

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, OCTOBER 23, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 69

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER PRO TEMPORE (JOE CONTI) PRESIDING

#### PRAYER

REV. WILLIAM D. LEWIS, pastor of Forty Fort United Methodist Church, Forty Fort, Pennsylvania, guest Chaplain and guest of the lady from Luzerne, Ms. Mundy, offered the following prayer:

Almighty God, hear my prayer. This is a beautiful day in Pennsylvania, and we are blessed, and we give Thee all due thanksgiving.

We thank You also for the heritage of this great Commonwealth, now entrusted to us as legislators. Make wise our minds to understand this high entrustment. Help us today with vivid vision to see what this State could be if we rise above the politics of the moment, for this great Commonwealth is in our hands for a little while before we pass from the scene. Now is our opportunity to do something significant. Ours is the opportunity to make a real difference in the future. We can shape history. What Pennsylvania will be is for us to decide. With that awesome power, humble us, dear Lord, we pray. Raise up leaders among us, we pray. Give us the courage of our convictions, we pray.

And with heads bowed, remind us of the faith of our fathers and mothers. Like them, we would make right use of the opportunities granted us. Like them, we would be found faithful.

May God bless us, for we need it as we get to work. May God bless the Commonwealth of Pennsylvania. May God bless America. 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 Wednesday, October 18, 1995, will be postponed until printed. The Chair hears no objection.

### JOURNAL APPROVED

The SPEAKER pro tempore. However, the Journal of Monday, March 20, 1995, has been in print and, without objection, is so approved.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2118** By Representatives BARD, FARGO, NAILOR, BELARDI, WOGAN, WALKO, KAISER, SATHER, READSHAW, MARKOSEK, CORRIGAN, OLASZ, DIGIROLAMO, MICOZZIE, L. I. COHEN, RUBLEY, GEIST, HARHART, GODSHALL, BATTISTO, SAINATO, BISHOP, BROWNE, HENNESSEY and HERSHEY

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

Referred to Committee on JUDICIARY, October 23, 1995.

**No. 2119** By Representatives LESCOVITZ, ITKIN, BELARDI, ROONEY, COY, DALEY, TRELLO, STABACK, COLAIZZO, TIGUE, MAYERNIK, LAUGHLIN, CURRY, WALKO and PETRARCA

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for restrictions on pension benefits involving cost-of-living adjustments.

Referred to Committee on LOCAL GOVERNMENT, October 23, 1995.

**No. 2120** By Representatives LESCOVITZ, ITKIN, BELARDI, ROONEY, COY, DALEY, TRELLO, STABACK, COLAIZZO, TIGUE, MAYERNIK, LAUGHLIN, CURRY, WALKO and PETRARCA

An Act amending the act of December 14, 1988 (P.L.1192, No.147), known as the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act, further providing for special ad hoc postretirement adjustments to certain persons, for financing and certification of payments and for Commonwealth reimbursement.

Referred to Committee on LOCAL GOVERNMENT, October 23, 1995.

**No. 2121** By Representatives NYCE, GRUPPO, HARHART, BOSCOLA and ROONEY

An Act requiring certain contracting bodies to advertise for bids for contracts and purchases exceeding a certain amount.

Referred to Committee on LOCAL GOVERNMENT, October 23, 1995.

**No. 2122** By Representatives CHADWICK, TRICH, MASLAND, NAILOR, FAIRCHILD, BATTISTO, LEH, LEDERER, STERN, CLARK, S. H. SMITH, STRITTMATTER, JAROLIN, JADLOWIEC, COY, GODSHALL, D. W. SNYDER, HERSHEY, E. Z. TAYLOR, SEMMEL, SAYLOR, McCALL, TRELLO, FLEAGLE, MILLER, KING, BARLEY, DRUCE, ALLEN, CORNELL, CORRIGAN, FARMER, COLAFELLA, TULLI, FARGO, GLADECK, TRUE, MARSICO, CONTI, STAIRS, SATHER, GEIST, M. N. WRIGHT, BIRMELIN and MAJOR

An Act amending the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, further providing for disclosure by physicians, for damages, for liability and practice and procedure in medical malpractice actions and for professional liability.

Referred to Committee on JUDICIARY, October 23, 1995.

**No. 2123** By Representatives FARGO, CLARK, TRELLO, FAIRCHILD, STISH, PESCI, EGOLF, HERSHEY, TRUE, LYNCH, SCHRODER, STERN, S. H. SMITH, WAUGH, TULLI, ROHRER, BROWN, DEMPSEY, SCHULER, READSHAW, VANCE, NAILOR, E. Z. TAYLOR, TRAVAGLIO, GAMBLE, SAYLOR, SEMMEL, MERRY, FLICK, GEIST, BIRMELIN, CLYMER and GODSHALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, abolishing joint and several liability.

Referred to Committee on JUDICIARY, October 23, 1995.

**No. 2124** By Representatives STABACK, SERAFINI, BELARDI, HALUSKA, TIGUE, JAMES, OLASZ, ROONEY, L. I. COHEN, HORSEY, GIGLIOTTI, MERRY, LAUGHLIN, JAROLIN, PESCI, TRELLO, SHANER, MARKOSEK, THOMAS, YOUNGBLOOD, VAN HORNE, PETRARCA, LUCYK, BOSCOLA, DeLUCA, DERMODY and M. COHEN

An Act providing for special occasion permits for games of chance for charitable fundraising; and conferring powers and duties upon the Liquor Control Board.

Referred to Committee on LIQUOR CONTROL, October 23, 1995.

**No. 2125** By Representatives MAYERNIK, GLADECK, GANNON, KAISER, JAROLIN, WALKO, READSHAW, FARGO, TIGUE, BATTISTO and SERAFINI

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for self-insurance pooling.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2126** By Representatives MAYERNIK, KAISER, WALKO and READSHAW

An Act amending the act of July 12, 1974 (P.L.458, No.161), referred to as the Liquid Fuels Additional Tax Act, further providing for distribution of the tax.

Referred to Committee on TRANSPORTATION, October 23, 1995.

**No. 2127** By Representatives MAYERNIK, MARKOSEK, PETTIT, READSHAW, COLAFELLA, GAMBLE, ROBINSON, WALKO, SHANER, DERMODY, MICHLOVIC, ITKIN and M. COHEN

An Act amending the act of June 21, 1939 (P.L.626, No.294), referred to as the Second Class County Assessment Law, further providing for property tax liability.

Referred to Committee on URBAN AFFAIRS, October 23, 1995.

**No. 2128** By Representatives VEON, BELFANTI, SHANER, McGEEHAN, MIHALICH, LUCYK, DeWEESE, DALEY, TIGUE, STEELMAN, TRELLO, DeLUCA, SCRIMENTI, KUKOVICH, LAUGHLIN, JOSEPHS, GIGLIOTTI, VAN HORNE, CURRY, LEVDANSKY, SURRA, RICHARDSON, RAMOS, MICHLOVIC, THOMAS and BELARDI

An Act prohibiting the use of permanent replacement workers during a labor dispute; prohibiting the use of employment agents and contract employment agencies from recruiting or furnishing employees to permanently replace employees in a labor dispute; providing for injunctive relief and damages; and imposing a penalty.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2129** By Representatives VEON, SURRA, RICHARDSON, SHANER, McGEEHAN, MIHALICH, LUCYK, DeWEESE, DALEY, STEELMAN, TRELLO, BELARDI, DeLUCA, KUKOVICH, LAUGHLIN, JOSEPHS, GIGLIOTTI, RAMOS, MICHLOVIC and THOMAS

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for injuries subject to compensation.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2130** By Representatives VEON, SHANER, McGEEHAN, MIHALICH, LUCYK, DeWEESE, DALEY, STEELMAN, TRELLO, BELARDI, DeLUCA, KUKOVICH, LAUGHLIN, JOSEPHS, GIGLIOTTI, CURRY, RAMOS, MICHLOVIC, THOMAS and BELFANTI

An Act requiring certain employers who relocate or terminate operations to pay covered employees severance pay; imposing additional powers and duties on the Department of Labor and Industry; and requiring employers to give notices to affected employees and municipalities.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2131** By Representatives WALKO, VEON, SHANER, MIHALICH, CALTAGIRONE, PISTELLA, KUKOVICH, LAUGHLIN, DeWEESE, STEELMAN, ROONEY, BELARDI, GIGLIOTTI, VAN HORNE, LEVDANSKY, SURRA, RAMOS, MICHLOVIC and BELFANTI

An Act amending the act of June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-Injunction Act, further providing for restraining orders and injunctions.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2132** By Representatives WALKO, VEON, SHANER, MIHALICH, CALTAGIRONE, PISTELLA, KUKOVICH, LAUGHLIN, DeWEESE, STEELMAN, ROONEY, BELARDI, JOSEPHS, GIGLIOTTI, SURRA, RAMOS, MICHLOVIC and BELFANTI

An Act requiring employers to maintain certain benefits for striking employees who are replaced; and providing remedies.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2133** By Representatives WALKO, VEON, SHANER, MIHALICH, CALTAGIRONE, PISTELLA, KUKOVICH, LAUGHLIN, DeWEESE, STEELMAN, ROONEY, BELARDI, JOSEPHS, CURRY, GIGLIOTTI, LEVDANSKY, SURRA, RAMOS, MICHLOVIC and BELFANTI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, prohibiting the use of replacement worker expenses in determining corporate net income tax; and requiring sworn statements by employers.

Referred to Committee on FINANCE, October 23, 1995.

**No. 2134** By Representatives SAINATO, VEON, DeWEESE, BELARDI, KUKOVICH, RICHARDSON, DALEY, STEELMAN, SURRA, RAMOS, LaGROTTA, LAUGHLIN, GIGLIOTTI, LEVDANSKY, CALTAGIRONE, LUCYK, McGEEHAN, SHANER, MIHALICH and BELFANTI

An Act amending the act of July 12, 1972 (P.L.847, No.187), referred to as the Strikebreaker Employment Act, defining "strikebreaker"; and extending the provisions of the act to employment agents.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2135** By Representatives SANTONI, VEON, McGEEHAN, SHANER, MIHALICH, LUCYK, CALTAGIRONE, DeWEESE, DALEY, STEELMAN, BELARDI, KUKOVICH, LAUGHLIN, GIGLIOTTI, VAN HORNE, LEVDANSKY, SURRA, RAMOS and MICHLOVIC

An Act amending the act of June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-Injunction Act, further providing for injunctions in case of labor disputes and lawful picketing during labor strikes.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2136** By Representatives PICCOLA, CONTI, DEMPSEY, TRUE, CHADWICK, HERMAN, S. H. SMITH, FARGO, LEH, STERN, SATHER, MARSICO, BATTISTO, HENNESSEY, E. Z. TAYLOR, M. N. WRIGHT, JOSEPHS, TULLI, MERRY, BROWNE, ARMSTRONG, DENT, SAYLOR, MICHLOVIC, BUNT and CLARK

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, changing the short title; providing for a minimum income supplement; making an editorial change; and conferring powers and duties on the Department of Revenue.

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2137** By Representatives PICCOLA, BELARDI, GEIST, DEMPSEY, PETRONE, CONTI, DALEY, THOMAS, BOYES, HORSEY, MILLER, MELIO, GANNON, HENNESSEY, MCGILL, YOUNGBLOOD, JAMES, CIVERA and STEELMAN

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for local registrars' compensation.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 23, 1995.

**No. 2138** By Representatives PICCOLA, CHADWICK, SATHER, CORNELL, HERMAN, M. N. WRIGHT, RUBLEY, SEMMEL, BROWNE, FAIRCHILD, DALEY, SCHRODER, CLARK, HERSHEY, SAYLOR, HARHART, E. Z. TAYLOR, RAMOS, L. I. COHEN, MERRY, CIVERA, BELFANTI and EVANS

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

Referred to Committee on LABOR RELATIONS, October 23, 1995.

**No. 2139** By Representative McCALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a speed limit for SR 0903 in Jim Thorpe Borough, Carbon County.

Referred to Committee on TRANSPORTATION, October 23, 1995.

**No. 2140** By Representatives SEMMEL, BUNT, LEH, HERSHEY, MILLER, GRUPPO, ROONEY, STERN, YOUNGBLOOD, KAISER, DURHAM, M. COHEN, TRELLO, STAIRS, BELARDI and MERRY

An Act amending the act of July 7, 1994 (P.L.421, No.70), known as the Food Act, further providing for adulterated food.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 23, 1995.

**SENATE BILLS FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following bills for concurrence:

**SB 639, PN 1497**

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 23, 1995.

**SB 1110, PN 1452**

Referred to Committee on INSURANCE, October 23, 1995.

**BILLS REMOVED FROM TABLE**

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

Mr. PERZEL. Mr. Speaker, I move that HB 1973 and SB 652 be removed from the table.

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

**BILLS RECOMMITTED**

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

Mr. PERZEL. Mr. Speaker, I move that HB 1973 and SB 652 be recommitted to the Appropriations Committee.

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

**ACTUARIAL NOTES**

The SPEAKER pro tempore. The Chair acknowledges receipt of the actuarial note for HB 1704, PN 2052, and the actuarial note for amendment 4938 to SB 652, PN 1292.

(Copies of actuarial notes are on file with the Journal clerk.)

**GUESTS INTRODUCED**

The SPEAKER pro tempore. The Chair welcomes visitors with us today located up in the balcony. These visitors are the Junior Girl Scout Troop 953 and their leader, Nancy Bender, who are the guests of Representatives Masland, Vance, and Egolf. Would the guests please rise.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****HB 496, PN 2651 (Amended)**

By Rep. REBER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring the Department of Environmental Protection to give notice to municipalities of orders for abatement of nuisances.

**ENVIRONMENTAL RESOURCES AND ENERGY.****HB 1940, PN 2396**

By Rep. REBER

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for payment in lieu of bond and for reclamation bond credits.

**ENVIRONMENTAL RESOURCES AND ENERGY.****BILL REMOVED FROM TABLE**

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

Mr. PERZEL. Mr. Speaker, I move that HB 1940 be removed from the table.

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

**BILL RECOMMITTED**

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

Mr. PERZEL. Mr. Speaker, I move that HB 1940 be recommitted to Appropriations.

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

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair recognizes the majority leader for leaves of absence.

The Chair recognizes that there are no leaves of absence from the majority leader today.

The Chair recognizes Mr. Itkin for leaves of absence.

Mr. ITKIN. Mr. Speaker, I request leave for the gentleman from Butler, Mr. TRAVAGLIO, and the gentleman from Westmoreland, Mr. MIHALICH, for today's session.

The SPEAKER pro tempore. Without objection, the leaves are granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—200**

Adolph	Egolf	Lucyk	Sather
Allen	Evans	Lynch	Saylor
Argall	Fairchild	Maitland	Schroder
Armstrong	Fajt	Major	Schuler
Baker	Fargo	Manderino	Scrimenti
Bard	Farmer	Markosek	Semmel
Barley	Feese	Marsico	Serafini
Battisto	Fichter	Masland	Shaner
Bebko-Jones	Fleagle	Mayernik	Sheehan
Belardi	Flick	McCall	Smith, B.
Belfanti	Gamble	McGeehan	Smith, S. H.
Birmelin	Gannon	McGill	Snyder, D. W.
Bishop	Geist	Melio	Staback
Blaum	George	Merry	Stairs
Boscola	Gigliotti	Michlovic	Steelman
Boyes	Gladeck	Micozzie	Steil
Brown	Godshall	Miller	Stern
Browne	Gordner	Mundy	Stetler
Bunt	Gruitza	Nailor	Stish
Butkovitz	Gruppo	Nickol	Strittmatter
Buxton	Habay	Nyce	Sturla
Caltagirone	Haluska	O'Brien	Surra
Cappabianca	Hanna	Olasz	Tangretti
Carn	Harhart	Oliver	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Cawley	Hennessey	Pesci	Thomas
Chadwick	Herman	Petrarca	Tigue
Civera	Hershey	Petrone	Trello
Clark	Hess	Pettit	Trich
Clymer	Horsey	Phillips	True
Cohen, L. I.	Hutchinson	Piccola	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colaella	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGroua	Roebuck	Yewcic
Dent	Loughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rublely	Zug

DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham	Lloyd		

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—2**

Mihalich	Travaglio
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**LEAVES ADDED—3**

Allen	Durham	Caltagirone
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**GUEST INTRODUCED**

The SPEAKER pro tempore. The Chair would also like to recognize another visitor. He is located to the right of the Speaker. This visitor is Abram Lewis, a 10th grade student at Wyoming Valley West High School, who is a guest of Representative Phyllis Mundy. The guest will please rise.

**CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. ROEBUCK called up **HR 233, PN 2632**, entitled:

A Resolution designating the week of November 5 through November 11, 1995, as "National Chemistry Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—200**

Adolph	Egolf	Lucyk	Sather
Allen	Evans	Lynch	Saylor
Argall	Fairchild	Maitland	Schroder
Armstrong	Fajt	Major	Schuler
Baker	Fargo	Manderino	Scrimenti
Bard	Farmer	Markosek	Semmel
Barley	Feese	Marsico	Serafini
Battisto	Fichter	Masland	Shaner
Bebko-Jones	Fleagle	Mayernik	Sheehan
Belardi	Flick	McCall	Smith, B.
Belfanti	Gamble	McGeehan	Smith, S. H.
Birmelin	Gannon	McGill	Snyder, D. W.
Bishop	Geist	Melio	Staback
Blaum	George	Merry	Stairs
Boscola	Gigliotti	Michlovic	Steelman
Boyes	Gladeck	Micozzie	Steil
Brown	Godshall	Miller	Stern
Browne	Gordner	Mundy	Stetler
Bunt	Gruitza	Nailor	Stish
Butkovitz	Gruppo	Nickol	Strittmatter
Buxton	Habay	Nyce	Sturla
Caltagirone	Haluska	O'Brien	Surra
Cappabianca	Hanna	Olasz	Tangretti
Carn	Harhart	Oliver	Taylor, E. Z.

Carone	Hasay	Perzel	Taylor, J.
Cawley	Hennessey	Pesci	Thomas
Chadwick	Herman	Petrarca	Tigue
Civera	Hershey	Petrone	Trello
Clark	Hess	Pettit	Trich
Clymer	Horsey	Phillips	True
Cohen, L. I.	Hutchinson	Piccola	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colaella	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham	Lloyd		

NAYS-0

NOT VOTING-0

EXCUSED-2

Mihalich Travaglio

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

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Mr. RAMOS called up **HR 234, PN 2633**, entitled:

A Resolution declaring the month of October 1995 as "Childhood Lead Poisoning Prevention Month" to assist in making Pennsylvanians aware of the endemic and yet preventable threat to the Commonwealth's children and of the need to have their children tested before irreparable harm is done.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Egolf	Lucyk	Sather
Allen	Evans	Lynch	Saylor
Argall	Fairchild	Maitland	Schroder
Armstrong	Fajt	Major	Schuler
Baker	Fargo	Manderino	Scrimenti
Bard	Farnier	Markosek	Senmel
Barley	Feese	Marsico	Serafini
Battisto	Fichter	Masland	Shaner
Bebko-Jones	Fleagle	Mayernik	Sheehan
Belardi	Flick	McCall	Smith, B.
Belfanti	Gamble	McGechan	Smith, S. H.
Birmelin	Gannon	McGill	Snyder, D. W.

Bishop	Geist	Melio	Staback
Blaum	George	Merry	Stairs
Boscola	Gigliotti	Michlovic	Steelman
Boyes	Gladeck	Micozzie	Steil
Brown	Godshall	Miller	Stern
Browne	Gordner	Mundy	Stetler
Bunt	Gruitza	Nailor	Stish
Butkowitz	Gruppo	Nickol	Strittmatter
Buxton	Habay	Nyce	Sturla
Caltagirone	Haluska	O'Brien	Surra
Cappabianca	Hanna	Olasz	Tangretti
Carn	Harhart	Oliver	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Cawley	Hennessey	Pesci	Thomas
Chadwick	Herman	Petrarca	Tigue
Civera	Hershey	Petrone	Treffo
Clark	Hess	Pettit	Trich
Clymer	Horsey	Phillips	True
Cohen, L. I.	Hutchinson	Piccola	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colaella	Jadlowiec	Pitts	Van Home
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham	Lloyd		

NAYS-0

NOT VOTING-0

EXCUSED-2

Mihalich Travaglio

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

**ADDITIONS AND DELETIONS OF SPONSORS**

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

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

**RECESS**

The SPEAKER pro tempore. The House will recess the regular session until the call of the Chair.

**AFTER RECESS**

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

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

**SENATE MESSAGE**

**ADJOURNMENT RESOLUTION  
FOR CONCURRENCE**

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

In the Senate  
October 23, 1995

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, October 30, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further House of Representatives adjourns this week it reconvene on Monday, October 30, 1995, unless sooner recalled by the Speaker of the House of Representatives.

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

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that SB 806 be removed from the table.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that SB 806 be recommitted to the Committee on Appropriations.

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

**CALENDAR CONTINUED****BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1177, PN 1320**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175) known as The Administrative Code of 1929, regulating disposition of surplus property.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 1177 be recommitted to the Committee on State Government.

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

**RESOLUTIONS****RESOLUTIONS PASSED OVER**

The SPEAKER. HR 156, PN 2649, is over for the day.  
HR 204 is over for the day. The Chair hears no objection.  
Concurrent resolution 198, PN 2353, is over for the day. The Chair hears no objection.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1362, PN 2620**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to enact legislation providing for homestead exemptions.

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

Mr. STETLER offered the following amendment No. **A5310**:

Amend Title, page 1, line 3, by removing the period after "exemptions" and inserting

; or in lieu thereof providing for an optional homestead exemption.

Amend Sec. 1, page 1, lines 8 through 13; page 2, lines 1 through 21, by striking out all of said lines on said pages and inserting

That Article VIII be amended by adding a section to read:

§ 18. Homestead exemption.

(a) The General Assembly shall, within three years following the adoption of this section, enact legislation implementing subsection (b). If the General Assembly fails to enact such legislation within the three-year period, it shall lose the authority to do so and subsection (c) shall take effect. Subsection (c) will not become effective under any other circumstances.

(b) The General Assembly may by law establish separate classes of real property as subjects of taxation exclusively for one or more of the following purposes:

(1) providing for a dollar value or a percentage exemption from the assessed value of real property used as a homestead;

(2) providing for a dollar value or a percentage exemption from the actual real estate taxes levied on real property used as a homestead;

(3) providing for tax credits based on a dollar value or a percentage of the real estate taxes levied on real property used as a homestead; or

(4) providing for credits or other special tax provisions for persons who rent their homesteads to permit them to take advantage of real estate tax reductions achieved through exemption or credit.

The procedures established by the General Assembly shall include a restriction that a local taxing jurisdiction shall not increase the assessed value of real property or millage of its tax on real estate for the purpose of offsetting revenue losses resulting from the exemption or credit.

(c) Notwithstanding any provision of this Constitution to the contrary, a local taxing jurisdiction which levies a tax on real property may:

(1) Establish a homestead exemption whereby an amount not exceeding \$20,000 of assessed value may be exempted from a real property tax levy on an owner-occupied residential real property. Residential real property shall include a farm house.

(2) Levy a personal income tax on the existing base used for State personal income taxes at a rate not to exceed 1% levied in increments of one-quarter of 1% to offset on a dollar-for-dollar basis the lost revenues from the establishment of a homestead exemption. Under no circumstances shall the revenues received from the levying of a personal income tax under this section exceed the revenues lost from the implementation of a homestead exemption.

(3) A local taxing jurisdiction shall not increase the assessed value of real property or millage of its tax on real estate for the purpose of offsetting revenue losses resulting from the exemption or credit.

(4) The personal income tax authorized in this section is and shall be separate and apart from any other heretofore or hereafter tax authorization enacted by the General Assembly.

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

The SPEAKER. Mr. Stetler is recognized on the question of the adoption of amendment A5310.

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, I have offered amendment A5310 for several reasons.

First off, I believe that the bill as drafted by Chairman Boyes is a very good bill. What he intends to do with that bill or with that constitutional amendment I think is extremely important and I believe is a very good first step towards the idea of tax reform.

The SPEAKER. The gentleman will yield.

The gentleman sent to the desk amendment 5324. Are you addressing at this time 5324 or 5310?

The gentleman may continue on amendment A5310, which has been read by the clerk.

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, I offer the amendment A5310 for several reasons, but first I would like to comment that I believe that Chairman Boyes in his constitutional amendment has offered a very good start to the concept of tax reform. However, I believe that we as a body must be more definitive in the steps we take.

First of all, we have watched tax reform over the past couple years evolve several times to almost a finished product only to see it fail, whether it be through referendum in the 1980's or through a shortfall of two votes in the Senate last year. What I believe is

necessary to assure that tax reform takes place is the idea of some timeframes.

What I have done with this amendment is leave intact what Chairman Boyes has suggested in terms of a constitutional amendment. What I have done, however, is added language that would insure that once the populace of Pennsylvania votes on this issue, that we as a body will come back and address it.

What this does is says that 3 years from the date on which this would be voted on, that we as a body must come back and implement it. Failure on the part of the legislature to implement local tax reform will result in this legislation as proposed by Chairman Boyes automatically becoming the law, and to make sure that there is no shortfall in revenues for the local jurisdictions, this would allow them the opportunity to impose a 1-percent personal income tax.

I would appreciate your support. Thank you.

The SPEAKER. The gentleman from Northampton, Mr. Nyce. Mr. NYCE. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Nyce, may begin.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to compliment the maker of the amendment on the intent of the amendment. I think that action by the legislature is of utmost importance in the process of moving forward with local tax reform.

I have a couple of questions I would like to ask him concerning the amendment, and I wonder whether he would describe for me what he means by "personal income" as used in the amendment. More specifically, does it mean wages?

Mr. STETLER. This would follow the State income tax rules. So, yes, it would include wages, but all other forms of income, taxable income by the State of Pennsylvania.

Mr. NYCE. I did not hear your response.

Mr. STETLER. It would follow the rules of Pennsylvania State income tax. It would involve wages, but it would also include all types of income that are currently taxed in the State of Pennsylvania.

Mr. NYCE. So it does include wages. Does it include net profit from business?

Mr. STETLER. Yes.

Mr. NYCE. Does it include interest?

Mr. STETLER. Yes.

Mr. NYCE. Dividends?

Mr. STETLER. Yes.

Mr. NYCE. Capital gains from either the sale of a house or from investment profits?

Mr. STETLER. Yes.

Mr. NYCE. Retirement income?

Mr. STETLER. No.

Mr. NYCE. And what about Social Security?

Mr. STETLER. No.

Mr. NYCE. Mr. Speaker, I am seriously concerned about the broad-based definition of "personal income." I have finished my interrogation. I would like to comment on the amendment, if I may.

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

Mr. NYCE. Mr. Speaker, many senior citizens have chosen to make investments during their working lives which now benefit them in the form of dividends and interest payments while retired.



Not everyone has a pension plan. Some people actually use a 401(k) plan; they use a pension plan; they use an IRA (individual retirement account).

I believe that the amendment offered by the gentleman may in fact open up the definition of "personal income" well beyond what is intended here by having the opportunity to tax some of those very, very important and critical elements of seniors' income.

Mr. Speaker, could I have some order, please?

The SPEAKER. Members will please take their seats. Members will please take their seats, other than those awaiting recognition.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, many seniors right now live off the interest that they receive because of the investment choices they made while they were working. We currently do not tax those interest and dividend receipts at the local level. This amendment would open up the exposure of that interest and dividends to taxation, whether it is from an IRA, whether it is from bonds and securities, or other sources, and I believe that the wide-open definition to interpretation, depending on which one you choose, is not necessarily the intent of what we are doing on local tax reform.

I ask the rhetorical question whether or not the amendment provides for a local referendum. I saw no indication anywhere in this amendment that provides for a local referendum to opt in to what is being defined within this amendment, even though local referendum was a key issue of every tax reform package put before this legislature and before the Finance Committee to date.

It does allow, however, your local government officials to impose an income tax of up to 3 percent on top of the current income tax, 1 percent at each level of income — county, municipal, and school district. If you look at subsection (c), and if I interpret it correctly, it automatically would be enacted if the legislature would not enact enabling legislation on its own within 3 years.

Now, based upon the response of the sponsor, I am forced to oppose the amendment for the following reasons: The amendment itself is written as a "shall" provision which automatically takes effect in 3 years if the legislature fails to enact enabling legislation under subsection (b). Subsection (c), however, becomes the enabling legislation. It is enacted automatically if the legislature chooses not to enact enabling legislation under subsection (b) within the 3-year timeframe.

What does subsection (c) do, and listen very carefully, because this is critically important to this amendment. Remembering that the amendment is a "shall" provision, but since subsection (c) is a "may" provision, it enables all local taxing jurisdictions to enact their own 1-percent PIT, personal income tax, which totals 3 percent if each one of them takes the option.

None of the subclauses of subsection (c) are conditional upon one another. In other words, it is a grab bag for local government. There are no conditions in subsection (c) that say, for example, it does not require any of the following: It does not require a referendum before the voters to opt in; it does not require the elimination of the Act 511 nuisance taxes, which all of us are so critically opposed to; it does not require property tax reduction in any way.

Again, it is a "may" provision. It does not require the elimination of the wage tax. Can you imagine communities who are not forced to eliminate the wage tax but opt in to choose a personal income tax on top of it and subsequently end up with a personal income tax at 1 percent and a wage tax at 1 percent.

It does not provide for local choice between income tax and sales tax as supported by many of the taxpayers; for example, the

Uniontown hearing held by the Finance Committee where seniors overwhelming supported a sales tax.

It does not speed up the process. Nowhere in this amendment does it do anything to move the timeframe ahead under which we will get local tax reform. This is a critical element in the process.

So why oppose the amendment? It is contrary to the request of citizens and local government officials who want options at the local level to address their specific needs. It does not eliminate the nuisance taxes, which everyone has agreed is a necessary part of local tax reform. It gives no indication of the impact of this legislation at these rates on local government, communities, or citizens, and it amounts to an authorization of increased local income taxes by 3 percent without any input from the citizens in our local communities.

I urge all of you to consider seriously what you have asked the Finance Committee special task force to do — to identify legislation currently before us and allow you an opportunity to go back to your communities and measure its impact before we or your communities vote on that legislation.

I can tell you as chairman of that task force, we do not have those details yet, but we have, by moving this bill, established a timeframe within which we will deal with local tax reform.

I urge you to oppose this amendment for all the reasons I previously mentioned. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Stetler.

Mr. STETLER. Thank you, Mr. Speaker.

I believe it is incumbent upon me right now to respond to a lot of the misinformation that just was put forth about the amendment and its impact on this bill.

First of all, this does not expand the definition of "income." If one reads simply the personal income tax book for the State of Pennsylvania, one would understand that this in no way expands that.

Secondly and probably the most important point that Representative Nyce overlooked in his comments was when he was talking about the seniors, and he talked about how maybe we would be taxing some types of income of theirs today that we are not taxing at the local level now. But let me remind Representative Nyce and everybody else here who is going to vote today that the issue we are addressing is property tax, and if there is one issue seniors are more concerned about than any other issue involving taxation in Pennsylvania today, it is property tax, and my amendment makes sure that if the population of Pennsylvania supports this referendum, that we as a General Assembly will come back and address the issue. That to me is tax reform.

The other question or point that Representative Nyce raises that was incorrect was the issue of referendum. He indicates that at no time or no place in my amendment do we address that issue, but I ask him to read the entire bill, because this is all part of a referendum, and so when the taxpayers go to the polls to vote on this referendum, they will know what is involved, they will know that we have 3 years to do our job after that, and they have the opportunity to vote knowing that there will be an income tax if the General Assembly fails to do its job.

Another point that Representative Nyce raised that was incorrect. This specifically deals with the issue of a dollar-for-dollar offset. The language before you specifically states that any type of tax change that was required would require a dollar-for-dollar reduction in personal property taxes — or I am

sorry, not personal property — property taxes if an income tax were put in place. So that issue is resolved.

Another issue that is extremely important to realize is that we are in this amendment putting timeframes in place. We are being required 3 years after this referendum, within that time period, to address the issue of local tax reform. We are setting timeframes.

And last but not least, I would suggest that if there is a concern about tax reform, that this is only a part of it, and we should be putting out on the floor a bill that deals more with the whole issue of tax reform and not just this one little spot, if that is Representative Nyce's concern.

I would appreciate your support for this amendment. Thank you.

### GUESTS INTRODUCED

The SPEAKER. The Chair at this time would like to welcome to the floor of the House Mrs. Barbara Wenger, wife of Senator Noah Wenger, and Bonnie Zimmerman, the wife of Representative Zimmerman. Would the two guests please rise, here to the left of the Chair.

### CONSIDERATION OF HB 1362 CONTINUED

The SPEAKER. The Chair recognizes the gentleman, Mr. Tigie, on the question of the Stetler amendment.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I have an inquiry for the maker of the amendment, please.

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

Mr. TIGUE. Mr. Speaker, on your amendment on page 2, line 5, it says, "Residential...property shall include a farm house." Is there a definition somewhere of a "farm house"? Does that mean the person must own the property, or can it be someone else who is living there working the farm?

Mr. STETLER. No, there is not a definition.

Mr. TIGUE. I did not hear him.

The SPEAKER. He said, no, there is no definition.

Mr. TIGUE. Okay. Thank you.

The SPEAKER. The gentleman will yield.

The members are unable to hear the interrogation. I am going to ask the other members to please take their seats.

Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak on the amendment, please.

The SPEAKER. The gentleman is in order.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I think the most important issue we are dealing with is local tax reform. Hopefully sometime during this session or perhaps next session we will finally do something to relieve the burden of the property tax. And I agree basically with the intent of Mr. Stetler's amendment; however, I must oppose the amendment for a couple of reasons.

First of all, I do not think we learned the lessons of 1988-1989 when we had a constitutional question on the ballot which was defeated overwhelmingly by the voters of Pennsylvania because it was too complex and too misunderstood, and I said as a member of the Finance Committee when we passed HB 1362 that I thought we made a mistake in committee by increasing the verbiage and the

reasons why we need this distinction between property classes — residential and other properties. I think this amendment would further confuse the problem and allow too much of a discussion. When you ask a question such as what is the definition of a "farm house"; we do not know, I think we are leaving ourselves wide open. And again, we are talking about a constitutional amendment. I do not think we should be dealing with the enabling legislation.

I commend Mr. Stetler for saying let us set something so that we have a triggering mechanism to try to force the General Assembly to do that. I think what that does is that puts a drag on HB 1362, and it will slow down the process.

Many on both sides of the aisle have said before that we need an amendment to the Constitution to allow for a distinction between residences and other properties, and I think that should be our goal. Keep it as simple as possible so that the voters understand what we are trying to do in the Constitution. Let us not clutter up the Constitution with what should be part of the enabling legislation, and let us get on and pass HB 1362.

So I would ask people to vote against Mr. Stetler's amendment and keep HB 1362 as it is and send it to the Senate. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Northampton for the second time.

Mr. NYCE. I defer to Mr. Saylor first, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, the idea behind the amendment of Mr. Stetler's is a very good idea. The problem I have with it is multitude in that, one, the additional revenue that will be generated by county governments at a 1-percent tax would allow counties in many areas and many jurisdictions to eliminate totally their property tax revenues, thereby creating another hardship for school districts and local governments and cities of the third class, because counties now have failed to continue to keep their assessment records up to date. Putting county commissioners across the State at a position where they no longer have to depend on property taxes at all would endanger our revenue for school districts and for local government.

Also the fact is that under the previous provisions of HB 2202 passed last session, we had put in a revenue-sharing idea for the county when instituting either a sales tax or an income tax. This proposal does not institute that, thereby again allowing county governments to have a huge amount of surplus through the income tax.

I again commend Mr. Stetler for his amendment, but I think it is flawed, and ask for a "no" vote on his amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Very briefly, I rise in support of the Stetler amendment. Without the Stetler amendment, Mr. Speaker, we are building half a bridge. We are making for the offset between commercial property taxes and residential property taxes, but we are not replacing it with anything, and there is a good possibility that we may not replace it with anything if the referendum in the future would pass. The reality of it, Mr. Speaker, is this General Assembly cannot deal with tax reform, and this debate that is taking place between Representative Nyce and Representative Stetler is indicative of what has happened in the past 10 years with tax reform.

In 1988 there was a proposal before the people of Pennsylvania. The people were so confused. Senior citizens were led to believe that their income taxes were going to be taxed; they were going to start taxing their Social Security and retirement. That was not true, and we are going down that same road again. This amendment will allow the referendum to go forward and will implement some relief for our communities and school districts. We still as a General Assembly can deal with the problem if we so choose to.

Mr. Speaker, let us stop just talking about tax reform; let us do something about tax reform, and I encourage everyone to vote for the Stetler amendment. If you are not totally happy with it, after the referendum passes, then let us fix it properly. Thank you.

The SPEAKER. The gentleman from Allegheny, Mr. Trello, on the amendment.

Mr. TRELLO. Mr. Speaker, I have been around here not as long as some but longer than most, and in all my years up here, we have dealt with tax reform and nothing has ever happened. I commend Representative Stetler for trying to do something that we were not able to do for the last 21 or 22 years.

I am appalled at my colleague on the Finance Committee, Representative Nyce, making innuendos that Representative Stetler is against senior citizens, he is against local government, he is against, he is against, he is against. If I did not know any better, I thought he might be starting on the 1996 campaign already. For his information, there is a threshold for senior citizens right now; I believe it is \$6,800 of unearned income which he forgot to mention, and in HB 2202 last year, there was a provision for county, local, and school districts to impose a 1-percent wage tax. I mean, what is the big deal?

I think what Stetler is trying to do is make sure that we implement something. That is all his amendment says, that if we fail to do it within 3 years, then local government should be allowed to do it. But for somebody to get on the floor and make innuendos about another member being against senior citizens and against this and against that, I think it is appalling.

That is all I have to say. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Fajt.

Mr. FAJT. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Stetler amendment. Mr. Stetler and I have talked about this amendment, and I also admire what he is trying to do, but I simply must oppose the amendment, because I am looking back on the history of this legislation and tax reform specifically vis-a-vis this General Assembly.

In 1989 the voters of this Commonwealth defeated a tax reform proposal about 4 to 1. Many of you were here then, some of us were not, but I remember that the proposal was defeated almost 4 to 1 by the voters of this Commonwealth. Why? Because they did not understand it; and number two, they did not trust us.

Let us fast-forward to 1994. We passed HB 2202. It was a bill that had tremendous bipartisan support, would have been comprehensive tax reform. It would have reduced the funding for public education, or shifted the funding for public education, from property taxes to income taxes. It was true tax reform. What happened? We passed that bill in this chamber, that bill went over to the State Senate, and it died under its own weight. It was amended to death, subsequently brought to a vote in the Senate, and it died.

What does that tell me? It tells me that this General Assembly collectively – the House and the Senate – and the public is not ready for a comprehensive tax reform bill. What I think we need to do is to do it piecemeal. This bill, HB 1362, would provide a homestead exemption, and everyone agrees, I think, that this is the necessary first step in comprehensive tax reform.

I personally talked with Representative Stetler about his ill feelings that this bill will pass and nothing else will happen. I share those same concerns. I have a little bit more faith in this chamber that we will pass comprehensive tax reform in the future, and I hope quickly in the future.

No one in this Commonwealth, I would say, was more adversely affected by increased property tax assessments last year than the people in my district, specifically in Mount Lebanon. I got up here and talked before; some of them had their property taxes increased 180 percent, and those property taxes were not going from \$500 to \$1,500; they were going from \$4,000 to \$12,000 a year. My people are crying for tax reform.

I am committed to tax reform. This is the first necessary step, and I think that we need to take this step very cautiously, keep this bill as simple as possible, and let us get it on the ballot in 1997 for the voters to approve, and that is why I am opposing the Stetler amendment, with all due respect to my friend and colleague. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Stetler amendment. Mr. Stetler is for this particular constitutional amendment, but what he is saying is that in 3 years, if nothing happens, it is time that we in this legislature get rid of property taxes as the sole way of supporting our schools.

Our senior citizens have been telling us, for the last at least 15 years that I have been in this job, that it is time that we reduce the burden of property taxes, and I say it is time that we do that in at least 3 years, and we can do this by adopting this amendment. I urge your support of this amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Allegheny County, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I respect the intentions of Mr. Stetler in his attempt to hold our feet to the fire if this constitutional amendment were to be passed, but it is exactly because of the detail in which he wants to hold our feet to the fire and guarantee that something will happen that causes me to ask that we defeat his proposed amendment.

I am concerned like others that if we put to the voters this constitutional question in the form that Representative Stetler has proposed, rather than the voters considering this constitutional amendment on the basis of whether or not the General Assembly should be authorized to put into place a homestead exemption, rather than that, there will be great debate and possible defeat of this amendment around the details in section (c). People will debate the adequacy of the \$20,000 figure, and they will debate the meaning of a farmhouse, and they will debate the enforcement of dollar-for-dollar, and they will debate the adequacy of the 1-percent replacement, and they will miss what this is really all about, and they may have little faith in the ability of this General Assembly to actually enforce the provisions of section (b) and assume that section (c) will in fact become the law, and I fear that they would possibly defeat this constitutional amendment on that basis.

And secondly, I fear that rather than the homestead exemption, if it is approved, being simply a piece of much more comprehensive local tax reform, this may be all that we get. If in fact section (c) is implemented and particularly if section (c) is implemented, that may be the beginning and the end of local tax reform in Pennsylvania, and frankly, that is not enough, in my opinion. This homestead exemption is an important piece of, but just a piece of, and must be only a piece of comprehensive tax reform, and we cannot allow this constitutional amendment, as proposed by Representative Stetler's amendment, to be the beginning and the end of tax reform.

So for those reasons I would urge that we defeat the amendment.

The SPEAKER. For the second time, the gentleman, Mr. Nyce. Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, let me first apologize to Representative Stetler if I said anything in my earlier comments specifically directed at him. I do not believe I have done that. I believe I was speaking to the component parts of an amendment which allowed certain things to happen, and I do not believe I made any misstatements. In fact, by moving to a personal income tax base, we are expanding the taxable base of the local taxing authorities. That is a fact. I cannot change that. I did not write the amendment. That is the way it is written. It also allows a multiplicity of choices without a referendum and some of the other protections which we have all been asked to put in enabling legislation.

So I concur with my peers on the floor who have asked us to protect the senior citizens at this early stage, to allow us to have the constitutional amendment we need to tax similar taxpayers differently, people who own real estate. That is all the amendment was geared to do. That is all we want it to do. We will continue, and I pledge to you, as chairman of the task force studying local tax reform, that I and the tax reform task force members will bring forth what we believe is the best package of tax reform from all of those offered to us.

I urge my peers to vote against the Stetler amendment. Thank you very much.

The SPEAKER. The gentleman from York, Mr. Saylor.

Mr. SAYLOR. Again, Mr. Speaker, I want to remind the members of the House that the group of people who benefit most from this bill are our county commissioners, not our school districts who need tax reform, again, because in the original bill, HB 2202, that passed this chamber and went to the Senate was a half-a-percent earned income tax or PIT. This amendment to this bill would give county commissioners a full 1 percent. The last people who need tax reform in this State are county commissioners. It is our school districts.

I ask you for a "no" vote.

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--58

Belardi	Donatucci	Manderino	Steelman
Bishop	Evans	Melio	Stetler
Blaum	Feese	Mundy	Sturla
Boscola	George	Oliver	Surra
Buxton	Gordner	Petrarca	Tangretti

Caltagirone	Gruitza	Petrone	Thomas
Carn	Horsey	Piccola	Trello
Chadwick	Itkin	Pistella	Trich
Cohen, M.	James	Ramos	Tulli
Colafrella	Kirkland	Rieger	Veon
Corpora	Krebs	Roebuck	Washington
Coy	Kukovich	Rooney	Wright, D. R.
Curry	LaGrotta	Santoni	Yewcic
Dempsey	Laughlin	Smith, B.	Youngblood
DeWeese	Lescovitz		

NAYS--141

Adolph	Fairchild	Lucyk	Sainato
Allen	Fajt	Lynch	Sather
Argall	Fargo	Maitland	Saylor
Armstrong	Farmer	Major	Schroder
Baker	Fichter	Markosek	Schuler
Bard	Fleagle	Marsico	Scrimenti
Barley	Flick	Masland	Semmel
Battisto	Gamble	Mayernik	Serafini
Bebko-Jones	Gannon	McCall	Shaner
Belfanti	Geist	McGeehan	Sheehan
Birmelin	Gigliotti	McGill	Smith, S. H.
Boyes	Gladeck	Merry	Snyder, D. W.
Brown	Godshall	Michlovic	Staback
Browne	Gruppo	Micozzie	Stairs
Bunt	Habay	Miller	Steit
Butkovitz	Haluska	Nailor	Stern
Cappabianca	Hanna	Nickol	Stish
Carone	Harhart	Nyce	Strittmatter
Cawley	Hasay	O'Brien	Taylor, E. Z.
Civera	Hennessey	Olasz	Taylor, J.
Clark	Herman	Perzel	Tigue
Clymer	Hershey	Pesci	True
Cohen, L. I.	Hess	Pettit	Vance
Colaizzo	Hutchinson	Phillips	Van Horne
Conti	Jadlowiec	Pitts	Vitali
Cornell	Jarolin	Platts	Walko
Corrigan	Josephs	Preston	Waugh
Cowell	Kaiser	Raymond	Wogan
Daley	Keller	Readshaw	Wozniak
DeLuca	Kenney	Reber	Wright, M. N.
Dent	King	Reinard	Zimmerman
Dermody	Lawless	Roberts	Zug
DiGirolamo	Lederer	Robinson	
Druce	Leh	Rohrer	Ryan,
Durham	Levdansky	Rubley	Speaker
Egolf	Lloyd	Rudy	

NOT VOTING--1

Williams

EXCUSED--2

Mihalich Travaglio

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

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

Mr. STETLER offered the following amendment No. A5324:

Amend Title, page 1, line 3, by removing the period after "exemptions" and inserting

; or in lieu thereof providing for an optional homestead exemption.

Amend Sec. 1, page 1, lines 8 through 13; page 2, lines 1 through 21, by striking out all of said lines on said pages and inserting

That Article VIII be amended by adding a section to read:

§ 18. Homestead exemption.

(a) The General Assembly shall, within one complete fiscal year following the fiscal year in which the adoption of this section occurs, enact legislation implementing subsection (b). If the General Assembly fails to enact such legislation within the specific period, it shall lose the authority to do so and subsection (c) shall take effect. Subsection (c) will not become effective under any other circumstances.

(b) The General Assembly may by law establish separate classes of real property as subjects of taxation exclusively for one or more of the following purposes:

(1) providing for a dollar value or a percentage exemption from the assessed value of real property used as a homestead;

(2) providing for a dollar value or a percentage exemption from the actual real estate taxes levied on real property used as a homestead;

(3) providing for tax credits based on a dollar value or a percentage of the real estate taxes levied on real property used as a homestead; or

(4) providing for credits or other special tax provisions for persons who rent their homesteads to permit them to take advantage of real estate tax reductions achieved through exemption or credit.

The procedures established by the General Assembly shall include a restriction that a local taxing jurisdiction shall not increase the assessed value of real property or millage of its tax on real estate for the purpose of offsetting revenue losses resulting from the exemption or credit.

(c) Notwithstanding any provision of this Constitution or law to the contrary, any school district which levies a tax on real property shall lose all authority to levy any tax on real property located within that school district.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, being A5324, the Chair recognizes the gentleman.

Mr. STETLER. Thank you, Mr. Speaker.

I have learned my lesson. I realize we have to keep it simple if we are going to effect good tax reform. So what I have done is, this second amendment eliminates all that confusing language, but it still accomplishes the same goal, and that is, it still keeps the gun to our heads to insure that we pass tax reform.

This amendment differs in that what it does, in a very simple fashion, is it says that after the referendum, when the taxpayers and the voters of Pennsylvania cast their ballot supporting what I consider to be a very good referendum designed by Representative Boyes, we have 1 year, 1 year to effect tax reform, or local school districts will lose the right to collect property taxes. Therefore, within that year, we have to have in place meaningful tax reform.

I would ask your support for this amendment.

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

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment.

As I understand the amendment, if the legislature fails to act within one fiscal period following the fiscal period in which the resolution is adopted by referendum, the powers of all

school districts to tax real estate would be completely eliminated, but it provides no alternative. In other words, you are going to strip your local school districts of any funding source without any consideration of options, other tax sources, or any referendum before the voters.

Now, yeah, it is easy to say that this whole process has to go before the voters to be approved. I cannot imagine how you would explain to the voters in your district that you are going to strip your local school directors of any authority to raise revenue at the local level without any options.

So I urge you to not support this amendment. It practically completely destroys the local taxing base of your school districts, and I do not see any legislation that has been put before this legislature at this point that strips any taxing authority of its power to tax without an option to replace it. Please oppose the amendment.

The SPEAKER. The gentleman, Mr. Stetler.

Mr. STETLER. Thank you, Mr. Speaker.

I just want to point out to the members two important issues.

The first is that in drafting this amendment, I tried to follow the concept followed in the State of Michigan. The State of Michigan had similar legislation like this, and today they have very effective tax reform laws on their books.

The second issue and the one that I want to make sure everybody is very aware of is that this would allow 2 1/2 years, in essence, for us as a body to work on tax reform. Just because the language specifically says 1 year following the referendum, let us not forget that there are some timeframes built into this that allow us the time necessary to draft meaningful tax reform, but I believe that we need to have the incentive to get this legislation passed, and I believe that this amendment accomplishes that. Thank you.

The SPEAKER. Does the gentleman, Mr. Nyce, seek recognition?

Mr. NYCE. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order. He speaks for the second time on the issue.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, now that the previous speaker has brought up the case of Michigan, the State of Michigan did abolish the real estate taxes, and it subsequently restored it at the State level because they simply could not accomplish local tax reform with the base that they chose, and that was the sales tax. They had to go back to the well. They have implemented a statewide property tax, and this is not the way we want to go about tax reform.

I have made a personal pledge and I think the members of the task force as well to give the members of this institution an opportunity to weigh the impact of any enabling legislation on their communities and on their taxpayers before we vote on enabling legislation. I have said it many times on this floor, I have said it in committee meetings, and I believe that that is the best way to get it. When people understand what they are dealing with, when they have an opportunity to measure its impact on their community and themselves, then and only then can we have real tax reform.

To move ahead like this, in a rush, through the constitutional amendment process is inappropriate. Please oppose the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-51

Armstrong	Dent	McCall	Steelman
Belardi	DeWeese	Melio	Stetler
Belfanti	Druce	Mundy	Sturla
Bishop	Evans	Nickol	Surra
Blaum	George	Oliver	Tangretti
Butkovitz	Horsley	Petrarca	Trich
Caltagirone	James	Piccola	Veon
Carone	Jarolin	Platts	Washington
Cohen, M.	Kirkland	Ramos	Waugh
Colafranca	Krebs	Roberts	Wright, D. R.
Colaizzo	Kukovich	Rooney	Yewcic
Coy	Laughlin	Santoni	Youngblood
DeLuca	Lescovitz	Schroder	

NAYS-147

Adolph	Farmer	Lucyk	Sainato
Allen	Feese	Lynch	Sather
Argall	Fichter	Maitland	Saylor
Baker	Fleagle	Major	Schuler
Bard	Flick	Manderino	Scrimenti
Barley	Gamble	Markosek	Semmel
Battisto	Gannon	Marsico	Serafini
Bebko-Jones	Geist	Masland	Shaner
Birmelin	Gigliotti	Mayernik	Sheehan
Boscola	Gladeck	McGeehan	Smith, B.
Boyes	Godshall	McGill	Smith, S. H.
Brown	Gordner	Merry	Snyder, D. W.
Browne	Gruitza	Michlovic	Staback
Bunt	Gruppo	Micozzie	Stairs
Buxton	Habay	Miller	Steil
Cappabianca	Haluska	Nailor	Stern
Cawley	Hanna	Nyce	Stish
Chadwick	Harhart	O'Brien	Strittmatter
Civera	Hasay	Olasz	Taylor, E. Z.
Clark	Hennessey	Pezel	Taylor, J.
Clymer	Herman	Pesci	Thomas
Cohen, L. I.	Hershey	Petrone	Tigue
Conti	Hess	Pettit	Trello
Cornell	Hutchinson	Phillips	True
Corpora	Itkin	Pistella	Tulli
Corrigan	Jadlowiec	Pitts	Vance
Cowell	Josephs	Preston	Van Horne
Curry	Kaiser	Raymond	Vitali
Daley	Keller	Readshaw	Walko
Dempsey	Kenney	Reber	Wogan
Dermody	King	Reinard	Wozniak
DiGirolamo	LaGrotta	Rieger	Wright, M. N.
Donatucci	Lawless	Robinson	Zimmerman
Durham	Lederer	Roebuck	Zug
Egolf	Leh	Rohrer	
Fairchild	Levdansky	Rublely	Ryan,
Fajt	Lloyd	Rudy	Speaker
Fargo			

NOT VOTING-2

Carn	Williams
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EXCUSED-2

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

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

Ms. STEELMAN offered the following amendment No. A5326:

Amend Title, page 1, line 1, by striking out "an amendment" and inserting

amendments

Amend Title, page 1, line 2, by inserting after "Pennsylvania," providing for a Legislative and Congressional Reapportionment Bureau for the purpose of reapportioning and redistricting the Commonwealth of Pennsylvania; and

Amend Sec. 1, page 1, lines 6 through 9, by striking out all of said lines and inserting

Section 1. The following amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That section 17 of Article II be amended to read:

§ 17. Legislative [Reapportionment Commission] and Congressional Reapportionment Bureau.

(a) In each year following the year of the Federal decennial census, a Legislative [Reapportionment Commission] and Congressional Reapportionment Bureau shall be constituted for the purpose of reapportioning the Commonwealth. The bureau shall consist of a director and employees as are necessary to carry out the responsibilities of reapportionment and redistricting. [The commission shall act by a majority of its entire membership.

(b) The commission shall consist of five members: four of whom shall be the majority and minority leaders of both the Senate and the House of Representatives, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than 60 days following the official reporting of the Federal decennial census as required by Federal law, the four members shall be certified by the President pro tempore of the Senate and the Speaker of the House of Representatives to the elections officer of the Commonwealth who under law shall have supervision over elections.

The four members within 45 days after their certification shall select the fifth member, who shall serve as chairman of the commission, and shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official holding an office to which compensation is attached.

If the four members fail to select the fifth member within the time prescribed, a majority of the entire membership of the Supreme Court within 30 days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.

Any vacancy in the commission shall be filled within 15 days in the same manner in which such position was originally filled.

(c) No later than 90 days after either the commission has been duly certified or the population data for the Commonwealth as determined by the Federal decennial census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer.

The commission shall have 30 days after filing the preliminary plan to make corrections in the plan.

Any person aggrieved by the preliminary plan shall have the same 30-day period to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commissions's plan shall be final and have the force of law.

(d) Any aggrieved person may file an appeal from the final plan directly to the Supreme Court within 30 days after the filing thereof. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order.

(e) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the General Assembly until the next reapportionment as required under this section 17.

(f) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the commission, and other necessary expenses. The members of the commission shall be entitled to such compensation for their services as the General Assembly from time to time shall determine, but no part thereof shall be paid until a preliminary plan is filed. If a preliminary plan is filed but the commission fails to file a revised or final plan within the time prescribed, the commission members shall forfeit all right to compensation not paid.

(g) If a preliminary, revised or final reapportionment plan is not filed by the commission within the time prescribed by this section, unless the time be extended by the Supreme Court for cause shown, the Supreme Court shall immediately proceed on its own motion to reapportion the Commonwealth.

(h) Any reapportionment plan filed by the commission, or ordered or prepared by the Supreme Court upon the failure of the commission to act, shall be published by the elections officer once in at least one newspaper of general circulation in each senatorial and representative district. The publication shall contain a map of the Commonwealth showing the complete reapportionment of the General Assembly by districts, and a map showing the reapportionment districts in the area normally served by the newspaper in which the publication is made. The publication shall also state the population of the senatorial and representative districts having the smallest and largest population and the percentage variation of such districts from the average population for senatorial and representative districts.]

(b) (1) The bureau shall acquire appropriate information, review and evaluate available facilities and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each Federal census.

(2) By December 31 of each year ending in zero, the bureau shall obtain from the United States Bureau of the Census information regarding geographic and political units in this Commonwealth for which Federal census population data has been gathered and will be tabulated. The bureau shall use the data obtained to prepare:

(i) Necessary descriptions of geographic and political units for which census data will be reported and which are suitable for use as components of legislative districts.

(ii) Maps of counties, cities and other geographic units within this Commonwealth, which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with subsection (d).

(3) As soon as possible after January 1 of each year ending in one, the bureau shall obtain from the United States Bureau of the Census the population data needed for legislative districting which the Census Bureau is required to provide this Commonwealth under 13 United States Code § 141 (relating to population and other census information) and shall use that data to assign a population figure based upon census data to each geographic or political unit described pursuant to paragraph (2)(i). Upon completing that task, the Legislative and Congressional Reapportionment Bureau shall begin the preparation of congressional and legislative districting plans as required by subsection (c).

(c) (1) Not later than April 1 of each year ending in one, the bureau shall deliver to the Secretary of the Senate and the Chief Clerk of the House of Representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with subsection (d). It is the intent of this section that the General Assembly shall bring the bill to a vote in either the Senate or the House of Representatives expeditiously, but not less than seven days after the report of the commission required by subsection (f) is received and made available to the members of the General Assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It

is further the intent of this section that, if the bill is approved by the first House in which it is considered, it shall expeditiously be brought to a vote in the second House under a similar procedure or rule.

(2) If the bill embodying the plan submitted by the bureau under paragraph (1) fails to be approved by a constitutional majority in either the Senate or the House of Representatives, the Secretary of the Senate or the Chief Clerk of the House of Representatives, as the case may be, shall at once transmit to the bureau information which the Senate or House of Representatives may direct regarding reasons why the plan was not approved. The bureau shall prepare a bill embodying a second plan of legislative and congressional districting prepared in accordance with subsection (d) taking into account the reasons cited by the Senate or House of Representatives for its failure to approve the plan insofar as it is possible to do so within the requirements of subsection (d). If a second plan is required under this subsection, the bill embodying it shall be delivered to the Secretary of the Senate and the Chief Clerk of the House of Representatives not later than May 1 of the year ending in 1 or 14 days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under paragraph (1), whichever date is later. It is the intent of this section that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote not less than seven days after the bill is printed and made available to the members of the General Assembly, in the same manner as prescribed for the bill required under paragraph (1).

(3) If the bill embodying the plan submitted by the bureau under paragraph (2) fails to be approved by a constitutional majority in either the Senate or the House of Representatives, the same procedure as prescribed by paragraph (2) shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the Secretary of the Senate and the Chief Clerk of the House of Representatives not later than June 1 of the year ending in 1 or 14 days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under paragraph (2), whichever date is later. It is the intent of this section that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote within the same time period after its delivery to the Secretary of the Senate and the Chief Clerk of the House of Representatives as is prescribed for the bill submitted under paragraph (2), but shall be subject to amendment in the same manner as other bills.

(4) Notwithstanding paragraphs (1), (2) and (3):

(i) If population data from the Federal census which is sufficient to permit preparation of a congressional districting plan becomes available at an earlier time than the population data needed to permit preparation of a legislative districting plan in accordance with subsection (d), the bureau shall so inform the presiding officers of the Senate and House of Representatives. If the presiding officers so direct, the bureau shall prepare a separate bill establishing congressional districts and submit it separately from the bill establishing legislative districts. It is the intent of this section that the General Assembly shall proceed to consider the congressional districting bill in substantially the manner prescribed by paragraphs (1), (2) and (3).

(ii) If the population data for legislative districting which the United States Census Bureau is required to provide this Commonwealth under 13 United States Code § 141 (relating to population and other census information) is not available to the Legislative and Congressional Reapportionment Bureau on or before February 1 of the year ending in one, the dates set forth in this section shall be extended by a number of days equal to the number of days after February 1 of the year ending in one that the Federal census population data for legislative districting becomes available.

(d) (1) Legislative and congressional districts shall be established on the basis of population.

(i) Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of this Commonwealth reported in the Federal decennial census. Senatorial districts and representative districts



shall not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards enumerated in this section. In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed 1% of the applicable ideal district population. No senatorial district shall have a population which exceeds that of any other senatorial district by more than 5%, and no representative district shall have a population which exceeds that of any other representative district by more than 5%.

(ii) Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in subparagraph (i). No congressional district shall have a population which varies by more than 1% from the applicable ideal district population.

(iii) If a challenge is filed with the Supreme Court alleging excessive population variance among districts established in a plan adopted by the General Assembly, the General Assembly has the burden of justifying any variance in excess of 1% between the population of a district and the applicable ideal district population.

(2) To the extent consistent with paragraph (1), district boundaries shall coincide with the boundaries of political subdivisions of this Commonwealth. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this statement does not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

(3) Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(4) It is preferable that districts be compact in form, but the standards established by paragraphs (1), (2) and (3) take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular or hexagonal in shape to the extent permitted by natural or political boundaries. When it is necessary to compare the relative compactness of two or more districts or of two or more alternative districting plans, the tests prescribed by subparagraphs (i) and (ii) shall be used. Should the results of these two tests be contradictory, the standard referred to in subparagraph (i) shall be given greater weight than the standard referred to in subparagraph (ii).

(i) The compactness of a district is greatest when the ratio of the dispersion of population about the population center of the district to the dispersion of population about the geographic center of the district is one-to-one, the nature of this ratio being such that it is always greater than zero and can never be greater than one-to-one.

(A) The population dispersion about the population center of a district and about the geographic center of a district is computed as the sum of the products of the population of each population data unit included in the district multiplied by the square of the distance from that geographic unit center to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers which are included in the district. The population center of the district is defined by computing the population-weighted average of the "x" coordinates and "y" coordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

(B) The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for this Commonwealth or for a portion of this Commonwealth.

(ii) The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district.

(A) In measuring the length and the width of a district by means of electronic data processing, the difference between the "x" coordinates of the easternmost and the westernmost geographic unit centers included in the district shall be compared to the difference between the "y" coordinates of the northernmost and southernmost geographic unit centers included in the district.

(B) To determine the length and width of a district by manual measurement, the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district shall each be measured. If the northernmost or southernmost portion of the boundary, or each of these points, is a part of the boundary running due east and west, the line used to make the measurement required by this paragraph shall either be drawn due north and south or as nearly so as the configuration of the district permits. If the easternmost or westernmost portion of the boundary, or each of these points, is a part of the boundary running due north and south, a similar procedure shall be followed. The lines to be measured for the purpose of this paragraph shall each be drawn as required by this paragraph, even if some part of either or both lines lies outside the boundaries of the district which is being tested for compactness.

(C) The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for this Commonwealth or for a portion of this Commonwealth. However, it is not valid to cumulate or compare absolute values computed under clause (A) with those computed under clause (B).

(iii) As used in this subparagraph, the following words and phrases shall have the meanings given to them in this subparagraph:

(A) "Geographic unit center." The point of a population data unit that is approximately equidistant from the northern and southern extremities and also approximately equidistant from the eastern and western extremities. This point shall be determined by visual observation of a map of the population data unit, unless it is otherwise determined within the context of an appropriate coordinate system developed by the Federal Government or another qualified and objective source and obtained for use in this Commonwealth with prior approval of the commission.

(B) "Population data unit." A civil township, election precinct, census enumeration district, census city block group or other unit of territory having clearly identified geographic boundaries and for which a total population figure is included in or can be derived directly from census data.

(C) "The 'x' coordinate of a point." The relative location of that point along the east-west axis of this Commonwealth. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by clause (A), the "x" coordinate shall be measured along a line drawn due east from a due north and south line running through the point which is the northwestern extremity of this Commonwealth, to the point to be located.

(D) "The 'y' coordinate of a point." The relative location of that point along the north-south axis of this Commonwealth. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by clause (A), the "y" coordinate shall be measured along a line drawn due south from the northern boundary of this Commonwealth or the eastward extension of that boundary, to the point to be located.

(5) No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress or other person or group. In establishing districts, no use shall be made of any of the following data:

- (i) Addresses of incumbent legislators or members of Congress.
- (ii) Political affiliations of registered voters.
- (iii) Previous election results.



(iv) Demographic information, other than population head counts, except as required by the Constitution of the United States and the laws of the United States.

(6) Each bill embodying a plan drawn under this section shall provide that any vacancy in the General Assembly which takes office in the year ending in one, occurring at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 629 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall be filled from the same district which elected the senator or representative whose seat is vacant.

(7) Each bill embodying a plan drawn under this section shall include provisions for election of senators to the General Assemblies which take office in the years ending in three and five, which shall be in conformity with section 16 of Article II of the Constitution of Pennsylvania.

(e) (1) Not later than February 15 of each year ending in one, a five-member temporary redistricting advisory commission shall be established as provided by this section. The commission's only functions shall be those prescribed by subsection (f).

(i) Each of the four selecting authorities shall certify to the chief election officer his appointment of a person to serve on the commission. The certifications may be made at any time after the four selecting authorities have been selected for the General Assembly which takes office in the year ending in one, even though that General Assembly's term of office has not actually begun.

(ii) Within 30 days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February 15 of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the chief election officer the fifth commission member who shall serve as chairperson.

(iii) A vacancy on the commission shall be filled by the initial selecting authority within 15 days after the vacancy occurs.

(iv) Members of the commission shall receive per diem travel expenses and reimbursement for other necessary expenses incurred in performing their duties under this section.

(2) No person shall be appointed to the commission who:

(i) Is not an eligible elector of this Commonwealth at the time of selection.

(ii) Holds partisan public office or political party office.

(iii) Is a relative of or is employed by a member of the General Assembly or of the United States Congress or is employed directly by the General Assembly or by the United States Congress.

(f) The functions of the commission shall be as follows:

(1) If, in preparation of plans as required by this section, the bureau is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by subsection (d), the bureau may submit a written request for direction to the commission.

(2) Prior to delivering any plan and the bill embodying that plan to the Secretary of the Senate and the Chief Clerk of the House of Representatives in accordance with subsection (c), the bureau shall provide to persons outside the bureau staff only such information regarding the plan as may be required by policies agreed upon by the commission. This paragraph does not apply to population data furnished to the bureau by the United States Bureau of the Census.

(3) Upon each delivery by the bureau to the General Assembly of a bill embodying a plan, pursuant to subsection (c), the commission shall at the earliest feasible time make available to the public the following information:

(i) Copies of the bill delivered by the bureau to the General Assembly.

(ii) Maps illustrating the plan.

(iii) A summary of the standards prescribed by subsection (d) for development of the plan.

(iv) A statement of the population of each district included in the plan and the relative deviation of each district population from the ideal district population.

(4) Upon the delivery by the bureau to the General Assembly of a bill embodying an initial plan, as required by subsection (c)(1), the commission shall:

(i) As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of this Commonwealth, on the plan embodied in the bill delivered by the bureau to the General Assembly.

(ii) Following the hearings, promptly prepare and submit to the Secretary of the Senate and the Chief Clerk of the House of Representatives a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings or otherwise presented to the commission.

(g) All positions in the bureau shall be deemed to be included in the list of positions set forth in section 3(d) of the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, and the provisions and benefits of the act shall be applicable to the employees of and positions in the bureau.

(h) The bureau shall expire and its responsibilities shall terminate not later than November 1 of each year ending in one and shall be reconstituted on November 1 in the year of the next Federal decennial census.

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

"Bureau." The Legislative and Congressional Reapportionment Bureau.

"Chief election officer." The Secretary of the Commonwealth or a designee.

"Commission." The temporary redistricting advisory commission established pursuant to this section.

"Federal census." The decennial census required by Federal law to be conducted by the United States Bureau of the Census in every year ending in zero.

"Four selecting authorities."

(1) The Majority Leader of the Senate.

(2) The Minority Leader of the Senate.

(3) The Majority Leader of the House of Representatives.

(4) The Minority Leader of the House of Representatives.

"Partisan public office."

(1) An elective or appointive office in the executive or legislative branch or in an independent establishment of the Federal Government.

(2) An elective office in the executive or legislative branch of the government of this Commonwealth or an office which is filled by appointment.

(3) An office of a county, city or other political subdivision of this Commonwealth which is filled by an election process involving nomination and election of candidates on a partisan basis.

"Plan." A plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this section.

"Political party office." An elective office in the national or State organization of a political party.

"Relative." An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

(2) That section 2(b) of Article VIII be amended by adding a clause to read:

Amend Sec. 2, page 2, lines 22 through 30; page 3, lines 1 through 14, by striking out all of said lines on said pages and inserting

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of

Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit these proposed constitutional amendments to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady.

Ms. STEELMAN. Thank you, Mr. Speaker.

Yesterday morning when I walked into church and started looking at the program, I was surprised and delighted to see that the lesson for the week was Luke, chapter 18, because I had already decided that the advice given in that parable and the example set by the widow who is described in chapter 18, verses 1 through 8, in the book of Luke, is the policy that I am going to follow, and that is why I am here again today with an amendment proposed to HB 1362 that would amend the Constitution to create a nonpolitical Legislative and Congressional Reapportionment Bureau and would remove from the reapportionment process much of the political maneuvering that has hampered the ability of Pennsylvanians in the past to be adequately and fairly represented by the people that they are able to vote for.

I ask for the support of all the members.

**GERMANENESS QUESTIONED**

The SPEAKER. The gentleman, Mr. Browne, from Lehigh.

Mr. BROWNE. Thank you, Mr. Speaker.

Mr. Speaker, the purpose behind HB 1362 is to provide different classes of property so that we have a foundation for effective property tax reform. The amendment that we are considering right now to establish a Legislative and Congressional Reapportionment Bureau does not relate to the foundations of local tax reform. It does not do anything to promote the policies and important purposes of this bill, so therefore, I would like to make a motion on the floor that this amendment is not germane to the bill.

The SPEAKER. The question as to whether or not an amendment is germane is a question to be determined by the House at large under the rules of the House, rule 27.

On the question,  
Will the House sustain the germaneness of the amendment?

The SPEAKER. The question before the House is, is the amendment offered by the lady, Ms. Steelman, germane?

On that question, the Chair recognizes the lady.

Ms. STEELMAN. Thank you, Mr. Speaker.

I realize, as I said a couple of weeks ago in a similar situation, that this amendment is certainly not as precisely apropos as I might wish. However, we have traditionally accepted that an amendment drawn to the title addressed in a given piece of legislation is germane to that piece of legislation, and therefore, since what I have to propose is a constitutional amendment, it is drawn to a bill containing a constitutional amendment.

I would approve more and I would appreciate greatly the opportunity to debate the existence of the Legislative and Congressional Reapportionment Bureau as a freestanding bill, but failing the opportunity to do that, I will continue to attempt to amend it into every constitutional amendment that comes before us, and I believe on the basis of past history that it should be considered germane.

The SPEAKER. On the question of the amendment being germane or not germane, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I concur with Mr. Browne that this amendment is not germane.

Local tax reform and legislative reapportionment, whether it should be made easier or more difficult for incumbents and parties to have influence in the legislative reapportionment, is a subject that is totally different from whether the taxes should be fairer. It is extremely difficult for anything to happen on tax reform, and there just is no connection between these two issues.

Furthermore, if we conclude that this amendment is germane, we will have all sorts of local party organizations throughout the State of Pennsylvania who care about legislative reapportionment actively campaigning against this amendment, and therefore, it will lose.

I urge that we find that this amendment is not germane so the goals of tax reform can be preserved.

The SPEAKER. On the question of germaneness, those who believe the amendment offered by the lady, Ms. Steelman, to be germane shall vote in the affirmative; those who believe it not to be germane shall vote in the negative.

On the question recurring,  
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

**YEAS—44**

Belfanti	Horsey	Melio	Stetler
Bishop	James	Nickol	Sturla
Boscola	Krebs	Petrarca	Surra
Butkovitz	Kukovich	Pistella	Tangretti
Carone	LaGrotta	Platts	Thomas
Cawley	Levdansky	Roberts	Trich
Corpora	Manderino	Rooney	Van Horne
Daley	Markosek	Rudy	Vitali
Gordner	Masland	Sainato	Washington
Haluska	Mayernik	Shaner	Waugh
Hanna	McCall	Steelman	Youngblood

**NAYS—153**

Adolph	Donatucci	Lederer	Santoni
Allen	Druce	Leh	Sather
Argall	Durham	Lescovitz	Saylor
Armstrong	Egolf	Lloyd	Schroder
Baker	Evans	Lucyk	Schuler

Bard	Fairchild	Lynch	Scrimenti
Barley	Fajt	Maitland	Semmel
Battisto	Fargo	Major	Serafini
Bebko-Jones	Farmer	Marsico	Sheehan
Birmelin	Feese	McGeehan	Smith, B.
Blaum	Fichter	McGill	Smith, S. H.
Boyes	Fieagle	Merry	Snyder, D. W.
Brown	Flick	Michlovic	Staback
Browne	Gamble	Micozzie	Stairs
Bunt	Gannon	Miller	Steil
Buxton	Geist	Mundy	Stern
Caltagirone	George	Nailor	Stish
Cappabianca	Gigliotti	Nyce	Strittmatter
Carn	Gladeck	O'Brien	Taylor, E. Z.
Chadwick	Godshall	Olasz	Taylor, J.
Civera	Gruitza	Oliver	Tigue
Clark	Gruppo	Perzel	Trello
Clymer	Habay	Pesci	True
Cohen, L. I.	Harhart	Petrone	Tulli
Cohen, M.	Hasay	Pettit	Vance
Colaafella	Hennessey	Phillips	Veon
Colaizzo	Herman	Piccola	Walko
Conti	Hershey	Pitts	Williams
Cornell	Hess	Preston	Wogan
Corrigan	Hutchinson	Ramos	Wozniak
Cowell	Itkin	Raymond	Wright, D. R.
Coy	Jadlowiec	Readshaw	Wright, M. N.
Curry	Josephs	Reber	Yewcic
DeLuca	Kaiser	Reinard	Zimmerman
Dempsey	Keller	Rieger	Zug
Dent	Kenney	Robinson	
Dermody	King	Roebuck	Ryan,
DeWeese	Laughlin	Rohrer	Speaker
DiGirolamo	Lawless	Rubley	

NOT VOTING-3

Belardi	Jarolin	Kirkland
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EXCUSED-2

Mihalich	Travaglio
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

Mr. STURLA offered the following amendment No. A5317:

Amend Sec. 1 (Sec. 2), page 2, lines 18 and 19, by striking out "or millage of its tax on real estate"

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is pretty simple. It simply states that if this constitutional amendment passes, unlike the bill itself which says that local governments cannot replace the losses as a result of homestead exemptions with a millage increase, this would allow that to occur, short of any action by the legislature.

It was pointed out earlier that we intend to move forward with the enabling legislation that goes along with this and that we intend to impose some other form of replacement tax, but there is nothing in the bill that mandates that, and so for all our good intentions, we could be here 10 years from now debating whether or not we want to do local tax reform and whether we want to pass a homestead exemption. What this does is allows for those local governments, in the absence of our action, to go ahead with homestead exemptions and to increase the millages to offset that if it is necessary.

Now, secondly, I would like to point out that under the current bill, which does not allow for this offset, there is no determination of what causes the offset, and so while the bill says you cannot increase millage for the homestead exemption, it does not allow for a determination of what actually caused the actual revenues to decrease. It is very conceivable that at the same time a local municipality passes a homestead exemption, there will be businesses in appealing their property tax reassessments downward, and so as a result of that double whammy, there is going to need to be a replacement of taxes somehow. So when the local municipality goes back in and says, well, we are going to raise taxes 1 mill or 2 mills, there is the realistic possibility that people will be saying, you are raising that millage rate as a result of the homestead exemption, not as a result of downward assessments that occurred at the same time. So this amendment clarifies that and allows local municipalities the flexibility, unless we act between now and the time when this would be implemented.

I urge your approval. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Sturla amendment, the Chair recognizes the gentleman, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, thank you.

The Sturla amendment, again, goes to the heart of what we are talking about in tax reform. Tax reform is not meant as a way of raising taxes. Mr. Speaker, the purpose of tax reform that we have put forward is to level the playing field for Pennsylvanians all across the State, and what the Sturla amendment does is twofold. One, it sends a negative message to businesses that we will put on their back now a tax increase to make up for the homestead enactment, a great reason for them to go out and campaign against this passing. Number two is the fact that this bill, which is a constitutional amendment, does nothing now to take revenue away from local governments. It simply allows for a tax reduction for homeowners across the State. There is no purpose needed for increasing taxes locally on businesses with Mr. Sturla's amendment. Thank you.

The SPEAKER. The gentleman, Mr. Sturla, for the second time on the question.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield for a moment.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, who asks that the Chair return to leaves of absence. The gentleman requests leave for the lady from Delaware, Mrs. DURHAM, for the balance of today's session. Without objection, leave is granted.

**CONSIDERATION OF HB 1362 CONTINUED**

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, my intention is not to place the tax burden on businesses. My intention is to insure that we pass meaningful tax reform here in the House.

The way the bill is currently drafted, there is nothing that compels us to pass meaningful tax reform legislation. What it does is, it is actually a sham the way it is drafted in one sense, because we can go out and beat our chests and say, we enabled local governments to pass homestead exemptions; we just gave them no way to make up for the revenue losses. So when the senior citizen calls and says, why are you not giving me the tax break that you promised, the way the bill is currently written, we will be able to say, oh, we did; we did; just go beat up on your local official. But we have never given that local official any means of replacing on a dollar-for-dollar basis the tax revenues that are lost.

This is not about increasing taxes. This is not about shifting taxes to businesses. This is about putting the hammer on ourselves so that we actually do meaningful local tax reform and do not drag our feet for the next 10 years like we have done for the last 10 years.

The SPEAKER. The gentleman, Mr. Saylor, for the second time on the issue.

Mr. SAYLOR. Again, Mr. Speaker, I remind members of this chamber that this constitutional amendment will take enabling legislation for it to take effect, thereby not penalizing local government at all, unless we do the enabling legislation, and second of all, Mr. Sturla's amendment does place upon the business community a tax increase by offsetting the reduction in the homestead act.

Again, it is a tax increase. It is a great incentive for people to get out there and vote against what we are hoping is going to be the first step in tax reform. We do not need other members of a community out campaigning against this first step.

The SPEAKER. The gentleman, Mr. Tigie, from Luzerne is recognized on the amendment.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Sturla mentioned in his remarks that by allowing a homestead exemption, we possibly could create a problem for local taxing jurisdictions – school districts, counties, and municipalities. However, this bill does not grant the homestead exemption to anyone for any reason. This bill says that we will allow the legislature to do this by changing the Constitution. Because of our so-called uniformity in Pennsylvania, we must have one class of property tax. This bill says, we will allow the legislature to change the current system and to allow for a homestead exemption based on a value, whether it is a percentage or straight dollar value, whether it is assessed or market value. We do not take any money away from anyone under this bill.

So I would ask that you leave the bill like it is and please vote against this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

**YEAS—26**

Bishop	Horsey	Petrone	Tangretti
Cohen, M.	Itkin	Ramos	Thomas
Colafella	James	Rooney	Veon
Curry	Kirkland	Steelman	Vitali
Daley	Lescovitz	Stetler	Washington
DeWeese	Manderino	Sturla	Youngblood
Evans	Oliver		

**NAYS—172**

Adolph	Fairchild	Lucyk	Sainato
Allen	Fajt	Lynch	Santoni
Argall	Fargo	Maitland	Sather
Armstrong	Farmer	Major	Saylor
Baker	Feese	Markosek	Schroder
Bard	Fichter	Marsico	Schuler
Barley	Fleagle	Masland	Serimenti
Battisto	Flick	Mayernik	Semmel
Bebko-Jones	Gamble	McCall	Serafini
Belardi	Gannon	McGeehan	Shaner
Belfanti	Geist	McGill	Sheehan
Birmelin	George	Melio	Smith, B.
Blaum	Gigliotti	Merry	Smith, S. H.
Boscola	Gladeck	Michtovic	Snyder, D. W.
Boyes	Godshall	Micozzie	Staback
Brown	Gordner	Miller	Stairs
Browne	Gruitza	Mundy	Steil
Bunt	Gruppo	Nailor	Stern
Butkovitz	Habay	Nickol	Stish
Buxton	Haluska	Nyce	Strittmatter
Caltagirone	Hanna	O'Brien	Surra
Cappabianca	Harhart	Olasz	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Cawley	Hennessey	Pesci	Tigue
Chadwick	Herman	Petrarca	Trello
Civera	Hershey	Pettit	Trich
Clark	Hess	Phillips	True
Clymer	Hutchinson	Piccola	Tulli
Cohen, L. I.	Jadlowiec	Pistella	Vance
Colaizzo	Jarolin	Pitts	Van Horne
Conti	Josephs	Platts	Walko
Cornell	Kaiser	Preston	Waugh
Corpora	Keller	Raymond	Williams
Corrigan	Kenney	Readshaw	Wogan
Cowell	King	Reber	Wozniak
Coy	Krebs	Reinard	Wright, D. R.
DeLuca	Kukovich	Rieger	Wright, M. N.
Dempsey	LaGrotta	Roberts	Yewcic
Dent	Laughlin	Robinson	Zimmerman
Dermody	Lawless	Roebuck	Zug
DiGirolamo	Lederer	Rohrer	
Donatucci	Leh	Rubley	Ryan,
Druce	Levdansky	Rudy	Speaker
Egolf	Lloyd		

**NOT VOTING—1**

Carn

**EXCUSED—3**

Durham                      Mihalich                      Travaglio

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

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

Mr. STURLA offered the following amendment No. A5315:

Amend Sec. 1 (Sec. 2), page 2, line 8, by inserting after  
“HOMESTEAD;”

or

Amend Sec. 1 (Sec. 2), page 2, line 11 by striking out “; OR” and  
inserting a period

Amend Sec. 1 (Sec. 2), page 2, lines 12 through 15, by striking out  
all of said lines

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

The SPEAKER. On the question of the adoption of the  
amendment, the gentleman is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment removes section (D) on page 2 of  
the bill, which provides for credit or other special tax provisions  
for persons who rent their homesteads to permit them to take  
advantage of the real estate tax reductions achieved through  
exemption or credit.

Now, I am not convinced that this amendment is necessary, but  
it is because I do not have any clue of how we are going to provide  
special tax provisions for persons who rent their homesteads, and  
if we provide it in certain ways, I do not want it in any way, shape  
or form, and if we provide it in other ways, it might be an okay  
deal, but I am not sure that we need to provide for this in the  
Constitution without defining how it is that we are going to do this.

I guess my questions— Perhaps, if I could, if I could  
interrogate the prime sponsor of the bill to clarify some points on  
this, it will allow me to make some arguments on the amendment.

The SPEAKER. It is my understanding that rather than explain  
your amendment, you want to first interrogate the prime sponsor  
of the bill. Is that it?

Mr. STURLA. Well, Mr. Speaker, I think I explained what my  
amendment did. I am just not sure, depending upon what his  
interpretation of the bill is, how it impacts on that bill.

The SPEAKER. In his opinion, right?

Mr. STURLA. That is correct.

The SPEAKER. The gentleman, Mr. Nyce, do you care to  
venture an opinion on this?

Mr. NYCE. Mr. Speaker, I would rather prefer to have the  
sponsor of the amendment ask specific questions of me.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the section that provides for credits or special tax  
exemptions for persons who rent, what defines “rent”? If I  
lease my homestead, is that considered renting it, if I have a  
lease-purchase agreement?

Mr. NYCE. Mr. Speaker, the language in the amendment is  
clearly an intentional language. It is intended to mean that if you  
have a primary residence which you rent, in simple terms, you can  
lease it; you can rent it. I think lease and rent are interchangeable  
in this case. It is not enabling legislation. It does not set the  
specifics under which those credits or that reduction exemption  
will be granted. It simply says, it is our intention to address that  
issue of renting.

Mr. STURLA. Mr. Speaker, I guess I am trying to look forward  
here, because we had talked earlier about when people vote on this,  
they want to know what it is that they are voting on when they go  
vote on the referendum, and I guess simply discussing it, I perhaps  
do not have a problem with discussing it. I do not have a problem  
with discussing a lot of things. The question is, is it going to show  
up in the enabling legislation? My concern comes with where the  
money might come from, from these special tax provisions that we  
are going to provide, and in your mind, would it be offset purely by  
an income and/or sales tax?

Mr. NYCE. Mr. Speaker, the enabling legislation for this  
constitutional amendment simply says “may.” We “may” consider  
rental credits or rental assessment reductions. We “may” consider  
primary residence exemption credit or assessment reduction. The  
whole point is to allow this legislature, when it addresses enabling  
legislation, to have the flexibility to address it in what it deems  
appropriate. Now, if you are going to try to do specific intent as  
part of the constitutional amendment, I believe we are going to  
have the same difficulty we have had with several other  
amendments, and that is, we simply cannot do that right now  
because we do not know what rates will apply, what the base will  
be, and what the alternative choices will be in the enabling  
legislation.

#### AMENDMENT WITHDRAWN

Mr. STURLA. Thank you, Mr. Speaker.

Given that explanation, I will hold my amendment for  
the enabling legislation and withdraw it at this point in time.  
Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PLATTS offered the following amendment No. A5328:

Amend Title, page 1, line 1, by striking out “an amendment” and  
inserting

amendments

Amend Title, page 1, line 2, by inserting after “Pennsylvania,”  
providing for a maximum number of consecutive  
terms of office for members of the  
General Assembly and for terms of members of the  
General Assembly; and

Amend Sec. 1, page 1, line 6, by striking out “amendment” and  
inserting

amendments

Amend Sec. 1, page 1, line 7, by striking out “is” and inserting  
are

Amend Sec. 1, page 1, by inserting between lines 7 and 8

That section 3 of Article II be amended to read:

§ 3. Terms of members.

(a) Senators shall be elected for the term of four years and  
Representatives for the term of [two] four years. Senators shall not be  
eligible for election to more than three consecutive terms of office in the  
Senate. Representatives shall not be eligible for election to more than  
three consecutive terms of office in the House of Representatives.

(b) A Senator who has served the maximum number of consecutive  
terms of office in the Senate may become a candidate for election to the  
Senate at an election held not fewer than three years after completion of  
the Senator's third consecutive term of office. A Representative who has  
served the maximum number of consecutive terms of office in the

House of Representatives may become a candidate for election to the House of Representatives at an election held not fewer than three years after completion of the Representative's third consecutive term of office.

(c) Service in the General Assembly, whether the service constitutes a full term of office or a partial term of office, performed prior to December 1, 1998, shall not be considered in determining the maximum number of consecutive terms a Senator or Representative may serve or in determining eligibility of a Senator or Representative for election.

Amend Sec. 2, page 2, lines 22 through 30; page 3, lines 1 through 14, by striking out all of said lines on said pages and inserting

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit these proposed constitutional amendments to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Platts.

Mr. PLATTS. Thank you, Mr. Speaker.

Amendment 5328, which is before us, is proposing a constitutional amendment which would enact a 12-year limitation on our terms here in the House and for the Pennsylvania Senate. I want to make it clear what the specifics of the proposed amendment are.

First, it is a prospective 12 years, beginning in 1998 and forward, so any time of service in the House or Senate prior to December 1, 1998, would not count towards the 12-year limitation. Myself, in my second term, assuming I was reelected beyond 1998, I would have a term limitation of 18 years, in essence, because of my first years being grandfathered in. So at a minimum, if you are a freshman member, you would have 16 years. So it is prospective from 1998 forward, and it is also separate for the House and Senate. So 12 years here in the House does not count towards 12 years in the Senate. If you change bodies, you start anew with your 12 years. You may return to office after sitting out one term; House or Senate, same thing.

And part of the amendment also would change the term of office for the House of Representatives to a 4-year term as opposed to our current 2-year, and the benefit there, in my opinion, is we will have to spend less time in a campaign year and more time doing the people's business here in Harrisburg, and we would be more free and have less restrictions on our ability to do our jobs for the people of our districts.

In a perfect world, we certainly would not need a term limitation of this essence, of this type, because we have it at the ballot box, but we are not in a perfect world, and the power of incumbency that each of us by doing our job, simply doing work for our constituents in the district, doing good legislative work, we have an advantage over our challenger and probably even greater advantages financially. The reality is incumbents receive perhaps three to four times as much funding as challengers and it is not a level playing field. This amendment would insure, at least once every three terms, assuming it is 4 years, 12 years, there would be a level playing field between two challengers, not an incumbent and a challenger.

There is great historical support for term limitations. Coming here in Pennsylvania, William Penn in his first Constitution, 1682, his frame of government included term limits. Articles of Confederation, 1781, James Madison. Our colleague, Representative Masland, often refers to "The Federalist Papers," and James Madison supports term limits in his writings in "The Federalist Papers." Benjamin Franklin, Thomas Jefferson during the constitutional debate of the 1700's spoke out in favor of term limits. Unfortunately, it was in the Virginia plan presented at the Constitutional Convention, 1787, but was, as part of the great compromise, not included in the final constitutional provisions provided. Presidents George Washington, Abraham Lincoln, again, have spoken in favor of rotation of office or term limits.

But let us go to current times. We have seen the historical support, but there is great support today in our constituents. A survey I did, over 750 respondents, 85 percent supported term limits, so it is something that the people back home want and want to see enacted.

A final and important point for those who are concerned about tax reform. The Constitution provides that if this is included in this bill, the two questions are put before the people on separate questions. In other words, it is not a risk to the passage of local tax reform.

So I ask for a "yes" vote, and I appreciate your consideration.

The SPEAKER. The Chair thanks the gentleman.

### GERMANENESS QUESTIONED

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I have no doubt about the sincerity of my neighbor from York County who is introducing this amendment today. However, I believe that the initiative is sincerely misguided.

As I read this amendment and as I listened to the explanation and the reasons for dealing with this — and earlier Representative Tigue, I think, very appropriately explained the process that we are dealing with here today, and it is a process where the legislature will be given the determination down the road as to the way we would like to address local tax reform — it has nothing to do, the issue at hand today has nothing to do with term limits. And again, I believe it is inappropriate to be dealing with this issue in this manner. This is an issue that should be dealt with through the proper channels.

So I move that the amendment, A5328, is nongermane to this House bill.

The SPEAKER. There is a motion before the House as to the question raised by the gentleman, Mr. Barley — is the amendment offered by the gentleman, Mr. Platts, germane or nongermane?

On the question,  
Will the House sustain the germaneness of the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Olasz, and asks whether he seeks recognition on this question.

Mr. OLASZ. No, thank you, Mr. Speaker. Let the vote on germaneness be taken. Thank you.

The SPEAKER. The gentleman, Mr. Cohen, was seeking recognition. On this issue?

Mr. COHEN. Yes, Mr. Speaker.

Mr. Speaker, again I urge that this amendment be declared not germane.

A vote for germaneness on this resolution will effectively place a large army of people loyal to various legislators at the polls on election day against tax reform. It has been extremely difficult for over several decades to have any progress on tax reform. Anything added to tax reform that creates an additional constituency against tax reform kills tax reform.

Term limits is a totally separate question from tax reform. I urge everybody here to find it not germane.

The SPEAKER. The Chair thanks the gentleman.

The lady from Butler, Ms. Carone, on the question.

Ms. CARONE. Thank you, Mr. Speaker.

I would argue in favor of germaneness.

The issues will be separated on the ballot, and there will be no confusion between whether it is a vote for the homestead exemption or for term limits.

Without initiative in this State, the people do not have a chance to speak on this issue. This is a chance for the people to speak on a very important issue. Over 20 States now have term limits of either 6 years or 8 years. This is a very positive amendment by increasing it to 12, very different from the other States.

I argue a "yes" vote.

The SPEAKER. The Chair thanks the lady.

Does the lady, Ms. Steelman, seek recognition?

I understand the gentleman, Mr. Platts, wants to be recognized. I will attempt to recognize you last on this question.

The lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I would also argue in support of germaneness, but in doing so, I would refer the members of the House to the statement made by the gentleman proposing that we vote on the germaneness of this issue, and that is that the question of term limits should come to the floor through the regular channels. That is absolutely true. There are many questions that should come before the House through regular channels. Unfortunately, because the regular channels have been dammed up in a variety of ways, it becomes necessary to bring these questions, questions of interest to many Pennsylvanians, questions of justice for many Pennsylvanians, to the floor through mechanisms that are not necessarily the regular channels.

I would encourage the members on both sides of the aisle to vote for germaneness on this issue so that we may consider a question of interest and importance. Thank you.

The SPEAKER. The Chair thanks the lady.

Does the gentleman, Mr. Trello, seek recognition?

Mr. TRELLO. Yes, Mr. Speaker.

The question of tax reform, in my opinion, has the highest priority simply because the taxpayers of Pennsylvania have been demanding it for years, and to confuse them about term limits at this time, I think, would be very inappropriate.

I support the question of germaneness. I would vote against this amendment being germane, and I encourage my members to do the same in the interest of true tax reform in this State. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Platts.

Mr. PLATTS. Thank you, Mr. Speaker.

I appreciate the comments of my colleagues, and to make it clear, this specific version is something I would be glad to have considered through the proper channels, committee, and see it voted on its own merits and certainly would welcome not addressing this through the amendment process in the future if that happens, and I appreciate the majority whip's comments to it being done in that fashion.

As far as the germaneness question, I think we look to precedent here often in the House, and maybe a short 2 1/2, 3 weeks ago, where we considered an amendment to the binding arbitration bill that dealt with reapportionment, both were constitutional amendment issues. We voted them, established that precedent that as long as it is a similar constitutional amendment — in other words, dealing with an amendment to the Constitution, even if it is a different part of the Constitution — we established a precedent as recent as 2 to 3 weeks ago on the germaneness issue.

To the comments about the importance of tax reform, one, I think if you put this issue along with tax reform before your constituents, I think it may outpull the support amongst the average citizen on wanting to see this put on the ballot, but it is most important to recognize this will be a separate question. It will not be part of the tax reform question. It will be a separate question on the ballot, and remember, that question is going to be in 1997 most likely, an off-year election.

If you want a reason to get people to come out in addition to tax reform, term limits on the ballot will get the voters out, will get a high turnout, and therefore, we will have a truly indicative indication of the voters' support for both term limits and tax reform. So I think it is a benefit to the tax reform question being on the ballot at the same time. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is the question as to whether or not the amendment offered by the gentleman, Mr. Platts, is germane.

On that question, those believing the amendment to be germane shall vote in the affirmative; those believing the amendment not germane shall vote in the negative.

On the question recurring,  
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS-62

Adolph	Fairchild	Levdansky	Steelman
Argall	Fajt	Maitland	Stetler
Armstrong	Feese	Manderino	Stish
Baker	Fleagle	Marsico	Strittmatter
Bishop	Godshall	Masland	Sturla
Boscola	Gordner	Melio	Tangretti
Carone	Hanna	Nickol	Trich
Chadwick	Hasay	Piccola	True
Clark	Horsey	Platts	Vance
Cohen, L. I.	Hutchinson	Rohrer	Van Horne
Corpora	Jadlowiec	Rubley	Vitali
Curry	Kaiser	Rudy	Waugh



Daley	Krebs	Schroder	Wright, M. N.
Dent	Kukovich	Serafini	Yewcic
Druce	Laughlin	Snyder, D. W.	Zimmerman
Egolf	Leh		

NAYS-137

Allen	Evans	Major	Sainato
Bard	Fargo	Markosek	Santoni
Barley	Farmer	Mayernik	Sather
Battisto	Fichter	McCall	Saylor
Bebko-Jones	Flick	McGeehan	Schuler
Belardi	Gamble	McGill	Scrimenti
Belfanti	Gannon	Merry	Semmel
Birmelin	Geist	Michlovic	Shaner
Blaum	George	Micozzie	Sheehan
Boyes	Gigliotti	Miller	Smith, B.
Brown	Gladeck	Mundy	Smith, S. H.
Browne	Gruitz	Nailor	Staback
Bunt	Gruppo	Nyce	Stairs
Butkovitz	Habay	O'Brien	Steil
Buxton	Haluska	Olasz	Stern
Caltagirone	Harhart	Oliver	Surra
Cappabianca	Hennessey	Perzel	Taylor, E. Z.
Carn	Herman	Pesci	Taylor, J.
Cawley	Hershey	Petrarca	Thomas
Civera	Hess	Petrone	Tigue
Clymer	Itkin	Pettit	Trello
Cohen, M.	James	Phillips	Tulli
Colafella	Jarolin	Pistella	Veon
Colaizzo	Josephs	Pitts	Walko
Conti	Keller	Preston	Washington
Cornell	Kenney	Ramos	Williams
Corrigan	King	Raymond	Wogan
Cowell	Kirkland	Readshaw	Wozniak
Coy	LaGrotta	Reber	Wright, D. R.
DeLuca	Lawless	Reinard	Youngblood
Dempsey	Lederer	Rieger	Zug
Dermody	Lescovitz	Roberts	
DeWeese	Lloyd	Robinson	Ryan,
DiGirolamo	Lucyk	Roebuck	Speaker
Donatucci	Lynch	Rooney	

NOT VOTING-0

EXCUSED-3

Durham	Mihalich	Travaglio
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

The SPEAKER. The gentleman, Mr. Platts, has a second amendment, I understand. I am not sure, Mr. Platts, whether my decision that the amendment is withdrawn is accurate or not, but it is gone.

Mr. PLATTS. Mr. Speaker, A5327 I am glad to withdraw and look forward to the comments of leadership that we will review this issue on its own merits in a freestanding bill, and I appreciate the judgment of the House on this day.

The SPEAKER. Do you have a second amendment now, Mr. Platts?

Mr. PLATTS. That is the one I am withdrawing, 5327. It is a similar term limit restriction.  
The SPEAKER. All right.

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?

The gentleman, Mr. Kukovich, desires recognition? The gentleman is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.  
Just a couple points before final passage.

I do want to commend the Republican leadership for bringing this bill out. I do think that based on the lessons of what we learned last session, that the only way to succeed on property tax reform is to do it incrementally and beginning with a constitutional amendment that will plug the loopholes that led to the defeat of the comprehensive bill last year. I just want it on the record that most of us here who fought for tax reform view this not as the end, but only the beginning of the steps to eventually get comprehensive tax reform.

The other point is that although the language is simple, there is some vagueness. I am not going to belabor the House by going through an interrogation, but based on my interpretation of the language in this bill, I would like to place my legislative intent on the record for HB 1362.

Repeatedly in the bill it refers to property used as a homestead. It is my understanding, based on the work done last session and what has occurred so far this session, that that limits the language to owner-occupied residential property.

The other point that may raise some confusion are lines 16 through 20 on page 2 about the restriction against increasing the assessed value of real property. It is my interpretation that that would not restrict increases in perpetuity. It is also my understanding, based on the work we have done on this over the last few years, that it would not prohibit reassessments in the future and it would not prohibit increases in the market value of the real property.

If there is anybody who wants to rebut that or say there is a different intent, I would suggest they do it now and place that on the record.

With those remarks being made, I would ask for an affirmative vote on HB 1362.

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-198

Adolph	Egolf	Lucyk	Sather
Allen	Evans	Lynch	Saylor
Argall	Fairchild	Maitland	Schroder
Armstrong	Fajt	Major	Schuler
Baker	Fargo	Manderino	Scrimenti
Bard	Farmer	Markosek	Semmel
Barley	Feese	Marsico	Serafini



Battisto	Fichter	Masland	Shaner
Bebko-Jones	Fleagle	Mayernik	Sheehan
Belardi	Flick	McCall	Smith, B.
Belfanti	Gamble	McGeehan	Smith, S. H.
Birmelin	Gannon	McGill	Snyder, D. W.
Bishop	Geist	Melio	Staback
Blaum	George	Merry	Stairs
Boscola	Gigliotti	Michlovic	Steelman
Boyes	Gladeck	Micozzie	Steil
Brown	Godshall	Miller	Stern
Browne	Gordner	Mundy	Stetler
Bunt	Gruitza	Nailor	Stish
Butkovitz	Gruppo	Nickol	Strittmatter
Buxton	Habay	Nyce	Sturla
Caltagirone	Haluska	O'Brien	Surra
Cappabianca	Hanna	Olasz	Tangretti
Carn	Harhart	Oliver	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Cawley	Hennessey	Pesci	Thomas
Chadwick	Herman	Petrarca	Tigue
Civera	Hershey	Petrone	Trello
Clark	Hess	Pettit	Trich
Clymer	Horsey	Phillips	True
Cohen, L. I.	Hutchinson	Piccola	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colafiglia	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rubley	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker

NAYS-0

NOT VOTING-1

Josephs

EXCUSED-3

Durham Mihalich Travaglio

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.

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The House proceeded to third consideration of **SB 858, PN 1135**, entitled:

An Act providing for adoption of capital projects to be financed from current revenues of the Keystone Recreation, Park and Conservation Fund.

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

Mr. EVANS offered the following amendment No. **A5305**:

- Amend Sec. 3, page 2, by inserting between lines 24 and 25
  - (iv) Haddington Recreation Center, Philadelphia County
    - (A) Renovation 667,000
  - (v) Morris Park, Philadelphia County
    - (A) Renovation 667,000
- Amend Sec. 3, page 2, line 25, by striking out "(iv)" and inserting (vi)
- Amend Sec. 3, page 2, line 29, by striking out "(v)" and inserting (vii)
- Amend Sec. 3, page 3, line 4, by striking out "(vi)" and inserting (viii)
- Amend Sec. 3, page 3, by inserting between lines 8 and 9
  - (B) Rehabilitation of Group Camp No. 2-3 2,000,000
  - (C) Renovation of main picnic area, valley picnic area and road system 2,000,000
- Amend Sec. 3, page 3, line 9, by striking out "(vii)" and inserting (ix)
- Amend Sec. 3, page 3, by inserting between lines 13 and 14
  - (x) Tustin Recreation Center, Philadelphia County
    - (A) Renovation 667,000
- Amend Sec. 3, page 3, line 14, by striking out "(viii)" and inserting (xi)
- Amend Sec. 3, page 3, line 19, by striking out "(ix)" and inserting (xii)
- Amend Sec. 3, page 3, line 25, by striking out "(x)" and inserting (xiii)
- Amend Sec. 3, page 3, line 30, by striking out "(xi)" and inserting (xiv)
- Amend Sec. 3, page 4, line 4, by striking out "(xii)" and inserting (xv)
- Amend Sec. 3, page 4, by inserting between lines 8 and 9
  - (xvi) North Huntingdon Township, Westmoreland County
    - (A) Guffy Hollow Nature Preserve 480,000

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman from Philadelphia. Mr. EVANS. Basically, Mr. Speaker, what I have here is an amendment to offer some projects under the Keystone Recreation, Park and Conservation Fund. This amendment includes Keystone projects from several of the members on this side relating to some projects totaling about \$6.5 million.

I am very clear, Mr. Speaker, that the ultimate decision is in the hands of the Governor relating to this particular issue. These are just some projects we wanted to put on the table and hope that they will get consideration. We understand clearly where the decision has to come from. These projects are projects that members on this side have raised. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Nickol, on the question of the Evans amendment.

Mr. NICKOL. Thank you, Mr. Speaker.

SB 858 contains a list of critically needed projects in our State parks to be funded from current revenues. I am but one of about 15 members who have projects on that list which came from the Department of Environmental Resources earlier this year.

These are mainly projects which include renovation of existing facilities or sewer or water projects.

In my area, for example, there is Codorus State Park where we have a marina renovation. This marina, the docks are actually collapsing into the lake at the present point in time. There is a Federal funding match that DER has been promised but we do not want to lose for the project because of the timing.

I am sure there are other members who could speak with regard to the need for other specific projects on this list. These projects are pretty evenly matched district by district between Republicans and Democrats. This is not a political list. This is a list from DER.

Leadership tried to run a House version of SB 858 earlier this year, but under the prospect of Christmas-treeing with various assorted amendments, the bill was recommitted and leadership was intending to hold these projects for a later date, for the capital budget bill when it finally runs.

I must thank leadership for giving us a second chance in trying to run SB 858 this year with some assurances from members on both sides of the aisle that they will try to support a clean bill. The majority is not offering any ornaments to turn this bill into a Christmas tree. We hoped the minority would not either so we can get these projects moving. I understand there will be a capital budget later in the year for projects of the nature being submitted by Representative Evans.

I would urge members to defeat any amendments to this bill. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I do agree with the gentleman's order in terms of how we move this through this process. That is why I removed the initial amendment that I had that would have indicated moving in the direction of capital projects. My understanding is, after speaking to the chairman of Appropriations, that there will be a capital bill sometime in the spring. However, Mr. Speaker, in this particular area, the Keystone Recreation, Park and Conservation Fund, the only thing we are attempting to do is just put this in the mix. We understand clearly that that decision has to be made by the Governor and DER.

So, Mr. Speaker, I think it is just a question of timing, and I do not believe, Mr. Speaker, this will in any way interfere with SB 858 by accepting this particular amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

This bill is from current revenue. It is not from bond funds. We would oppose this amendment. We intend to run a capital budget bill later in the session. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-83

Battisto	Donatucci	Lescovitz	Roebuck
Bebko-Jones	Evans	Levdansky	Rooney
Belardi	Fajt	Lucyk	Sainato
Belfanti	Gamble	Manderino	Shaner
Bishop	George	Markosek	Staback

Blaum	Gigliotti	Mayernik	Sterler
Butkovitz	Gruitza	McCall	Sturla
Buxton	Hanna	McGeehan	Tangretti
Caltagirone	Horsey	Michlovic	Thomas
Cappabianca	Itkin	Mundy	Treffe
Cam	James	Olasz	Trich
Cohen, M.	Jarolin	Oliver	Van Horne
Colafella	Josephs	Pesci	Veon
Colaizzo	Kaiser	Petrarca	Walko
Cowell	Keller	Petrone	Washington
Coy	Kirkland	Pistella	Williams
Curry	Kukovich	Preston	Wozniak
Daley	LaGrotta	Ramos	Wright, D. R.
DeLuca	Laughlin	Readshaw	Yewcic
Dermody	Lawless	Rieger	Youngblood
DeWeese	Lederer	Robinson	

NAYS-116

Adolph	Fargo	Marsico	Scrimenti
Allen	Farmer	Masland	Semmel
Argall	Feese	McGill	Serafini
Armstrong	Fichter	Melio	Sheehan
Baker	Fleagle	Mery	Smith, B.
Bard	Flick	Micozzie	Smith, S. H.
Barley	Gannon	Miller	Snyder, D. W.
Birmelin	Geist	Nailor	Stairs
Boscola	Gladeck	Nickol	Steelman
Boyes	Godshall	Nyce	Steil
Brown	Gordner	O'Brien	Stern
Browne	Gruppo	Perzel	Stish
Bunt	Habay	Petit	Strittmatter
Carone	Haluska	Phillips	Surra
Cawley	Harhart	Piccola	Taylor, E. Z.
Chadwick	Hasay	Pitts	Taylor, J.
Civera	Hennessey	Platts	Tigue
Clark	Herman	Raymond	True
Clymer	Hershey	Reber	Tulli
Cohen, L. I.	Hess	Reinard	Vance
Conti	Hutchinson	Roberts	Vitali
Cornell	Jadlowiec	Rohrer	Waugh
Corpora	Kenney	Rubley	Wogan
Corrigan	King	Rudy	Wright, M. N.
Dempsey	Krebs	Santoni	Zimmerman
Dent	Leh	Sather	Zug
DiGirolamo	Lloyd	Saylor	
Druce	Lynch	Schroder	Ryan,
Egolf	Maitland	Schuler	Speaker
Fairchild	Major		

NOT VOTING-0

EXCUSED-3

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

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

Mr. COHEN offered the following amendment No. A5359:

Amend Sec. 3, page 4, by inserting between lines 8 and 9 (xiii) Benjamin Rush State Park

(A) Upgrading of park, regardless of whether existing structures are replaced 6,000,000 (Base Project Allocation - \$ ) (Design and Contingencies - \$ )

Amend Sec. 6, page 4, lines 17 and 18, by striking out "July 1, 1995, or immediately," in line 17, all of line 18 and inserting immediately.

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

LEAVES OF ABSENCE

The SPEAKER. Prior to recognizing the gentleman, Mr. Cohen, the Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests leave for the gentleman from Berks, Mr. CALTAGIRONE, for the balance of today's session. Without objection, the leave is granted. The Chair hears no objection.

The Chair recognizes also the gentleman, Mr. Barley, who asks that the gentleman, Mr. Robert ALLEN, be placed on leave for the balance of today's session. Without objection, leave is granted. The Chair hears none.

CONSIDERATION OF SB 858 CONTINUED

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

Mr. COHEN. Mr. Speaker, this amendment authorizes the expenditure of \$6 million for the construction of facilities at Benjamin Rush State Park in Northeast Philadelphia bordering Bensalem in Bucks County.

The Benjamin Rush State Park was created by the legislature 20 years ago. The legislation directed the Department of Environmental Resources to "improve and maintain the property as a state park" and made a specific site available for the reconstruction of Dr. Benjamin Rush's home as a historic site and tourist attraction.

Unfortunately, nothing was done to fund or improve the park until the legislature passed Act 228 of 1980 which provided several million dollars in capital authorization for the development of the park. Again, at the end of last session, the General Assembly passed Act 127 which rearranged the boundaries of the park to provide for a State veterans home and reaffirmed its clear legislative intent that the Benjamin Rush State Park be developed as a "recreational facility and nature preserve to benefit the residents of southeast Pennsylvania and the newly created veterans home."

As of today, Benjamin Rush Park remains closed to the general public. It has been 20 years since the General Assembly created Philadelphia's one and only State park. It is time that the park finally be opened to the public all year round.

It is appropriate that Key 93 moneys be used for this purpose. Philadelphia County voters favored the Key 93 referendum by a

3-to-1 margin. Only Montgomery County provided slightly more support for the Key 93 referendum. Bucks County, which borders the park, supported the referendum by nearly a 2-to-1 margin.

Mr. Speaker, this amendment is specifically related to Key 93. It is clearly at the Governor's discretion as to when the money is used.

I would strongly urge support of this amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from York, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

For the same reasons I urged a "no" vote on the previous amendment, I urge the members to defeat this amendment. Thank you.

The SPEAKER. On the question, the gentleman, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

Again, for the same reasons we discussed for the previous amendment, this is out of current revenues, and we will be running a capital bill later in the session for bond funds. So we would oppose this amendment. Thank you.

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-85

Table listing names of members who voted 'YEAS' (85 total). Includes names like Belardi, Belfanti, Bishop, Blaum, Butkovitz, Buxton, Cappabianca, Cohen, M., Colafella, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Dermody, DeWeese, DiGirolamo, Donatucci, Evans, Fajt, George, Gigliotti, Gordner, Gruitza, Horsey, Itkin, James, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, Kukovich, LaGrotta, Laughlin, Lawless, Lederer, Lescovitz, Levdansky, Lloyd, Lucyk, Manderino, Markosek, Mayernik, McCall, McGeehan, Michlovic, Mundy, O'Brien, Olasz, Oliver, Pesci, Petrarca, Petrone, Pistella, Preston, Ramos, Rieger, Roberts, Robinson, Roebuck, Rooney, Sainato, Scrimenti, Shaner, Staback, Stetler, Sturla, Tangretti, Thomas, Tigue, Trello, Trich, Van Horne, Veon, Vitali, Walko, Washington, Williams, Wozniak, Wright, D. R., Yewcic, Youngblood.

NAYS-110

Table listing names of members who voted 'NAYS' (110 total). Includes names like Adolph, Argall, Armstrong, Baker, Bard, Barley, Battisto, Birmelin, Boscola, Boyes, Brown, Browne, Bunt, Carone, Cawley, Fairchild, Fargo, Farmer, Feese, Fichter, Fleagle, Flick, Gamble, Gannon, Geist, Gladeck, Godshall, Gruppo, Habay, Haluska, Maitland, Major, Marsico, Masland, McGill, Melio, Merry, Micozzie, Miller, Nailor, Nickol, Nyce, Perzel, Pettit, Phillips, Schroder, Schuler, Semmel, Serafini, Sheehan, Smith, B., Smith, S. H., Snyder, D. W., Stairs, Steelman, Steil, Stern, Stish, Strittmatter, Surra.

Chadwick	Hanna	Piccola	Taylor, E. Z.
Civera	Harhart	Pitts	Taylor, J.
Clark	Hasay	Platts	True
Clymer	Hennessey	Raymond	Tulli
Cohen, L. I.	Herman	Readshaw	Vance
Colaizzo	Hershey	Reber	Waugh
Conti	Hess	Reinard	Wogan
Cornell	Hutchinson	Rohrer	Wright, M. N.
Corpora	Jadlowiec	Rublely	Zimmerman
Dempsey	King	Rudy	Zug
Dent	Krebs	Santoni	
Druce	Leh	Sather	Ryan,
Egolf	Lynch	Saylor	Speaker

NOT VOTING--2

Bebko-Jones      Carn

EXCUSED--5

Allen                      Durham                      Mihalich                      Travaglio  
Caltagirone

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

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

The SPEAKER. Does the gentleman, Mr. McCall, desire recognition at this time?

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I was going to make a motion to suspend the rules, but if I can, just to say as long as we have the guarantee from Mr. Pitts that he runs a bill, I will withdraw the amendment and the motion.

The SPEAKER. No guarantees in life. He said he hopes to do that later in the year.

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--197

Adolph	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Shaner
Bebko-Jones	Flick	Mayernik	Sheehan
Belardi	Gamble	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Birmelin	Geist	McGill	Snyder, D. W.
Bishop	George	Melio	Staback
Blaum	Gigliotti	Mery	Stairs

Boscola	Gladeck	Michlovic	Steelman
Boyes	Godshall	Micozzie	Steil
Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler
Bunt	Gruppo	Naifor	Stish
Butkovitz	Habay	Nickol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Cappabianca	Hanna	O'Brien	Surra
Carn	Harhart	Olasz	Tangretti
Carone	Hasay	Oliver	Taylor, E. Z.
Cawley	Hennessey	Perzel	Taylor, J.
Chadwick	Herman	Pesci	Thomas
Civera	Hershey	Petrarca	Tigue
Clark	Hess	Petrone	Trello
Clymer	Horsey	Pettit	Trich
Cohen, L. I.	Hutchinson	Phillips	True
Cohen, M.	Itkin	Piccola	Tulli
Colafella	Jadlowiec	Pistella	Vance
Colaizzo	James	Pitts	Van Horne
Conti	Jarolin	Platts	Veon
Cornell	Josephs	Preston	Vitali
Corpora	Kaiser	Ramos	Walko
Corrigan	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	King	Reber	Williams
Curry	Kirkland	Reinard	Wogan
Daley	Krebs	Rieger	Wozniak
DeLuca	Kukovich	Roberts	Wright, D. R.
Dempsey	LaGrotta	Robinson	Wright, M. N.
Dent	Laughlin	Roebuck	Yewcic
Dermody	Lawless	Rohrer	Youngblood
DeWeese	Lederer	Rooney	Zimmerman
DiGirolamo	Leh	Rublely	Zug
Donatucci	Lescovitz	Rudy	
Druce	Levdansky	Saimato	Ryan,
Egolf	Lloyd	Santoni	Speaker
Evans	Lucyk	Sather	

NAYS--0

NOT VOTING--0

EXCUSED--5

Allen                      Durham                      Mihalich                      Travaglio  
Caltagirone

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

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

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The House proceeded to third consideration of **HB 299, PN 292**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, allowing owners of securities to register the title to same in transfer-on-death form.

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

Mrs. RUBLEY offered the following amendment No. A5330:

Amend Sec. 1 (Sec. 6401), page 2, lines 15 and 16, by striking out all of said lines and inserting

“Financial institution.” Any regulated financial institution insured by the Federal Deposit Insurance Corporation or its successor or an affiliate of the financial institution.

Amend Sec. 1 (Sec. 6401), page 3, line 13, by striking out “broker, a” and inserting

financial institution or a securities dealer or broker and any

Amend Sec. 1 (Sec. 6401), page 3, line 14, by removing the comma after “account” and inserting

with a financial institution or a securities dealer or broker or

Amend Sec. 1 (Sec. 6404), page 4, line 20, by inserting after “beneficiary”

, which may include a trustee of a trust,

Amend Sec. 1 (Sec. 6410), page 7, line 27, by inserting after “Jr.”

, or John S. Brown TOD to Sally Smith, trustee under my trust (under will or deed) dated

On the question,

Will the House agree to the amendment?

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

Mrs. RUBLEY. Thank you, Mr. Speaker.

This amendment is a technical amendment, and it is agreed upon. We are just changing the definition from “securities industries” to “financial institutions.” This will allow banks to participate in this option also.

I urge your support.

The SPEAKER. The Chair thanks the lady.

Does the gentleman from Luzerne, Mr. Hasay, desire recognition on this amendment?

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, the House Commerce and Economic Development Committee had held hearings on this bill this summer, and the amendment is agreed to by both aisles.

I would appreciate your support. Thank you.

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-197

Adolph	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Shaner
Bebko-Jones	Flick	Mayernik	Sheehan
Belardi	Gamble	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Birmelin	Geist	McGill	Snyder, D. W.
Bishop	George	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boscola	Gladeck	Michlovic	Steffman
Boyes	Godshall	Micozzie	Steil
Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler

Bunt	Gruppo	Nailor	Stish
Butkovitz	Habay	Nickol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Cappabianca	Hanna	O'Brien	Surra
Carn	Harhart	Olasz	Tangretti
Carone	Hasay	Oliver	Taylor, E. Z.
Cawley	Hennessey	Perzel	Taylor, J.
Chadwick	Herman	Pesci	Thomas
Civera	Hershey	Petrarca	Tigue
Clark	Hess	Petrone	Trello
Clymer	Horsey	Pettit	Trich
Cohen, L. I.	Hutchinson	Phillips	True
Cohen, M.	Itkin	Piccola	Tulli
Colafella	Jadlowiec	Pistella	Vance
Colaizzo	James	Pitts	Van Horne
Conti	Jarolin	Platts	Veon
Cornell	Josephs	Preston	Vitali
Corpora	Kaiser	Ramos	Walko
Corrigan	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	King	Reber	Williams
Curry	Kirkland	Reinard	Wogan
Daley	Krebs	Rieger	Wozniak
DeLuca	Kukovich	Roberts	Wright, D. R.
Dempsey	LaGrotta	Robinson	Wright, M. N.
Dent	Laughlin	Roebuck	Yewcic
Dermody	Lawless	Rohrer	Youngblood
DeWeese	Lederer	Rooney	Zimmerman
DiGirolamo	Leh	Rubley	Zug
Donatucci	Lescovitz	Rudy	
Druce	Levdansky	Sainato	Ryan,
Egolf	Lloyd	Santoni	Speaker
Evans	Lucyk	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-5

Allen	Durham	Mihalich	Travaglio
Caltagirone			

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

On the question,

Will the House agree to the bill on 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-197

Adolph	Fairchild	Lynch	Saylor
Argall	Fajt	Maitland	Schroder
Armstrong	Fargo	Major	Schuler
Baker	Farmer	Manderino	Scrimenti
Bard	Feese	Markosek	Semmel
Barley	Fichter	Marsico	Serafini
Battisto	Fleagle	Masland	Shaner
Bebko-Jones	Flick	Mayernik	Sheehan
Belardi	Gamble	McCall	Smith, B.

Belfanti	Gannon	McGeehan	Smith, S. H.
Birmelin	Geist	McGill	Snyder, D. W.
Bishop	George	Melio	Staback
Blaum	Gigliotti	Merry	Stairs
Boscola	Gladeck	Michlovic	Steelman
Boyes	Godshall	Micozzie	Steil
Brown	Gordner	Miller	Stern
Browne	Gruitza	Mundy	Stetler
Bunt	Gruppo	Nailor	Stish
Butkovitz	Habay	Nickol	Strittmatter
Buxton	Haluska	Nyce	Sturla
Cappabianca	Hanna	O'Brien	Surra
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Cohen, M.	Itkin	Piccola	Tulli
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Coy	King	Reber	Williams
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Dent	Laughlin	Roebuck	Yewcic
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DeWeese	Lederer	Rooney	Zimmerman
DiGirolamo	Leh	Rublely	Zug
Donatucci	Lescovitz	Rudy	
Druce	Levdansky	Sainato	Ryan,
Egolf	Lloyd	Santoni	Speaker
Evans	Lucyk	Sather	

NAYS-0

NOT VOTING-0

EXCUSED-5

Allen	Durham	Mihalich	Travaglio
Caltagirone			

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.

The SPEAKER. We have no further votes in regular session. We do have one vote in special session.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. Prior to that, however, the Chair recognizes the gentleman, Mr. Pitts, for the purpose of making an announcement.

Mr. PITTS. Thank you, Mr. Speaker.  
As soon as we break from the session today, I would like to call a meeting of the House Appropriations Committee in room 243, the Appropriations conference room, in regular session.

**RESOLUTION REPORTED FROM COMMITTEE**

**HR 167, PN 2047** By Rep. FLICK

A Concurrent Resolution encouraging and supporting full participation by Taiwan, the Republic of China, in the United Nations.

**INTERGOVERNMENTAL AFFAIRS.**

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

**HB 1025, PN 1141** By Rep. REBER

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, adding a definition; and providing for the issuance of a personal license.

**ENVIRONMENTAL RESOURCES AND ENERGY.**

**HB 1766, PN 2676 (Amended)** By Rep. REBER

An Act directing the Department of Conservation and Natural Resources to develop and implement a program to provide funds to counties for the suppression of certain native forest insect pests in residential areas; and making an appropriation.

**ENVIRONMENTAL RESOURCES AND ENERGY.**

**RECESS**

The SPEAKER. Are there any further reports of committee? Are there any announcements in regular session? Are there any corrections of the record in regular session? The Chair hears none.

Does the majority leader or Democratic floor leader have any further business at this time?

Hearing none, the Chair declares the regular session in recess to the call of the Chair.

**AFTER RECESS**

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

**BILLS REREPORTED FROM COMMITTEE**

**HB 233, PN 215** By Rep. PITTS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the date of the annual audit and report to be submitted by the Game Commission and the Legislative Budget and Finance Committee.

**APPROPRIATIONS.**

<p><b>HB 294, PN 287</b> By Rep. PITTS</p> <p>An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for expenses of county officers for attending certain meetings.</p>	<p><b>HB 1868, PN 2584</b> By Rep. PITTS</p> <p>An Act amending the act of June 13, 1966 (1965 P.L.1292, No.515), entitled "An act enabling certain counties of the Commonwealth to covenant with land owners for preservation of land in farm, forest, water supply, or open space uses," providing for use of land by wireless or cellular telecommunications provider.</p>
<p>APPROPRIATIONS.</p>	<p>APPROPRIATIONS.</p>
<p><b>HB 774, PN 859</b> By Rep. PITTS</p> <p>An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pay of officers and enlisted personnel.</p>	<p><b>HB 1869, PN 2585</b> By Rep. PITTS</p> <p>An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for separation, split-off or transfer.</p>
<p>APPROPRIATIONS.</p>	<p>APPROPRIATIONS.</p>
<p><b>HB 828, PN 968</b> By Rep. PITTS</p> <p>An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, requiring notices to policyholders concerning the servicing of policies.</p>	<p><b>HB 1973, PN 2430</b> By Rep. PITTS</p> <p>An Act amending the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, further providing for the authorization to pledge the proceeds of certain bonds or notes.</p>
<p>APPROPRIATIONS.</p>	<p>APPROPRIATIONS.</p>
<p><b>HB 1100, PN 2628</b> By Rep. PITTS</p> <p>An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for definitions and for unfair competition and practices.</p>	<p><b>HB 2008, PN 2489</b> By Rep. PITTS</p> <p>An Act amending the act of December 1, 1965 (P.L.988, No.368), known as the Weights and Measures Act of 1965, further providing for the sale of potatoes.</p>
<p>APPROPRIATIONS.</p>	<p>APPROPRIATIONS.</p>
<p><b>HB 1355, PN 1571</b> By Rep. PITTS</p> <p>An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for an exemption from filing a personal income tax return.</p>	<p><b>HB 2009, PN 2490</b> By Rep. PITTS</p> <p>An Act authorizing medical examiners in cities of the first class to arrange for the embalming of bodies; and providing good faith immunity for persons acting under such authorization.</p>
<p>APPROPRIATIONS.</p>	<p>APPROPRIATIONS.</p>
<p><b>HB 1582, PN 1865</b> By Rep. PITTS</p> <p>An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "department."</p>	<p><b>HB 2010, PN 2675 (Amended)</b> By Rep. PITTS</p> <p>An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for preemption by the Commonwealth.</p>
<p>APPROPRIATIONS.</p>	<p>APPROPRIATIONS.</p>
<p><b>HB 1711, PN 2494</b> By Rep. PITTS</p> <p>An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, requiring the Pennsylvania Game Commission to implement at least two junior hunter projects to increase and sustain interest in hunting.</p>	<p><b>HB 2079, PN 2583</b> By Rep. PITTS</p> <p>An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault, for homicide by vehicle and for accidents involving death or personal injury.</p>
<p>APPROPRIATIONS.</p>	<p>APPROPRIATIONS.</p>
<p><b>HB 1757, PN 2470</b> By Rep. PITTS</p> <p>An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to planned communities.</p>	<p>APPROPRIATIONS.</p>
<p>APPROPRIATIONS.</p>	<p>APPROPRIATIONS.</p>

**SB 578, PN 1519 (Amended)**

By Rep. PITTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "classic motor vehicle" and "commercial motor vehicle"; further providing for the transfer of ownership of a vehicle; providing for the development of an electronic lien program, for a drug abuse resistance education registration plate, for special funds, for collectible motor vehicles and for an emission reduction program in the Department of Environmental Protection; further providing for the enforcement of the International Fuel Tax Agreement; revising reporting taxes and administrative procedures; making appropriations; and making a repeal.

## APPROPRIATIONS.

**SB 652, PN 1486**

By Rep. PITTS

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled "Second Class County Code," providing for the collection of taxes on real property from rent payable by tenants; further providing for the collection of tax and municipal claims by suit and for the interest rate on contributions when a person is separated from service; providing for the purchase of credit for service immediately following original employment; further providing for eligibility for retirement allowances and for requirements for credit for previous service; providing for deputy fire marshals; and making a repeal.

## APPROPRIATIONS.

**SB 665, PN 1224**

By Rep. PITTS

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," providing for compensation of township commissioner.

## APPROPRIATIONS.

**SB 666, PN 1520 (Amended)**

By Rep. PITTS

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for compensation of township supervisors; and further providing for the acquisition of certain historical properties.

## APPROPRIATIONS.

**SB 667, PN 701**

By Rep. PITTS

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," providing for compensation of council and the mayor.

## APPROPRIATIONS.

**SB 879, PN 1511**

By Rep. PITTS

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, providing for archaeological field investigations; and further providing for cooperation by public officials with the Pennsylvania Historical and Museum Commission.

## APPROPRIATIONS.

## SUPPLEMENTAL CALENDAR A

## BILLS ON SECOND CONSIDERATION

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

**HB 1868, PN 2584; HB 1869, PN 2585; HB 2008, PN 2489; HB 2010, PN 2675; HB 1355, PN 1571; HB 1973, PN 2430; HB 233, PN 215; HB 1711, PN 2494; HB 828, PN 968; HB 1100, PN 2628; HB 2079, PN 2583; HB 294, PN 287; SB 665, PN 1224; SB 666, PN 1520; SB 667, PN 701; HB 2009, PN 2490; SB 879, PN 1511; HB 1757, PN 2470; SB 652, PN 1486; HB 774, PN 859; and HB 1582, PN 1865.**

## RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining resolutions on today's calendar will be passed over. The Chair hears no objection.

## ADJOURNMENT

The SPEAKER. Does the majority leader or Democratic floor leader have any further business in regular session?

Hearing none, the Chair recognizes the gentleman from Westmoreland County, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, I move that this House do now adjourn its regular session until Tuesday, October 24, 1995, at 11 a.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 6:10 p.m., e.d.t., the House adjourned.