppo	Nailor	Strittmatter
Buxton	Haluska	Nyce	Sturla
Caltagirone	Harley	O'Brien	Surra
Carn	Heckler	Olasz	Tangretti
Cawley	Hennessey	Oliver	Taylor, E. Z.
Cessar	Herman	Perzel	Taylor, J.
Civera	Hershey	Petrarca	Thomas
Clymer	Hughes	Petrone	Trello
Cohen, L. I.	Itkin	Pettit	Trich
Cohen, M.	James	Phillips	True
Colaifella	Jarolin	Pistella	Tulli
Colaizzo	Josephs	Pitts	Uliana
Cornell	Kaiser	Preston	Vance
Corrigan	Kasunic	Reber	Van Horne
Cowell	Keller	Reinard	Veon
Coy	Kenney	Richardson	Vitali
Curry	King	Rieger	Williams
Daley	Kirkland	Ritter	Wogan
DeLuca	Kukovich	Roberts	Wright, D. R.
Dent	LaGrotta	Robinson	Wright, M. N.
Dermody	Laub	Roebuck	Yandrisevits
Donatucci	Laughlin	Rooney	Zug
Druce	Lederer	Rubley	
Durham	Lescovitz	Rudy	DeWeese,
Egolf	Levdansky	Ryan	Speaker

Evans	Linton	Santoni	
NAYS—42			
Adolph	Gordner	Marsico	Rohrer
Baker	Hanna	Masland	Saylor
Birmelin	Hasay	Merry	Serafini
Cappabianca	Hess	Micozzie	Smith, S. H.
Carone	Hutchinson	Miller	Stetler
Chadwick	Jadlowiec	Nickol	Stish
Clark	Krebs	Pesci	Tigue
Dempsey	Lawless	Piccola	Waugh
Fargo	Lee	Platts	Wozniak
Fleagle	Leh	Raymond	Yewcic
Gannon	Lynch		

NOT VOTING—2

Gigliotti	Tomlinson		
EXCUSED—2			
Bush	O'Donnell		

The two-thirds 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 788, PN 851**, entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

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

The SPEAKER pro tempore. 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—154

Acosta	Fairchild	Lloyd	Ryan
Adolph	Fajt	Lucyk	Santoni
Allen	Farmer	Maitland	Saurman
Argall	Fee	Manderino	Scheetz
Armstrong	Fichter	Markosek	Schuler
Barley	Flick	Mayernik	Scrimenti
Battisto	Freeman	McCall	Semmel
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McNally	Snyder, D. W.
Belfanti	Geist	Melio	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gerlach	Micozzie	Steelman
Boyes	Gladeck	Mihalich	Steighner
Brown	Godshall	Mundy	Steil
Bunt	Gruitza	Murphy	Strittmatter
Butkovitz	Gruppo	Nailor	Sturla
Buxton	Haluska	Nickol	Surra

Caltagirone	Harley	Nyce	Tangretti
Carn	Heckler	O'Brien	Taylor, E. Z.
Cawley	Hennessey	Olasz	Taylor, J.
Cessar	Herman	Oliver	Thomas
Civera	Hershey	Perzel	Trello
Clymer	Hughes	Petrarca	Trich
Cohen, L. I.	Itkin	Petrone	True
Cohen, M.	James	Pettit	Tulli
Colafella	Jarolin	Phillips	Uliana
Colaizzo	Josephs	Pistella	Vance
Cornell	Kasunic	Pitts	Van Horne
Corrigan	Keller	Preston	Veon
Cowell	Kenney	Reber	Vitali
Coy	King	Reinard	Williams
Curry	Kirkland	Richardson	Wogan
DeLuca	Kukovich	Rieger	Wright, D. R.
Dent	LaGrotta	Ritter	Wright, M. N.
Dermody	Laub	Roberts	Yandrisevits
Donatucci	Laughlin	Robinson	Zug
Druce	Lederer	Roebuck	
Durham	Lescovitz	Rooney	DeWeese,
Evans	Linton	Rubley	Speaker

NAYS—45

Baker	Hanna	Lynch	Sather
Birmelin	Hasay	Marsico	Saylor
Cappabianca	Hess	Masland	Serafini
Carone	Hutchinson	Merry	Smith, S. H.
Chadwick	Jadlowiec	Miller	Stern
Clark	Kaiser	Pesci	Stetler
Daley	Krebs	Piccola	Stish
Dempsey	Lawless	Platts	Tigue
Egolf	Lee	Raymond	Waugh
Fargo	Leh	Rohrer	Wozniak
Fleagle	Levdansky	Rudy	Yewcic
Gordner			

NOT VOTING—2

Gigliotti	Tomlinson		
EXCUSED—2			
Bush	O'Donnell		

The two-thirds 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 789, PN 852**, entitled:

An Act making an appropriation to the Academy of Natural Sciences.

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

The SPEAKER pro tempore. 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—157

Acosta	Fajt	Lucyk	Santoni
Adolph	Farmer	Maitland	Sather
Allen	Fee	Manderino	Saurman
Argall	Fichter	Markosek	Scheetz
Armstrong	Flick	Mayernik	Scrimenti
Barley	Freeman	McCall	Semmel
Battisto	Gamble	McGeehan	Smith, B.
Bebko-Jones	Gannon	McNally	Snyder, D. W.
Belardi	Geist	Melio	Staback
Belfanti	George	Michlovic	Stairs
Bishop	Gerlach	Micozzie	Steelman
Blaum	Gigliotti	Mihalich	Steighner
Boyes	Gladeck	Mundy	Steil
Brown	Godshall	Murphy	Strittmatter
Bunt	Gruitza	Nailor	Sturla
Butkovitz	Gruppo	Nyce	Surra
Buxton	Haluska	O'Brien	Tangretti
Caltagirone	Harley	Olasz	Taylor, E. Z.
Carn	Heckler	Oliver	Taylor, J.
Cawley	Hennessey	Perzel	Thomas
Cessar	Herman	Petrarca	Tomlinson
Civera	Hershey	Petrone	Trello
Clymer	Hughes	Pettit	Trich
Cohen, L. I.	Itkin	Phillips	True
Cohen, M.	James	Pistella	Tulli
Colafella	Jarolin	Pitts	Uliana
Colaizzo	Josephs	Preston	Vance
Cornell	Kasunic	Raymond	Van Horne
Corrigan	Keller	Reber	Veon
Cowell	Kenney	Reinard	Vitali
Coy	Kirkland	Richardson	Williams
Curry	Kukovich	Rieger	Wogan
DeLuca	LaGrotta	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermody	Laughlin	Robinson	Yandrisevits
Donatucci	Lederer	Roebuck	Zug
Druce	Lescovitz	Rooney	
Durham	Levdansky	Rublely	DeWeese,
Evans	Linton	Rudy	Speaker
Fairchild	Lloyd	Ryan	

NAYS—44

Baker	Gordner	Leh	Saylor
Birmelin	Hanna	Lynch	Schuler
Cappabianca	Hasay	Marsico	Serafini
Carone	Hess	Masland	Smith, S. H.
Chadwick	Hutchinson	Merry	Stern
Clark	Jadlowiec	Miller	Stetler
Daley	Kaiser	Nickol	Stish
Dempsey	King	Pesci	Tigue
Egolf	Krebs	Piccola	Waugh
Fargo	Lawless	Platts	Wozniak
Fleagle	Lee	Rohrer	Yewcic

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

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 790, PN 853, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

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

The SPEAKER pro tempore. 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—139

Acosta	Fairchild	Linton	Rooney
Adolph	Fajt	Lloyd	Rublely
Allen	Farmer	Lucyk	Rudy
Armstrong	Fee	Manderino	Ryan
Barley	Fichter	Markosek	Santoni
Battisto	Flick	Mayernik	Saurman
Bebko-Jones	Gamble	McCall	Scheetz
Belardi	Geist	McGeehan	Semmel
Belfanti	George	McNally	Smith, B.
Bishop	Gerlach	Melio	Staback
Blaum	Gigliotti	Michlovic	Stairs
Brown	Gladeck	Micozzie	Steighner
Bunt	Godshall	Mihalich	Steil
Butkovitz	Gruitza	Mundy	Stish
Buxton	Gruppo	Murphy	Strittmatter
Caltagirone	Haluska	O'Brien	Surra
Carn	Harley	Olasz	Tangretti
Cawley	Heckler	Oliver	Taylor, E. Z.
Cessar	Hennessey	Perzel	Taylor, J.
Civera	Hershey	Petrarca	Thomas
Clymer	Hughes	Petrone	Tomlinson
Cohen, L. I.	Itkin	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colafella	Jarolin	Pistella	Tulli
Colaizzo	Josephs	Pitts	Van Horne
Cornell	Kasunic	Preston	Veon
Corrigan	Keller	Raymond	Vitali
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Reinard	Wright, D. R.
Curry	Kukovich	Richardson	Wright, M. N.
DeLuca	LaGrotta	Rieger	Yandrisevits
Dermody	Laub	Ritter	Zug
Donatucci	Laughlin	Roberts	
Druce	Lederer	Robinson	DeWeese,
Durham	Lescovitz	Roebuck	Speaker
Evans			

NAYS—62

Argall	Gordner	Marsico	Serafini
Baker	Hanna	Masland	Smith, S. H.
Birmelin	Hasay	Merry	Snyder, D. W.
Boyes	Herman	Miller	Steelman
Cappabianca	Hess	Nailor	Stern

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



Carone	Hutchinson	Nickol	Stetler
Chadwick	Jadlowiec	Nyce	Sturla
Clark	Kaiser	Pesci	Tigue
Daley	King	Piccola	True
Dempsey	Krebs	Platts	Uliana
Dent	Lawless	Rohrer	Vance
Egolf	Lee	Sather	Waugh
Fargo	Leh	Saylor	Wogan
Fleagle	Levdansky	Schuler	Wozniak
Freeman	Lynch	Scrimenti	Yewcic
Gannon	Maitland		

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 791, PN 854**, entitled:

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

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

The SPEAKER pro tempore. 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—151

Acosta	Fairchild	Lloyd	Rudy
Adolph	Fajt	Lucyk	Ryan
Allen	Farmer	Manderino	Santoni
Argall	Fee	Markosek	Saurman
Armstrong	Fichter	Mayernik	Scheetz
Battisto	Flick	McCall	Scrimenti
Bebko-Jones	Freeman	McGeehan	Semmel
Belardi	Gamble	McNally	Smith, B.
Belfanti	George	Melio	Snyder, D. W.
Bishop	Gerlach	Michlovic	Staback
Blaum	Gigliotti	Micozzie	Stairs
Boyes	Gladeck	Mihalich	Steighner
Brown	Godshall	Mundy	Steil
Bunt	Gruitza	Murphy	Stetler
Butkovitz	Gruppo	Nickol	Stish
Buxton	Haluska	O'Brien	Strittmatter
Caltagirone	Harley	Olasz	Sturla
Carn	Heckler	Oliver	Surra
Cawley	Hennessey	Perzel	Tangretti
Cessar	Herman	Petrarca	Taylor, E. Z.
Civra	Hershey	Petrone	Taylor, J.
Clymer	Hughes	Pettit	Thomas

Cohen, L. I.	Itkin	Phillips	Tomlinson
Cohen, M.	James	Pistella	Trello
Colafranca	Jarolin	Pitts	Trich
Colaizzo	Josephs	Platts	Tulli
Cornell	Kaiser	Preston	Uliana
Corrigan	Kasunic	Raymond	Van Horne
Cowell	Keller	Reber	Veon
Coy	King	Reinard	Vitali
Curry	Kirkland	Richardson	Williams
Daley	Kukovich	Rieger	Wright, D. R.
DeLuca	LaGrotta	Ritter	Wright, M. N.
Dent	Laub	Roberts	Yandrisevits
Dermody	Laughlin	Robinson	Zug
Donatucci	Lederer	Roebuck	
Druce	Lescovitz	Rooney	DeWeese,
Durham	Linton	Rubley	Speaker
Evans			

NAYS—50

Baker	Gordner	Maitland	Schuler
Barley	Hanna	Marsico	Serafini
Birmellin	Hasay	Masland	Smith, S. H.
Cappabianca	Hess	Merry	Steelman
Carone	Hutchinson	Miller	Stern
Chadwick	Jadlowiec	Nailor	Tigue
Clark	Kenney	Nyce	True
Dempsey	Krebs	Pesci	Vance
Egolf	Lawless	Piccola	Waugh
Fargo	Lee	Rohrer	Wogan
Fleagle	Leh	Sather	Wozniak
Gannon	Levdansky	Saylor	Yewcic
Geist	Lynch		

NOT VOTING—0

EXCUSED—2

Bush O'Donnell

The two-thirds 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 792, PN 855**, entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

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

The SPEAKER pro tempore. 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—146

Acosta	Evans	Linton	Rudy
Adolph	Fairchild	Lloyd	Ryan
Allen	Fajt	Lucyk	Santoni
Argall	Farmer	Manderino	Saurman
Armstrong	Fee	Markosek	Scheetz
Barley	Fichter	Mayernik	Scrimenti
Battisto	Flick	McCall	Semmel
Bebko-Jones	Gamble	McGeehan	Serafini
Belardi	Geist	McNally	Smith, B.
Belfanti	George	Melio	Snyder, D. W.
Bishop	Gerlach	Michlovic	Staback
Blaum	Gigliotti	Micozzie	Stairs
Brown	Gladeck	Mihalich	Steighner
Bunt	Godshall	Mundy	Steil
Butkovitz	Gruitza	Murphy	Stish
Buxton	Gruppo	O'Brien	Strittmatter
Caltagirone	Haluska	Olasz	Sturla
Cam	Harley	Oliver	Surra
Cawley	Heckler	Perzel	Tangretti
Cessar	Hennessey	Petrarca	Taylor, E. Z.
Civera	Herman	Petrone	Taylor, J.
Clymer	Hershey	Pettit	Thomas
Cohen, L. I.	Hughes	Phillips	Tomlinson
Cohen, M.	Itkin	Pistella	Trello
Colafella	James	Pitts	Trich
Colaizzo	Jarolin	Preston	True
Cornell	Josephs	Raymond	Tulli
Corrigan	Kasunic	Reber	Veon
Cowell	Keller	Reinard	Vitali
Coy	Kenney	Richardson	Williams
Curry	Kirkland	Rieger	Wright, D. R.
DeLuca	Kukovich	Ritter	Wright, M. N.
Dent	LaGrotta	Roberts	Yandrisevits
Dermody	Laub	Robinson	Zug
Donatucci	Laughlin	Roebuck	
Druce	Lederer	Rooney	DeWeese,
Durham	Lescovitz	Rubley	Speaker

NAYS-55

Baker	Gordner	Maitland	Schuler
Birmelin	Hanna	Marsico	Smith, S. H.
Boyes	Hasay	Masland	Steelman
Cappabianca	Hess	Merry	Stern
Carone	Hutchinson	Miller	Stetler
Chadwick	Jadlowiec	Nailor	Tigue
Clark	Kaiser	Nickol	Uliana
Daley	King	Nyce	Vance
Dempsey	Krebs	Pesci	Van Horne
Egolf	Lawless	Piccola	Waugh
Fargo	Lee	Platts	Wogan
Fleagle	Leh	Rohrer	Wozniak
Freeman	Levdansky	Sather	Yewcic
Gannon	Lynch	Saylor	

NOT VOTING-0

EXCUSED-2

Bush	O'Donnell
------	-----------

The two-thirds 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 793, PN 1368, entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

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

The SPEAKER pro tempore. 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-147

Acosta	Fairchild	Lloyd	Ryan
Adolph	Fajt	Lucyk	Santoni
Allen	Farmer	Manderino	Sather
Argall	Fee	Markosek	Saurman
Armstrong	Fichter	Mayernik	Scheetz
Barley	Flick	McCall	Scrimenti
Battisto	Gamble	McGeehan	Semmel
Bebko-Jones	Geist	McNally	Smith, B.
Belardi	George	Melio	Snyder, D. W.
Belfanti	Gerlach	Michlovic	Staback
Bishop	Gigliotti	Micozzie	Stairs
Blaum	Gladeck	Mihalich	Steighner
Brown	Godshall	Mundy	Steil
Bunt	Gruitza	Murphy	Stish
Butkovitz	Gruppo	O'Brien	Strittmatter
Buxton	Haluska	Olasz	Sturla
Caltagirone	Harley	Oliver	Surra
Cam	Heckler	Perzel	Tangretti
Cawley	Hennessey	Petrarca	Taylor, E. Z.
Cessar	Herman	Petrone	Taylor, J.
Civera	Hershey	Pettit	Thomas
Clymer	Hughes	Phillips	Tomlinson
Cohen, L. I.	Itkin	Pistella	Trello
Cohen, M.	James	Pitts	Trich
Colafella	Jarolin	Preston	True
Colaizzo	Josephs	Raymond	Tulli
Cornell	Kasunic	Reber	Veon
Corrigan	Keller	Reinard	Vitali
Cowell	Kenney	Richardson	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Kukovich	Ritter	Wright, D. R.
DeLuca	LaGrotta	Roberts	Wright, M. N.
Dent	Laub	Robinson	Yandrisevits
Dermody	Laughlin	Roebuck	Zug
Donatucci	Lederer	Rooney	
Druce	Lescovitz	Rubley	DeWeese,
Durham	Linton	Rudy	Speaker
Evans			

NAYS-54

Baker	Gordner	Maitland	Schuler
Birmelin	Hanna	Marsico	Serafini
Boyes	Hasay	Masland	Smith, S. H.
Cappabianca	Hess	Merry	Steelman
Carone	Hutchinson	Miller	Stern
Chadwick	Jadlowiec	Nailor	Stetler
Clark	Kaiser	Nickol	Tigue
Daley	King	Nyce	Uliana

Dempsey	Krebs	Pesci	Vance
Egolf	Lawless	Piccola	Van Horne
Fargo	Lee	Platts	Waugh
Fleagle	Leh	Rohrer	Wozniak
Freeman	Levdansky	Saylor	Yewcic
Gannon	Lynch		

NOT VOTING—0

EXCUSED—2

Bush	O'Donnell
------	-----------

The two-thirds 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.

RESOLUTION

Mr. LAUB called up **HR 82, PN 1693**, entitled:

A Resolution declaring June 1 through 7, 1993, as "Postpolio Syndrome Awareness Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boyes	Gordner	Michlovic	Steelman
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Butkowitz	Haluska	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Carn	Heckler	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tighe
Clymer	Itkia	Petrone	Tomlinson
Cohen, L. I.	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colafella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Cornell	Kaiser	Pitts	Uliana

Corrigan	Kasunic	Platts	Vance
Cowell	Keller	Preston	Van Horne
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Vitali
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Rieger	Wogan
Dent	LaGrotta	Ritter	Wozniak
Dermody	Laub	Roberts	Wright, D. R.
Donatucci	Laughlin	Robinson	Wright, M. N.
Druce	Lawless	Roebuck	Yandrisevits
Durham	Lederer	Rohrer	Yewcic
Egolf	Lee	Rooney	Zug
Evans	Leh	Rublely	
Fairchild	Lescovitz	Rudy	DeWeese,
Fajt	Levdansky	Ryan	Speaker
Fargo	Linton		

NAYS—0

NOT VOTING—1

Petrarca
----------

EXCUSED—2

Bush	O'Donnell
------	-----------

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

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **HB 438, PN 1982**.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **HB 815, PN 1924**.

HOUSE BILLS

INTRODUCED AND REFERRED

**No. 1707** By Representatives B. SMITH, LLOYD, HERSHEY, BARLEY, STETLER, CAWLEY, ARGALL, GORDNER, STAIRS, STISH, BAKER, OLASZ, GERLACH, BUSH, SAYLOR, ARMSTRONG, PITTS, WAUGH, HENNESSEY, GEIST, STEIL, D. W. SNYDER, HECKLER, PETRONE, VANCE, PLATTS, TRELLO, SCHEETZ and GODSHALL

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, defining "eligible

counties"; and further providing for the purchase of agricultural conservation easements.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 28, 1993.

**No. 1708** By Representatives DeLUCA, GORDNER, DALEY, PETTTT, B. SMITH, NAILOR, COY, COLAIZZO, WAUGH, VEON, GERLACH, HESS, PETRARCA, BELFANTI, CLARK, LAUB, BAKER, MELIO, STABACK, SAURMAN, CAPPABIANCA, KING, PISTELLA and KASUNIC

An Act amending the act of July 29, 1953 (P.L.970, No.235), referred to as the Middle Atlantic Interstate Forest Fire Protection Compact Act, authorizing the admission of other states into the compact; and making an editorial change.

Referred to Committee on CONSERVATION, May 28, 1993.

**No. 1709** By Representatives GORDNER, LESCOVITZ, COLAIZZO, ROONEY, BATTISTO, COY, WOZNIAK, KENNEY, MARKOSEK, VEON, ITKIN, LINTON, FAJT, McCALL, LaGROTTA, SANTONI, MUNDY, ROBERTS, PRESTON and KASUNIC

An Act creating the Pennsylvania Manufacturing and Technology Consortium and providing for its powers; establishing the Pennsylvania Manufacturing and Technology Consortium Fund; providing for certification of industrial resource centers, for certification of Ben Franklin technology centers and for certain transfers; and making repeals.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, May 28, 1993.

**No. 1717** By Representatives VEON, PICCOLA, RICHARDSON, E. Z. TAYLOR, BLAUM, VANCE, RUDY, TRUE, CARONE, RITTER, BEBKO-JONES, MUNDY, MANDERINO, RUBLEY, JOSEPHS, HARLEY, STEELMAN, LAUGHLIN, L. I. COHEN, TIGUE, McCALL, GORDNER, ROBINSON, MASLAND, SAYLOR, CESSAR, PLATT'S, CAPPABIANCA, STURLA, SANTONI, SEMMEL, HERMAN, KREBS, ULIANA, CAWLEY, GODSHALL, HECKLER, M. N. WRIGHT, LYNCH, DRUCE, BOYES, CURRY, GERLACH, HESS, FAJT, BUXTON, PETRARCA, LAUB, BAKER, LEH, BELFANTI, RAYMOND, MELIO, KASUNIC, SCRIMENTI, GIGLIOTTI, LESCOVITZ, HANNA, STABACK, FARGO, NYCE, KING, DERMODY, SAURMAN, ROBERTS, ROEBUCK, WOZNIAK, OLASZ, BUNT, ROONEY, TRICH, SERAFINI, KUKOVICH, TULLI, PISTELLA, COWELL, D. W. SNYDER, DeLUCA, BUTKOVITZ, LUCYK, PRESTON, BATTISTO, VAN HORNE, LEVDANSKY, CHADWICK, STETLER, WILLIAMS, TRELLO, FREEMAN, EGOLF, FICHTER, NICKOL, TANGRETTI, B. SMITH, ALLEN, GEIST and COY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for registration of protection from abuse orders, for responsibilities of law enforcement agencies, for commencement of protection from abuse proceedings, for hearings on petitions for protection from abuse, for relief, for service of protection from abuse orders, for emergency relief by the minor judiciary, for disclosure of addresses, for arrest, for violation of orders and for indirect criminal contempt; imposing a surcharge against defendants where a protection order is entered; providing for private criminal complaints for violations of orders or agreements and for civil contempt; further providing for confidential communications and for procedure and remedies; and providing for full faith and credit regarding certain orders.

Referred to Committee on HEALTH AND WELFARE, May 28, 1993.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 4, PN 1298

Referred to Committee on LOCAL GOVERNMENT, May 28, 1993.

#### SB 880, PN 1290

Referred to Committee on EDUCATION, May 28, 1993.

The SPEAKER pro tempore. The Chair is pleased to inform the members that there will be no further votes today and wishes everybody a happy holiday.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 200, PN 1550**; and **HB 343, PN 367**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 853, PN 1980**; and **HB 878, PN 1976**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to recognize the summer intern of Representative Tom Armstrong, Angie Miller. Angie, would you please rise. Welcome to the House floor today.

**RECESS**

The SPEAKER pro tempore. This House stands in recess until the call of the Chair.

**AFTER RECESS**

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

**THE SPEAKER (H. WILLIAM DeWEESE)  
PRESIDING**

**SENATE MESSAGE**

**HOUSE AMENDMENTS  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 756, PN 1352; SB 758, PN 1353; SB 760, PN 1355; SB 761, PN 1356; SB 762, PN 1357; SB 763, PN 1358; SB 765, PN 1360; SB 767, PN 1362; SB 771, PN 1363; SB 772, PN 1364; SB 773, PN 1365; SB 784, PN 1366; SB 785, PN 1367; and SB 793, PN 1368.**

**BILLS SIGNED BY SPEAKER**

The Chair gave notice that he was about to sign the following bills, which were then signed:

**HB 200, PN 1550**

An Act amending the act of June 24, 1937 (P.L.2045, No.397), known as *The Support Law*, abolishing certain liens and providing for the release therefrom.

**HB 343, PN 367**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the *Liquor Code*, eliminating the transfer of funds to the Enforcement Officers' Retirement Account; providing for the transfer of funds remaining in the account; and providing for the transfer of excess funds transferred to the Enforcement Officers' Benefit Account in the State Employees' Retirement Fund.

**HB 438, PN 1982**

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," requiring a report of certain racial and ethnic groupings; authorizing the board of school directors of certain school districts to levy different rates of taxation for school purposes on land and on buildings; providing for emergency certificates in certain circumstances; further providing for certain inmates of children's institutions, for transportation and lodging of certain children and for approved private schools and chartered schools; providing for instructional support, for reimbursements for community colleges, for payments to intermediate units and for special education payments to school districts, including special education payment adjustments; creating a fund for audit resolutions for approved private schools; further providing for school district reimbursement definitions, for instruction payments, for payment limitations, for the economic supplement, for assistance to small school districts, for temporary special aid, for

the low-expenditure, low-wealth supplement and for the low-expenditure poverty supplement; providing for education subsidy base, for an equity supplement, for foundation guarantee payments, for a minimum effort base, for a growth supplement, for a limited revenue sources supplement, for discretionary funds to assist school districts experiencing extreme financial difficulty and for resource data in the foundation-based equity formula; further providing for payments generally and for forfeitures for certain employment practices; and providing for a graduate opportunity fund.

**HB 815, PN 1924**

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1993, to June 30, 1994, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1993, to June 30, 1994, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1993; and to provide for the additional appropriation of State and Federal funds to the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 1992, to June 30, 1993, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992.

**SB 754, PN 1346**

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method accounting for the funds appropriated.

**SB 755, PN 818**

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L., 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**SB 756, PN 1352**

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**SB 757, PN 820**

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled, "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth;...." making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

**SB 758, PN 1353**

An Act making appropriations to the Trustees of the University of Pennsylvania.

**SB 760, PN 1355**

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

**SB 761, PN 1356**

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

**SB 762, PN 1357**

An Act making appropriations to the Philadelphia College of Osteopathic Medicine, Philadelphia.

**SB 763, PN 1358**

An Act making appropriations to the Trustees of Drexel University, Philadelphia.

**SB 765, PN 1360**

An Act making appropriations to the University of the Arts, Philadelphia.

**SB 767, PN 1362**

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

**SB 768, PN 831**

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown.

**SB 769, PN 832**

An Act making an appropriation to the Johnson Technical Institute of Scranton.

**SB 770, PN 833**

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

**SB 771, PN 1363**

An Act making appropriations to the Pennsylvania College of Optometry, Philadelphia.

**SB 772, PN 1364**

An Act making appropriations to the Pennsylvania College of Podiatric Medicine, Philadelphia.

**SB 773, PN 1365**

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

**SB 774, PN 837**

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

**SB 775, PN 838**

An Act making an appropriation to the Central Penn Oncology Group.

**SB 776, PN 839**

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

**SB 777, PN 840**

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

**SB 778, PN 841**

An Act making appropriations to St. Christopher's Hospital, Philadelphia.

**SB 779, PN 842**

An Act making an appropriation to the Lancaster Cleft Palate.

**SB 780, PN 843**

An Act making an appropriation to the Pittsburgh Cleft Palate.

**SB 781, PN 844**

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

**SB 782, PN 845**

An Act making an appropriation to the Burn Foundation, Philadelphia.

**SB 783, PN 846**

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

**SB 784, PN 1366**

An Act making an appropriation to the Arsenal Family and Children's Center.

**SB 785, PN 1367**

An Act making an appropriation to the Beacon Lodge Camp.

**SB 786, PN 849**

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

**SB 787, PN 850**

An Act making an appropriation to The Carnegie for the Carnegie Museum of Natural History and the Carnegie Science Center.

**SB 788, PN 851**

An Act making an appropriation to the Franklin Institute Science Museum.

**SB 789, PN 852**

An Act making an appropriation to the Academy of Natural Sciences.

**SB 790, PN 853**

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

**SB 791, PN 854**

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

**SB 792, PN 855**

An Act making an appropriation to the Everhart Museum in Scranton.

**SB 793, PN 1368**

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. The Chair recognizes the majority leader, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I move that this House do now adjourn until Monday, June 7, 1993, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8 p.m., e.d.t., the House adjourned.