

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 9, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 37

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. LOUISE WILLIAMS BISHOP, member of the House of Representatives and guest Chaplain, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

Eternal God, our Heavenly Father, we thank You for another opportunity to enter into Your presence and acknowledge that You are from everlasting to everlasting.

We pause for a moment to say thank You for all of the things we sometimes take for granted. Thank You for our health. Thank You for our strength. Thank You for presence of mind and articulation of speech, and thank You for an opportunity to serve as Your servants in this great Commonwealth of Pennsylvania. Thank You for this new day that You have made and given unto us. We receive it and we rejoice in it today.

And as we go forth to do Your work, we ask that You would renew our commitment to serve the people, renew our dedication to be dedicated beyond all else to the people of the Commonwealth of Pennsylvania, and renew our strength that we might be able to continue to do all that You have given us to do.

Bless now each and every member of this House of Representatives. Bless the people that You have given us to serve, and bless all of those things that concerneth us. As we go forth today, help us to love mercy, to do justly, and to walk humbly before You.

We ask all of these blessings in Your name. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, June 8, 1999, will be postponed until printed. The Chair hears no objection.

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that SB 3 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 3 be recommitted to the Committee on Appropriations.

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1610** By Representatives KREBS, WILT, FARGO, MELIO, JAMES, STABACK, FAIRCHILD, TIGUE, HANNA, DALEY, FREEMAN, FEESE, DEMPSEY, DeLUCA, LAUGHLIN, SCRIMENTI, HUTCHINSON, KAISER and COSTA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, changing the day for certain general primaries.

Referred to Committee on STATE GOVERNMENT, June 9, 1999.

**No. 1611** By Representatives WILT, BELFANTI, BENNINGHOFF, BUNT, DALLY, FAIRCHILD, GEIST, GEORGE, HALUSKA, HARHAI, JAMES, LAUGHLIN, LUCYK, LYNCH, MAJOR, MYERS, NAILOR, PETRARCA, PLATTS, READSHAW, ROSS, SAINATO, SATHER, SAYLOR, SCRIMENTI, SEYFERT, B. SMITH, STABACK, J. TAYLOR, TIGUE, VAN HORNE, WALKO, WOGAN, YOUNGBLOOD and YUDICHAK

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for sales of alcoholic beverages by club licensees that are incorporated units of national veterans' organization or affiliated organizations to certain persons.

Referred to Committee on LIQUOR CONTROL, June 9, 1999.

**No. 1612** By Representatives LEH, BELFANTI, BUNT, CAWLEY, DALLY, GEIST, GEORGE, GRUCELA, HENNESSEY, HESS, LAUGHLIN, LEVDANSKY, McILHATTAN, McNAUGHTON, S. MILLER, ROHRER, S. H. SMITH, SURRA, THOMAS, WILT, YOUNGBLOOD and YUDICHAK

An Act establishing a landfill impact fee and fund to compensate owners of residential property near a landfill for loss in property value and to provide grants to certain political subdivisions for traffic improvement and safety projects.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 9, 1999.

**No. 1613** By Representatives YUDICHAK, SOLOBAY, HARHAI, READSHAW, CLARK, SAINATO, TANGRETTI, M. COHEN, COSTA, HERSHEY, MELIO, WILLIAMS and RUFFING

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of identification cards.

Referred to Committee on TRANSPORTATION, June 9, 1999.

**No. 1614** By Representatives BUNT, CAPPABIANCA, STEELMAN, HALUSKA, GRUCELA, SOLOBAY and HERSHEY

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$1,000,000,000 to provide additional funding for the purchase of agricultural conservation easements for the preservation of agricultural land; to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, historic sites, zoos and public libraries; and making repeals.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 9, 1999.

**No. 1615** By Representatives SURRA, GEORGE, MELIO, BEBKO-JONES, STABACK, GRUCELA, COY, S. H. SMITH, CORRIGAN, READSHAW, WALKO, M. COHEN, SCHULER, HARHAI, SAINATO, ARGALL, BELFANTI, SHANER, YOUNGBLOOD, LAUGHLIN, KIRKLAND, J. TAYLOR, TRELLO, E. Z. TAYLOR, ROONEY, RAMOS, SERAFINI, TRUE, FLICK, SEYFERT, COLAFELLA, WILLIAMS, THOMAS, BLAUM, HENNESSEY, MAHER and STEELMAN

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further defining "contribution rate" and "telephone subscriber"; and further providing for powers and duties of counties.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 9, 1999.

**No. 1616** By Representatives HUTCHINSON, ARMSTRONG, BAKER, BARD, BARRAR, BENNINGHOFF, CORRIGAN, EGOLF, FARGO, FICHTER, FLICK, FORCIER, GEIST, GEORGE, GODSHALL, HARHAI, HARHART, HESS, LAUGHLIN, LEH, LYNCH, MASLAND, MELIO, METCALFE, R. MILLER, S. MILLER, NAILOR, PETRARCA, PLATTS, READSHAW, ROBERTS, ROHRER, SAYLOR, SERAFINI, STEVENSON, TRUE, WILT and ZUG

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for tax increase limitations.

Referred to Committee on FINANCE, June 9, 1999.

**No. 1617** By Representatives HUTCHINSON, BAKER, BARRAR, BELFANTI, BENNINGHOFF, BUNT, CALTAGIRONE, M. COHEN, CORRIGAN, COSTA, DAILEY, EGOLF, FEESE, FLICK, FORCIER, GEIST, GEORGE, HENNESSEY, HERSHEY, HESS, LAUGHLIN, LUCYK, LYNCH, MANN, McNAUGHTON, METCALFE, S. MILLER, ORIE, PETRARCA, PLATTS, READSHAW, SAINATO, SCHRODER, SCHULER, SERAFINI, SEYFERT, SHANER, SOLOBAY, STABACK, STEVENSON, E. Z. TAYLOR, TRUE, WILT and ZUG

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the rate of personal income tax.

Referred to Committee on FINANCE, June 9, 1999.

**No. 1618** By Representatives HUTCHINSON, BAKER, BARRAR, BELFANTI, BENNINGHOFF, BUNT, CALTAGIRONE, M. COHEN, CORRIGAN, COSTA, DAILEY, EGOLF, FEESE, FLICK, FORCIER, GEIST, GEORGE, GODSHALL, HENNESSEY, HERSHEY, HESS, LAUGHLIN, LUCYK, LYNCH, MANN, McNAUGHTON, METCALFE, S. MILLER, ORIE, PETRARCA, PLATTS, READSHAW, SAINATO, SATHER, SAYLOR, SCHRODER, SCHULER, SERAFINI, SEYFERT, SHANER, SOLOBAY, STABACK, STEVENSON, E. Z. TAYLOR and WILT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the rate of personal income tax.

Referred to Committee on FINANCE, June 9, 1999.

**No. 1619** By Representatives WASHINGTON, JAMES, WATERS, MYERS and THOMAS

An Act making an appropriation to the Department of Education for special education of exceptional children.

Referred to Committee on APPROPRIATIONS, June 9, 1999.

**No. 1620** By Representatives LEVDANSKY, MASLAND, DeWEESE, VITALI, BATTISTO, FREEMAN, CURRY, TRELLO, HANNA, MARKOSEK, GRUCELA, RUFFING, MELIO, SCRIMENTI, TIGUE, LAUGHLIN, MICHLOVIC, M. COHEN, STEELMAN, STURLA, RAMOS, VAN HORNE,

TANGRETTI, KAISER, JOSEPHS, GORDNER, EACHUS, DALEY and WILLIAMS

An Act amending the act of June 3, 1937 (P.L. 1333, No.320), known as the Pennsylvania Election Code, providing for definitions; creating the Pennsylvania State Board of Elections and defining its powers and duties; providing for a fair campaign code, for regulations at polling places, for independent expenditures, for political action committees and affiliated committees, for in-kind contributions, for committee organizations, for reporting by candidates and political committees, for quarterly reports, for contribution limitations and independent expenditures, for partnership contributions and for powers and duties; creating the Pennsylvania Fair Campaign Fund and its administration; providing for funding limitations and use and for transfers; making an appropriation; and making repeals.

Referred to Committee on STATE GOVERNMENT, June 9, 1999.

**No. 1621** By Representatives WASHINGTON, JAMES, WATERS, MYERS and THOMAS

An Act making a supplemental appropriation to the Department of Public Welfare for behavioral health services.

Referred to Committee on APPROPRIATIONS, June 9, 1999.

**No. 1622** By Representatives DERMODY, CASORIO, WALKO, DeLUCA, PETRARCA, VEON and VAN HORNE

An Act amending the act of April 9, 1929 (P.L. 177, No.175), known as The Administrative Code of 1929, providing for privacy of certain information possessed by State agencies.

Referred to Committee on STATE GOVERNMENT, June 9, 1999.

**No. 1623** By Representatives HARHAI, MARKOSEK, COY, CORRIGAN, KELLER, PESCI, WASHINGTON, LAUGHLIN, RUFFING, STEIL, SURRA, LEDERER, MELIO, TRELLO, STERN, YOUNGBLOOD, STEELMAN, DeLUCA, COLAFELLA, M. COHEN, RAMOS, WILLIAMS, MAHER and MICHLOVIC

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for safety zones.

Referred to Committee on GAME AND FISHERIES, June 9, 1999.

**No. 1624** By Representatives MAYERNIK, GEORGE, STABACK, WALKO, CORRIGAN, DERMODY, DeWEESE, GEIST, GIGLIOTTI, HARHAI, HORSEY, LAUGHLIN, LEDERER, ORIE, PESCI, RUFFING, J. TAYLOR, WOJNAROSKI and TRELLO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for person with disability plate and placard and for additional parking regulations; and making editorial changes.

Referred to Committee on TRANSPORTATION, June 9, 1999.

**No. 1625** By Representatives SCHULER, PISTELLA, JAMES, GEORGE, TIGUE, STERN, ORIE, COY, GODSHALL, NAILOR, SEYFERT, WOJNAROSKI, E. Z. TAYLOR, HESS, S. MILLER, KENNEY, FRANKEL, ARMSTRONG, CURRY, DeWEESE, COSTA, STURLA, SNYDER, TRELLO, HARHAI, SATHER, SAYLOR, SHANER, WILT and ZIMMERMAN

An Act providing for surveillance, research and services relating to the prevention of birth defects, for powers and duties of the Department of Health, for a statewide registry, for reporting requirements and for confidentiality of information; imposing penalties; and making an appropriation.

Referred to Committee on AGING AND YOUTH, June 9, 1999.

**No. 1626** By Representatives MELIO, JAMES, SOLOBAY, STERN, HARHAI, RAMOS, YOUNGBLOOD, CAWLEY, TANGRETTI, M. COHEN, STEELMAN, BELARDI and ROONEY

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for personal watercraft safety, for the successful completion of a personal watercraft education course and for other requirements for the operation of personal watercraft, for additional duties of the Pennsylvania Fish and Boat Commission and for enforcement and penalties.

Referred to Committee on GAME AND FISHERIES, June 9, 1999.

**No. 1627** By Representatives MELIO, GIGLIOTTI, JAMES, WOJNAROSKI, GEORGE, SOLOBAY, TIGUE, ORIE, HERMAN, SATHER, PETRARCA, CORRIGAN, SHANER, RAYMOND, STABACK, MICOZZIE, COSTA, SEYFERT, LAUGHLIN, SEMMEL, HARHAI, GEIST, RAMOS, YOUNGBLOOD, ARMSTRONG, McCALL, READSHAW, CAWLEY, YUDICHAK, SAYLOR, BEBKO-JONES, GRUCELA, LUCYK, HENNESSEY, TANGRETTI, M. COHEN, SERAFINI, VAN HORNE, CURRY, KAISER, BELARDI, KIRKLAND, THOMAS, COLAFELLA, DeLUCA, WILLIAMS, SURRA, MYERS and ROONEY

An Act amending the act of July 9, 1976 (P.L.919, No.170), entitled "An act providing for the approval or disapproval of applications for a permit relating to the construction or maintenance of improvements to real estate," further providing for fees for building permits.

Referred to Committee on LOCAL GOVERNMENT, June 9, 1999.

**No. 1628** By Representatives MELIO, WOJNAROSKI, JAMES, MANN, SOLOBAY, CORRIGAN, SHANER, J. TAYLOR, MYERS, COSTA, HARHAI, RAMOS, YOUNGBLOOD, FRANKEL, CAWLEY, HENNESSEY, TANGRETTI, M. COHEN, BELARDI, KIRKLAND, THOMAS, COLAFELLA, DeLUCA and ROONEY

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, providing for annual reports for profit corporations.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, June 9, 1999.

**No. 1629** By Representatives MICHLOVIC, BUXTON, WALKO, S. MILLER, CAPPABIANCA, LYNCH, FRANKEL, NAILOR, KAISER, WOJNAROSKI, STABACK, DeWEESE, SOLOBAY, HARHAI, TRAVAGLIO, GRUCELA, SAINATO, BEBKO-JONES, McCALL, LAUGHLIN, BELARDI, TIGUE, VAN HORNE, M. COHEN, ROONEY, SHANER, RAMOS, SERAFINI, WILT, McILHINNEY, CASORIO, COSTA, BAKER, DONATUCCI, DeLUCA, SEYFERT, TANGRETTI, J. TAYLOR and STEELMAN

An Act providing for pet sterilization; establishing the Pet Population Control Fund in the State Treasury; providing for a Spay/Neuter Companion Animals license plate; establishing the Pet Population Control Program; providing for financial incentives for pet sterilization; and providing penalties.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 9, 1999.

**No. 1630** By Representatives TANGRETTI, MICHLOVIC, GRUCELA, VEON, GEORGE, BATTISTO, TRAVAGLIO, YUDICHAK, LaGROTTA, CAPPABIANCA, BELFANTI, DeWEESE, LEDERER, COSTA, LAUGHLIN, KAISER, HALUSKA, SOLOBAY, SANTONI, MYERS, HARHAI, PISTELLA, ORIE, SHANER, TRICH, STABACK, VAN HORNE, MAYERNIK, KENNEY, JAMES, WRIGHT, ARMSTRONG, FREEMAN, JOSEPHS, DeLUCA, FARGO, HANNA, SCRIMENTI, LUCYK, TRELLO, GIGLIOTTI, CURRY, MELIO, TIGUE, SCHRODER, READSHAW, HESS, HERSHEY, McCALL, BELARDI and SCHULER

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for extension of benefits during active military duty.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 9, 1999.

**No. 1631** By Representatives BROWNE and MANN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the apportionment of business income for corporate net income tax purposes.

Referred to Committee on FINANCE, June 9, 1999.

**No. 1632** By Representatives CALTAGIRONE, GEORGE, BELARDI, FREEMAN, GANNON, HASAY, HORSEY, JAMES, LAUGHLIN, LEDERER, MANDERINO, MANN, MELIO, PLATTS, RAMOS, SURRA, WOJNAROSKI, COSTA, TRELLO, BASTIAN, CLARK, GEIST, GORDNER, KENNEY,

LaGROTTA, MUNDY, ROBERTS, SAINATO, SEMMEL, SERAFINI, STABACK, STETLER and ZUG

An Act providing for automated teller machine fee disclosure; and prescribing penalties.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, June 9, 1999.

## HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 207** By Representatives MICHLOVIC, SEMMEL, LUCYK, WALKO, LaGROTTA, MYERS, PETRONE, LEVDANSKY, SURRA, DeLUCA, GEORGE, TANGRETTI, McCALL, JAMES, MANDERINO, DALEY, BEBKO-JONES, TIGUE, ROONEY, JOSEPHS, WOJNAROSKI, HALUSKA, GRUCELA, SAMUELSON, HANNA, PISTELLA and DeWEESE

A Resolution memorializing the Congress of the United States to increase the Veterans Affairs medical care budget for fiscal year 2000 to \$20.3 billion.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 9, 1999.

## SENATE MESSAGE

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 984, PN 1801**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

## GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today the family of Representative Paul Costa. His mother, his wife, Kathy, and son, Dante, are in the gallery, while his daughter, Maria, and son, Michael, are serving as guest pages. Would the family please rise.

The Chair is also pleased to welcome to the hall of the House today guest pages from Representative Sheila Miller's district — Susan Schaab and Meredith Gettel. Susan is an honor student at the Conrad Weiser High School and Meredith is an 11th grade honor student at Tulpehocken High School. Would the guests please rise.

The Chair is also pleased to welcome to the hall of the House today, as the guests of Representative Orie, her niece, Casey Ann Melvin, and Ashley Pavlot. Casey is a sixth grade student at St. Sebastian School while Ashley is a sixth grade student at the Ingomar Middle School. Would the guests please rise. They are serving as guest pages.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for today's session for the gentleman from Dauphin, Mr. McNAUGHTON; the gentleman from Chester, Mr. ROSS. Without objection, the leaves will be granted. The Chair hears no objection.

The Chair recognizes the minority whip, who requests a leave of absence for the gentleman from Westmoreland, Mr. TANGRETTI, for today's session. Without objection, the leave will be granted. The Chair hears no objection.

**MASTER ROLL CALL**

The SPEAKER. The Chair is about to take today's master roll call. The members will proceed to vote. The Chair will hold the machine open for a short period of time.

The following roll call was recorded:

**PRESENT—200**

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	James	Preston	Veon
Colafigliola	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Daly	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rublely	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—3**

McNaughton	Ross	Tangretti
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**LEAVES ADDED—2**

Raymond	Roberts
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**LEAVES CANCELED—1**

McNaughton
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**CALENDAR**

**RESOLUTION**

Mr. HERSHEY called up **HR 192, PN 1839**, entitled:

A Resolution memorializing the President and Congress of the United States and the states to support and to approve legislation that would give states authority to place reasonable restrictions on the importation of unwanted municipal waste.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—199**

Adolph	Evans	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fargo	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	James	Preston	Veon
Colafigliola	Josephs	Ramos	Vitali

Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf			

NAYS-0

NOT VOTING-1

Marsico

EXCUSED-3

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

RESOLUTIONS PURSUANT TO RULE 35

Mr. O'BRIEN called up HR 195, PN 1903, entitled:

A Resolution declaring the month of June 1999 as "Hepatitis C Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio

Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	James	Preston	Veon
Colafella	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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Ms. BARD called up HR 196, PN 1904, entitled:

A Resolution designating June 23, 1999, as "Coast Guard Auxiliary Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra

Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Home
Cohen, M.	James	Preston	Veon
Colafella	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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Mr. SEMMEL called up **HR 200, PN 1908**, entitled:

A Resolution designating June 26 through July 4, 1999, as "Folklife Festival Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhatten	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern

Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Home
Cohen, M.	James	Preston	Veon
Colafella	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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Mr. BELFANTI called up **HR 204, PN 1912**, entitled:

A Resolution recognizing July 17, 1999, as "International Paintball Safety Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Evans	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fargo	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Bastian	Frankel	McGeehan	Smith, S. H.
Battisto	Freeman	McIlhatten	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay

Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horshey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	James	Preston	Veon
Colafella	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf			

NAYS-1

McGill

NOT VOTING-0

EXCUSED-3

McNaughton      Ross      Tangretti

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. TAYLOR called up HR 206, PN 1963, entitled:

A Resolution declaring September 12, 1999, as "Ascension Day" in Pennsylvania in honor of the 100th anniversary of the Ascension of Our Lord Parish in Philadelphia.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Feagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Carn	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horshey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	James	Preston	Veon
Colafella	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

NAYS-0

NOT VOTING-0

EXCUSED-3

McNaughton      Ross      Tangretti

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1099, PN 1763, entitled:



An Act directing the Department of Aging and the Department of Public Welfare to develop a study and to submit a proposed course of action to address the issue of waiting lists for persons in need of home and community-based long-term care services.

On the question,

Will the House agree to the bill on third consideration?

Mr. DeLUCA offered the following amendment No. A2452:

Amend Title, page 1, line 7, by removing the period after "services" and inserting

; requiring nursing homes to submit information annually to the Department of Health; requiring the Department of Health to place certain information on the Internet; and providing for certain duties of the Department of Health and the Department of Aging.

Amend Sec. 1, page 2, line 16, by inserting after "List" and Nursing Home Consumer Internet Information Access

Amend Sec. 2, page 2, by inserting between lines 20 and 21

"Consumer Information Internet Guide." The Nursing Home Consumer Information Internet Guide required to be published under the provisions of this act.

Amend Sec. 2, page 2, by inserting between lines 25 and 26

"Elderly persons." Those persons residing within this Commonwealth who are 60 years of age or older.

"Nursing home." A facility that provides either skilled or intermediate nursing care or both levels of such care to two or more elderly persons, who are unrelated to the licensee, for a period exceeding 24 hours. Intermediate care facilities exclusively for the mentally retarded, commonly called ICF/MR shall not be considered nursing homes for the purpose of this act.

Amend Bill, page 5, by inserting between lines 13 and 14 Section 7. Nursing Home Consumer Information Report.

In addition to the information required by the Department of Health on a form provided by the Department of Health pursuant to the provisions of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, and regulations promulgated pursuant thereto, each nursing home shall provide to the Department of Health no later than 90 days after the close of each calendar year the following information on the above-referenced form:

(1) Nursing hours worked per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.

(2) Average length of service of professional nursing staff and the average length of service of nurse aide personnel at the nursing home completing the form.

(3) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.

(4) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.

(5) Whether a resident council exists and meets on a regular basis.

Section 8. Nursing home consumer information.

(a) Guide.—

(1) The Department of Aging shall produce, in a timely manner, a nursing home information site on the Internet. It shall include:

(i) The items listed in section 7.

(ii) Information obtained from the annual Long-Term Care Facilities Questionnaires submitted to the Department of Health.

(iii) Information obtained from the Health Care Financing Administration Ownership Disclosure Form.

(iv) A comparative list of nursing homes developed in the manner provided in subsection (b).

(v) The Nursing Home Consumer Inquiry Telephone Hotline telephone number required under subsection (c).

(2) If errors are found in the Consumer Information Internet Guide, all facilities shall be sent a correction sheet within 30 days of the Department of Aging's receipt of notification of the error. For the purposes of this section, an error shall be defined as information incorrectly transcribed from the forms provided to the Department of Health to the consumer guide.

(3) The Department of Aging will send final proofs to the nursing home of its data profile that will be published in the consumer guide prior to publication. The nursing home will have five days to notify the Department of Aging of any errors to be corrected. If the Department of Aging receives no notification of errors, the data profile will be considered accurate and will be published.

(b) Comparative list.—The comparative list of nursing homes shall be developed and included in the Consumer Information Internet Guide by the Department of Aging. It shall include the following information:

(1) Name of facility.

(2) Facility address and telephone number.

(3) Bed capacity.

(4) Owner of facility and managing company, if applicable.

(5) Type of sponsorship, including, but not limited to, governmental, nonprofit and for-profit or religious affiliation, if applicable.

(6) Payment sources accepted, including, but not limited to, Medicare, Medicaid, Veterans' Administration, long-term care insurance and private pay.

(7) Current license, deficiency and certification status as determined by the Department of Health; whether, within the previous five years, the facility has been subject to a provisional license, a ban on admissions, penalties imposed in connection with the licensure or certification process, a license revocation or appointment of a temporary manager to operate the facility or Medicare or Medicaid decertification and the corresponding dates.

(8) Nursing hours per patient per day and nursing hours required by the Department of Health per patient per day. Actual hours worked per patient per day are for the most recently concluded fiscal or calendar year.

(9) Average length of service at the nursing home of professional nursing staff and the average length of service of nurse aide staff.

(10) Average length of licensure and/or certification of professional nursing staff and the average length of licensure and/or certification of nurse aide personnel.

(11) Nursing hours per patient per day of temporary agency professional nursing staff and nurse aide personnel.

(12) A listing of existence and availability of specific therapy services, including, but not limited to, physical therapy, occupational therapy, speech therapy and respiratory therapy.

(13) Whether a resident council exists and meets on a regular basis.

(14) Name and telephone number of a local ombudsman.

(15) Costs per day, month and year.

(16) Visiting hours.

(17) If there are telephones available for private conversations.

(18) If there is a registered dietitian.

(19) If there is a written emergency evacuation plan.

(20) The nearest hospital and the distance in miles from the nursing home.

(21) If there are isolation rooms for patients with contagious illnesses.

(22) If there is an Alzheimer/Parkinson disease program.

(23) Whether there are qualified physical therapists onsite.

(24) Whether there is a written description of patients rights and responsibilities.

(25) Whether there are written policies on "do not resuscitate orders," physical restraints and chemical sedation.

(26) What medical services are available onsite, including dentists, podiatrists, pharmacists, ophthalmologists.

(27) The current resident profile, including average age, race and sex.

(28) Information on how to contact the local area agency on aging, including the services available to persons over 60 years of age through the local area agency on aging.

(29) Information on community resources that can assist in the selection of a long-term care facility, such as trade associations or consumer advocacy groups.

(c) Nursing Home Consumer Inquiry Telephone Hotline.—The Department of Aging shall establish a Statewide telephone number to serve as the Nursing Home Consumer Inquiry Telephone Hotline. This number shall be a toll-free number. The purpose of this telephone number is to respond to calls regarding the current licensure, deficiency and certification status of nursing homes. All data provided by the hotline shall be updated each week using information provided by the Department of Health in a timely fashion. This telephone number shall be prominently displayed in the annual Consumer Information Internet Guide.

(d) Disclosure.—The State Long-Term Care Ombudsman in the Department of Aging shall mail at least the address of the Consumer Information Internet Guide to the local long-term care ombudsman of each area agency on aging, to each nursing home and to the Pennsylvania Council on Aging annually.

(e) Availability.—Each nursing home shall post next to its Department of Health license an exact copy of its listing as found in the Consumer Information Internet Guide. A nursing home shall provide to each prospective resident and family member of such prospective resident who visits the facility, or any member of the public upon request, during normal business or visiting hours, Sunday through Saturday, an exact copy of its listing as set forth in the Consumer Information Internet Guide.

(f) Inspections.—The Department of Health shall verify the availability of the listing during annual licensing surveys. The Department of Health shall monitor compliance with the requirements of this act for regular filing of the Long-Term Care Facilities Questionnaire with the Department of Health.

(g) Update.—The Department of Health shall issue modifications to the Long-Term Care Facilities Questionnaire resulting from changes in the reimbursement system for nursing homes. Such modifications shall provide the same information in an updated format.

(h) Regulations.—The Department of Aging shall promulgate regulations setting forth proposed additions, changes, or both, if the department does any of the following:

(1) Expands the scope of the consumer guide beyond those topics expressly set forth in subsection (a).

(2) Expands the scope of the comparative list beyond those topics expressly set forth in subsection (b).

(3) Expands the scope of any topic expressly set forth in subsection (a) or (b).

#### Section 9. Complaints.

Complaints of noncompliance with this act shall be filed with the Department of Aging. A complainant shall include a local ombudsman, a nursing home employee, a nursing home resident, a prospective nursing home resident, or any person representing the interests of a nursing home resident or prospective nursing home resident.

#### Section 10. Additional consumer information.

Each nursing home shall provide to each prospective resident or representative thereof at the time of initial inquiry, a companion consumer guide which describes how to select a nursing home. This information can be either a publication of the Department of Aging, a camera-ready copy of a publication provided by the Department of Aging or a comparable

publication that will inform the consumer on how to choose a nursing home.

#### Section 11. Penalties.

The Department of Aging shall have the authority to assess a \$1,000 civil penalty for each violation of this act. Any person aggrieved by an adjudication by the Department of Aging shall have the right to appeal pursuant to 42 Pa.C.S. (relating to judiciary and judicial procedure).

#### Section 12. Repeals.

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

Amend Sec. 7, page 5, line 14, by striking out "7" and inserting

13

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. DeLuca.

The gentleman, Mr. Trello, is standing in for the gentleman, Mr. DeLuca, for a moment on the amendment.

Mr. TRELLO. Thank you, Mr. Speaker.

This amendment requires nursing homes to submit information annually to the Department of Health, requiring the Department of Health to place certain information on the Internet, and providing for certain duties of the Department of Health.

I think this is a very important amendment, and I would appreciate your vote. Thank you.

The SPEAKER. The gentleman, Mr. Schuler.

Mr. SCHULER. Mr. Speaker, could we be at ease for a moment?

The SPEAKER. For a moment.

The House will stand at ease.

#### AMENDMENT WITHDRAWN

The SPEAKER. Does the gentleman, Mr. Trello, desire recognition?

Mr. TRELLO. Mr. Speaker, I was looking at the wrong amendment. This amendment has been withdrawn. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendment No. A2472:

Amend Sec. 5, page 5, lines 2 and 3, by striking out "ENSURE THAT PUBLIC INPUT IS OBTAINED" and inserting

conduct at least three public input hearings to include one each in the eastern, central and western regions of the State and obtain public comment

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I rise at this time to offer amendment 779 to HB 1099.

The purpose of the amendment is that I feel it is important that the Departments of Aging and Welfare develop a report and propose—

The SPEAKER. Will the gentleman yield.

The amendment that we have on the board is amendment A2472, which I believe is different than the one you are referring to.

Mr. GEORGE. My apology, Mr. Speaker; it is 2472.

By the same token, it does not in any way change the demeanor or the purpose of this very important amendment, Mr. Speaker.

I believe because there are so many of our constituents that are on waiting lists and the families are beside themselves trying to attend for their parents and such, that the departments put together a program, and they can only put the program together, Mr. Speaker, by ascertaining public hearings where people can go forth and tell these departments what the needs are.

Mr. Speaker, I urge that we adopt this amendment.

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

Mr. SCHULER. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I would ask for your support.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steiil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Oliver	Taylor, J.
Cappabianca	Harhart	Orie	Thomas
Cam	Hasay	Perzel	Tigue
Casorio	Hennessey	Pesci	Travaglio
Cawley	Herman	Petrarca	Trello
Chadwick	Hershey	Petrone	Trich
Civera	Hess	Phillips	True
Clark	Horsey	Pippy	Tulli
Clymer	Hutchinson	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Home
Cohen, M.	James	Preston	Veon
Colafella	Josephs	Ramos	Vitali
Comell	Kaiser	Raymond	Walko
Cornigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski

Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maier	Sather	Ryan, Speaker
Eachus	Maitland	Saylor	
Egolf	Major		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

On the question of final passage. Mr. Pistella.  
Mr. PISTELLA. Thank you, Mr. Speaker.  
Mr. Speaker, I would just want to say that this issue has been brought to the attention of the Aging and Youth Committee. I want to thank Representative Schuler for the efforts that he and his staff have undertaken to make sure that this piece of legislation is moved through the process. I certainly think that we have identified problems that exist in the delivery of key services to our constituents. I think that Representative Schuler and I have tried very hard to see to it that when those issues are identified, we try to move as quickly and as promptly as we can in a bipartisan fashion to try to resolve them.

I would appreciate the support of all the members, and we look forward to reporting back the results of our efforts in the future on this issue and other issues that would come before us.

I would encourage an affirmative vote on the part of the members, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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.

The following roll call was recorded:

YEAS—200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel

Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	Melio	Staback
Belfanti	George	Metcalfe	Stairs
Benninghoff	Gigliotti	Michlovic	Steelman
Birmelin	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyce	Grucela	Mundy	Stevenson
Browne	Gruitza	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Burkowitz	Haluska	Nickol	Surra
Buxton	Hanna	O'Brien	Taylor, E. Z.
Bishop	Harhai	Oliver	Taylor, J.
Caltagirone	Harhart	Orie	Thomas
Cappabianca	Harhart	Perzel	Tigue
Carn	Hasay	Pesci	Travaglio
Casorio	Hennessey	Petrarca	Trelo
Cawley	Herman	Petrone	Trich
Chadwick	Hershey	Phillips	True
Civera	Hess	Pippy	Tulli
Clark	Horsy	Pistella	Vance
Clymer	Hutchinson	Platts	Van Horne
Cohen, L. I.	Jadlowiec	Preston	Veon
Cohen, M.	James	Ramos	Vitali
Colafella	Josephs	Raymond	Walko
Cornell	Kaiser	Readshaw	Washington
Corrigan	Keller	Reinard	Waters
Costa	Kenney	Rieger	Williams
Coy	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wogan
Dailey	LaGrotta	Roebuck	Wojnaroski
Daley	Laughlin	Rohrer	Wright
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Rublely	Youngblood
Dempsey	Leh	Ruffing	Yudichak
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Samuelson	Zug
DiGirolamo	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Druce	Maher	Saylor	Ryan, Speaker
Eachus	Maitland		
Egolf	Major		

NAYS-0

NOT VOTING-0

EXCUSED-3

McNaughton      Ross      Tangretti

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 House proceeded to third consideration of **SB 365, PN 1115**, entitled:

An Act providing for the Northeast Interstate Dairy Compact and for its implementation.

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

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Semmel, and the gentleman, Mr. Cappabianca, have withdrawn their amendments. Is that accurate?

Mr. Cappabianca.

Mr. CAPPABIANCA. A brief comment.

The SPEAKER. The gentleman is in order.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

You are absolutely correct. Never let it be said that bipartisan cooperation does not exist in the House, and I want to compliment the chairman, Ray Bunt, for his fine leadership.

It is our purpose to tell the House the importance of SB 365 is most important to the dairy and agriculture communities of Pennsylvania.

We would ask for quick and expedient confirmation of this piece of legislation, and also tell the other House, the Senate, that we would ask for immediate consideration and passage of SB 365. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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?

On final passage, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, as chairman of the Agriculture and Rural Affairs Committee, I want the members to know that since December 17 of last year, nearly 6 months ago — the day the New York legislature voted to include New York in the Northeast Interstate Dairy Compact and thus, because of the contiguous State provision, made Pennsylvania eligible to join — since that day, this has been the single most important issue to members of the agricultural community of Pennsylvania.

As a matter of fact, Mr. Speaker, in my 5 years as chairman of the Ag Committee and now 17 years as a member of this body, I know of no other issue that has so dominated agricultural discussions. Beginning literally the first day that New York took action, my staff and I have had hundreds, perhaps thousands, of phone calls and letters and meetings and conversations and discussions on this matter.

And I must also say that I, as chairman, and many other members of my committee and of the House as a whole have had from that time to this day serious misgivings, Mr. Speaker, and reservations about Pennsylvania joining in the compact. These reservations were raised as early as a meeting with the representative of a major dairy co-op in my office on January 7. Then on January 20, when I met with the board of directors of the Pennsylvania Farm Bureau, I cautioned them that this was not the no-brainer which they wanted us to believe that it was.

This dialogue has continued over the recent months. Without going into great detail at this time but for the information of the members, I had concerns about the general concept of government's intrusion into the marketplace of an industry which was experiencing at that point record-high prices as a result of the free market.

I had concerns about aligning ourselves with States whose dairy industries have very little in common with ours and are negligible in size when compared to ours, which is the fourth largest dairy producing State in the nation.

I had concerns about how the compact is governed; that we only have one vote, the same as States with fewer dairy farms than nearly all of our individual counties have.

I had concerns about the fact that a premium price would encourage overproduction, thus destroying the delicate supply-demand balance that was providing at that time record-high prices.

But my overriding fear, Mr. Speaker, and one that still bothers me tremendously to this very day, is that the compact simply will not do what the supporters hope it will do for small and midsized dairy farmers of this State. I fear that even though this move will most certainly provide short-term relief from wide swings in prices, over time it will put the smaller producers at a further competitive disadvantage to the lower cost, and by and large, larger producer. In the long run, I fear that this will in fact hasten the demise of the smaller producers that we are trying to protect and thus lead to further consolidation of the industry.

All of these issues and other related concerns were raised with all the representatives of the various farm organizations, the dairy co-ops, and other related dairy groups, and I must say that I believe they gave it serious thought. Nevertheless, their prompt response was that although there may be risks involved, they still believe that we needed to get on board the compact train.

Mr. Speaker, even though I am personally still unsure of the merits of this legislation and I will stand here before you today and tell you that I hope I am wrong, but with the interests of our all-important dairy farmers and dairy industry in mind — this General Assembly has always supported the 10,000 dairy farmers in Pennsylvania with that which they want and that which they feel they need — and with the belief that they ultimately have the most informed opinion as to what is in their best interests, I am going to lend my support to SB 365 and urge my colleagues to do likewise.

Before this bill is voted, however, I would like to comment on one specific provision which has received considerable attention in recent days. The only change of any consequence which was made to this bill since we received it from the Senate was to the makeup of our delegation to the commission which governs the pact. In an amendment that was cosponsored by myself and my friend, Representative Cappabianca, the Democratic chair of the committee, we provided for the Pennsylvania delegation to consist of the chair of the Pennsylvania Milk Marketing Board and the majority and minority chairs of the House and the Senate Agriculture Committees. We are elected directly by the people and have the best interests of the industry in mind. This amendment was passed unanimously by the committee, and this is the way the bill appears before you today.

I sincerely believe that this combination provides the best possible representation for our dairy farmers and for the dairy industry as a whole, and I ask my colleagues in this body to join me in urging the Senate to concur in this amendment.

Thank you, Mr. Speaker, and once again, I would ask the members for their support for SB 365.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Susquehanna, Miss Major.

Miss MAJOR. Thank you, Mr. Speaker.

I rise today in support of SB 365, the legislation that will enable Pennsylvania to participate in the Northeast Dairy Compact.

As a prime sponsor of the House version of this measure both last session and in this session, I have for some time recognized the importance of Pennsylvania's involvement in this compact for dairy farmers both in my district and throughout this Commonwealth. Very simply, this move will help stabilize the price dairy farmers receive for their product and do so with minimal cost to consumers.

The compact has worked successfully for the last 2 years in six New England States and I believe will be even more successful with the expansion to include the entire mid-Atlantic region. Our dairy farmers deserve the opportunity to compete on a level playing field with farmers from other States in this region and, more importantly, with producers from other States in our country.

I urge at this time unanimous support by this body, and I remain steadfast in my belief that this will produce the best representation for all dairy farmers in this Commonwealth in all aspects of the dairy industry, including consumers of this product.

Thank you, Mr. Speaker, and I once again ask for unanimous support of SB 365.

The SPEAKER. The Chair thanks the lady.

The gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, this is an important piece of legislation. This is a piece of legislation that this House has not received easily. It has required work. And at the outset, I want to commend the two chairs of the committee, in particular Representative Bunt and Representative Cappabianca. But I know that and I hope that the members of the House were listening probably better than now to Representative Bunt as he made his remarks, because I think they were on point. I think they were on target.

The SPEAKER. The gentleman will yield.

Conferences on the floor, please. If you must confer, move to one of the outer rooms.

Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

As I said, I think the chairman of the Agriculture Committee has analyzed the situation well, and his leadership, I think, has led to what will be the passage of the legislation today. But as we pass this legislation, I think we need to reflect how we got here, and I think every Representative who has been involved in the legislation has followed it and is, I think, following his or her constituency the best that he or she can.

But one of the things that has caused consternation about this issue to many of us who consider ourselves close to the agriculture community is that the agriculture community did not speak with one voice on this issue. They did not speak, as my leader might say at one time or another, solo voce; they did not speak with one voice. They spoke rather with a couple different voices. They came from a couple different backgrounds on this bill, which caused the legislature to have to sort out what they think is best.

So we have sorted it out. I am convinced the legislation will pass. It is going to pass today, I am convinced, because most of us have sorted out the varied forces in the agriculture community to the point that most of us, I think, think that the "yes" vote is the way to go. But I will tell you that after the bill passes and after the compact is formed, after we join it, I think the jury is out as to who benefits. Whether the small family farm, which we always embrace

as good for Pennsylvania, good for America, the heartland, the heart and soul, whether they and those types of people will actually benefit in the end, I think the jury is out on for some time; how this is going to affect large dairy compacts, I think the jury is out on for some time; and finally, but certainly not the least, how it will affect the consumer who has to buy milk on a regular basis. So the jury is out.

One area that I do commend the chair of the committee for being steadfast about is the legislative membership on the pact, on the panel. Having legislative members, I think, is going to bring a leveling force to what otherwise might not be as well thought out, and I know that there were people in this building who would have preferred that that membership change on that board, but I think we are doing the right thing. But I will tell you that we have got to wait and we have got to see what actually happens to the stability of the small family farm and where they end up on this issue and what your consumers end up paying for the price of milk in the end. That will be the true test in a year or two after this thing works its way through as to who actually gets helped.

While the legislation is good and while there has been a lot of good work, my conclusion is that even after today and tomorrow and next week and next month, the jury will remain out as to the best public policy and whether we arrived at it in the course of the passage of this bill. I am voting "yes," Mr. Speaker, and I suspect most of us are, but I think the conclusions are going to have to be waited upon for the days and months ahead. Thank you, Mr. Speaker.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to join the prior speakers in offering cautious support for this legislation. What I especially support about this legislation are the amendments put in in committee on pages 29 and 30 of this legislation, which give legislative representation to the compact, which minimize the impact financially for schools, and the Federal supplemental food program for women, infants, and children. I commend the Agriculture Committee for realizing that the interests of consumers and farmers may not always be the same and ensuring that there be some recognition of consumer interests.

I am glad to see that there is general bipartisan agreement, that there are risks involved in this approach. I am glad to see that there are provisions for monitoring, and I would hope that all the members of the House and other committees of the House would join the Agriculture Committee in following this and making sure that the interests of consumers are protected and that this works. We have 3 years under the language of this law to monitor this, and I would hope we would take advantage of that.

I join in cautiously supporting it, and I think my concerns and the concerns of other urban members have been well articulated and well taken into consideration by the Agriculture Committee, and I am very appreciative of that fact.

The SPEAKER. The gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I would ask at this time if I could inquire of the spokesman for this bill, Representative Bunt, if I could interrogate him with a few questions.

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

Mr. STAIRS. Thank you, Mr. Speaker.

Mr. Speaker, I have a feeling that the school milk prices may increase, and I say "may" increase, but let us assume for the sake of the question that they will increase. There is a rebate program in the bill that would allow for the schools to be repaid, although my question is, sometimes a rebate, after you spend the money, are there going to be any problems getting the rebate, is there going to be a great delay in getting a rebate, how clear is the rebate going to be, and I guess my question is, how is this going to impact the school milk program, which I think is just so very important to our school students?

Mr. BUNT. That is a good question, Mr. Speaker. I am happy you asked it so that for purposes of legislative intent we could have it reflected. The present program that is in effect is working, and we do not expect any move from that direction.

In addition, Representative Cappabianca and I had an amendment that would hold the WIC (women, infants, and children) program and the schools, it would hold harmless those two particular issues by the current compact policy. There is no reason to expect any change. Now, any additional costs to the WIC and the school lunch program are reimbursed by the compact as well.

Mr. STAIRS. Mr. Speaker, if I may, I would like to speak on the bill.

The SPEAKER. On the bill.

Mr. STAIRS. Thank you, Mr. Speaker.

I appreciate Representative Bunt's comments, and I would like to join others who have stood before this group today and supported this legislation.

You know, there is definitely going to be a win-win for the farming community, particularly the dairy farmers of Pennsylvania who over the years have seen their incomes bounce like a yo-yo, and so bring some stabilization to the dairy industry, which I think will be healthy for Pennsylvania. Also, I think the consumers will benefit, too. Some doubts were expressed, can we have both sides win on this, and it is my hope that by providing a steady flow of healthy, wholesome dairy products, we are going to bring stability to the marketplace, and there might be a few little bumps in the increase in prices, but they will be much more oversaid than overcome by the predictability and consumer protection and consumer security that they are going to have a wholesome and a reasonably fair priced product. So I think in the long run it is going to benefit not only the dairy farmers but the agricultural community, rural Pennsylvania, and also the consumers of Pennsylvania.

And I might add that the statement was mentioned earlier that the jury is still out whether this is going to be beneficial or not, and I might add that this does have sunset provisions in it, and if indeed it does not work out, which I think will be unlikely, but certainly the sunset provisions will allow us to come back and address this again, and if there are problems, which I hope there will not be, they can be addressed and taken care of. So I think we can all rest assured that this is going to be good legislation, that we are doing the right thing today, and I would hope that all of our colleagues would be wholeheartedly supporting this very vital legislation to the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. The Chair at this time will take a break from the calendar to welcome to the hall of the House, as the guests of Representative David Steil, students from the Sol Feinstone Elementary School, who are seated in the balcony. Would they just please wave so we know where— There we are, the big group. Welcome to Harrisburg.

### CONSIDERATION OF SB 365 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Somerset, Dr. Bastian.

Conferences on the floor, please.

Mr. BASTIAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak against this bill this morning. I realize the political significance of a "no" vote, because my dairy farmers are probably about 65 percent for it and 35 percent against it. However, the economic vote is much more important, and let me explain what I mean by that.

Probably there are only about a half a dozen people in this chamber this morning that really have a close affiliation with the dairy business. I made my living for 35 years from the Somerset County dairy farmer.

The SPEAKER. The gentleman will yield.

Conferences on the floor, please.

Mr. BASTIAN. I made my living for 35 years from the Somerset County dairy farmer, and I made a good living, but I also provided a good service, and I think I have got to know them better than most people. I can spend 5 minutes with any dairy farmer in Somerset County and convince 95 percent of them that this is bad legislation. Why should we subsidize something we already have too much of? Right now, according to almost every prediction, the Hoard's Dairyman — it is kind of a dairyman's bible, and if you have ever been involved with dairy farming, you understand what the Hoard's Dairyman says — and every issue of the Hoard's Dairyman and the newspaper, the Dairy Digest, explain that we have too much milk. Maybe not in Pennsylvania today, but nationwide we probably have 3 percent too much milk. This legislation is going to make farmers produce to the price of an overorder price. This is the subsidy price.

I want to go back just for a moment and explain to you some history of the pricing of milk in this country. We can go back to the Carter days, and they were good days for farmers, because Jimmy Carter promised that he would pay the dairy farmer 80 percent of parity in the late seventies, and they produced enough milk to fill every storage building and every cave in this country with a product called cheese and butter and dry powdered milk, because milk is a product if you do not sell it, you smell it; if you do not drink it, you have got to manufacture it into other products, and by 1980, this country, the United States Government, was purchasing 10 percent of all milk produced. This kind of legislation is going to do several things. It is either going to cause an overproduction and lowered supplies, or we are going to have to start buying the surplus to keep the prices in control.

The compact says that they are going to help farmers meet production costs. If you talk to a dairy farmer today, too many dairy farmers do not know what their production costs are. The good dairyman, the man that is producing milk profitably, is making milk for between \$12 and \$12.50 a hundred. But I dare tell

you that the compact price will not keep some of those dairymen in business, because their cost of production is a lot more than \$14. Supply and demand is what this business has to come back to. You can never legislate anything economically, because it always has to come back to supply and demand. We have got to let the marketplace be the predictor.

I am going to talk a moment about the price sensitivity of milk. How high can milk go when people will still purchase milk instead of Coke or some of the other products? Right now, milk is about \$2.45 a gallon. Right now, Coke is \$2.04 a gallon. How high can milk go before they are going to start buying more Coke and more Pepsi in the supermarket? There is a price sensitivity as to when people will stop buying milk, and I think all the experts agree on that.

The other two things that I do not like about the compact, it will call for a cap on production of 95,000 pounds per month, and that is about the average production of 50 good dairy cows. So this is not a free enterprise aspect of this legislation. When you put a cap on anything, that is anti-free enterprise; it is anti-Republicanism. The same thing with quotas. Supply management will come into effect if the production gets too much.

The compact says it will save small dairy farms. In essence, it will bring their demise much quicker. When you have an efficient dairy farmer producing milk at \$12 or \$12.50 and an inefficient dairy farmer producing milk at \$14, everything above \$12.50 is gravy for the efficient producer, and he will get bigger quicker.

The New England States would love to have New York join the compact. They passed the legislation, but it has never been considered by Congress at this point. They would love to move their border wars to Pennsylvania and New York or further south. Milk, like any other product, follows the money, and milk from New York State goes into Massachusetts and Vermont right now to get the higher compact price and then comes back out. Massachusetts and Vermont would love to have New York come in, because it moves their border wars further south and further west.

Right now in the Hoard's Dairyman, Kansas and Iowa are putting in full-page ads for dairy farmers to come west. They have got the feed, they have got the land, they have got the water, and they have got a good climate, and they are urging people to come out there and build those \$5,000 and \$10,000 cow herds. Every business is consolidating. Dairy farming is doing the same thing. Technology pushes dairy farming today.

New York joined the compact in December of 1998. They have not yet been considered by Congress if they are going to be accepted into the dairy compact. I have heard a lot of people say, what happens if Pennsylvania becomes an island; we do not join and everybody else does join? We still have the Pennsylvania Milk Marketing Board to cover that in-State production, where all the other milk that goes out of State would be covered by the compact. Now, that is not totally 100-percent true, but it is pretty close.

I think the biggest issue right now for dairy farmers is what is going to happen to the Federal order system that is supposed to be addressed by Congress on October 1. Here is a small article that came out of Farmshine, which is a dairy newspaper or an agriculture newspaper in Pennsylvania, and this was in the April 10 issue of Farmshine, and this compares to OPEC (Organization of Petroleum Exporting Countries): "Gasoline prices were recently the lowest in many years. So what did the OPEC...do? Did they go



out and start frantically drilling more wells? Or did they go crying to the government for help? No. They cut back on production! And gas prices are rising!!” Maybe the dairy industry has to take a lesson from OPEC on supply and demand.

I made a phone call – to finish up – I made a phone call last night to a gentleman in the New England States, in the State of Massachusetts, that I met about 4 or 5 months ago. I was in Amherst to visit a daughter in February. I walked in a bar up there, and this man just happened to be on the five-member commission for the State of Massachusetts, and I have talked to him several times since then. And I asked him several questions last night when I talked to him: “How’s it going in New England?” And the first comment he made is that they are thinking about supply management right now in Massachusetts. That is not free enterprise. And I said, “What about dairy farms; are you still losing dairy farms?” and he said, “Yeah, we’re still losing dairy farms.” Since I have been in practice in Somerset County, we used to have a thousand dairy farms; now we have about 300. You will continue to lose dairy farms every day for a lot of different reasons, and they are not always because of the price of milk.

And his comment was interesting, too, that he said he does not really think at this point that Congress is going to extend this compact beyond October 1. That is his feeling, personal feeling. There are a lot of different people who have a lot of different agendas in this legislation. The producer obviously wants to make more money. The processor is the one who has to pay the bill. It is not government tax money going to pay these higher prices to the producer; the processor has to pay that money, and it in turn goes straight to the consumer, and that is nothing more than a milk tax. The co-ops, the independents, Congress, everybody has a little different agenda, and I think there are too many questions, more than there are good answers.

This industry is going to continue to consolidate. The American farmer told Congress in 1996 they wanted less government in agriculture, and that is what they did. Now they are back; Pennsylvania is back or the New England States are back saying, we want more.

When I was in veterinary school there was an old adage that was pounded into me a lot of times when I was a senior, and it said to me, do no harm. If you cannot look at a sick cow and do any good, do no harm. And you can transfer this to legislation. I do not think we are doing a whole lot of good, but I think we are doing harm by this legislation. Join me in voting against the dairy compact. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Tioga, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support SB 365. This is legislation that was proposed by my Senator in the Senate, and this is an issue very, very important not only to my legislative district in the northern tier of Pennsylvania but to most of the dairy farmers and producers in the Commonwealth of Pennsylvania. This is their number one issue in the Commonwealth, and there has been a lot of meetings, a lot of time expended to address and to bring this bill to the forefront and to hopefully get this passed in good numbers today and sent back to the Senate for concurrence.

Mr. Speaker, I appreciate my esteemed colleague’s comments previously spoken, but I would like to clarify at least one issue, and that is, the Milk Marketing Board does not regulate or impact all milk prices in Pennsylvania. In fact, it has no impact on the

northern tier’s milk prices. So we cannot say that there is uniformity in the application of prices statewide. This is an issue that virtually has unanimity of support in my district and in the northern tier of Pennsylvania. I have not heard from one dairy-producing farmer that opposes this legislation. In fact, they all support it, and they support it very strongly.

Again, I believe that this supports the family farm, the dairy farmer. All our local dairy farmers in my district support it. The co-ops support it. The Farm Bureau supports it, the State Grange; now the Governor supports it, and I think this is a very positive move, especially at a time when the prices, the bottom has dropped out, dairy farmers are struggling, and they need some hope. There is no other plan, there is no other proposal, that gives them hope for stability in their milk prices, and this in fact does, and we hope that that hope will translate into reality.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester County, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I wish to make some remarks in support of SB 365.

This year is the 40th year that my wife and I were in the dairy business. The milk pricing has always gone up and down with the seasons, with the production, but in the last 5 years it has made tremendous gyrations up and down. In 1997 it got down to \$12 a hundredweight, which is a little bit below our cost of production. Then in California they had El Nino, floods, droughts; big dairies went out of business, and maybe the people here do not know, but the milk production in California affects our price here in Pennsylvania. It is much cheaper to produce milk in California than it is in Pennsylvania. So milk then was scarce, and milk on our farm went up to \$17.50 a hundredweight. We felt that was too high, and it was, and the dairymen in California now got back in business. Milk on March 1 went from \$17 to \$12.50, and this past month my son said his milk check was \$11.50, which is below the cost of production. Now, the key is if the board does not set the floor too high. We suggest \$13.50, and see what happens.

We need some stability in milk prices. We cannot ask our dairymen to move west where it is cheaper to produce milk. They want to farm here in Pennsylvania where we have great soils, we have good markets, but they want a little stability. I would like to see a 5-year sunset; the bill has 3. We are not going to create any harm in 3 years. You talk about people going out of business. A relative of mine went out of business when the times were good. That depends on how good a dairyman you are, and people can fail and start up anytime in a democracy.

Thank you for listening, and I encourage wholehearted support for SB 365.

The SPEAKER. The Chair recognizes the lady from Berks County, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

I also rise in support of this legislation and encourage my colleagues to vote favorably. Milk pricing is a very, very complex subject, and even some of us who have been familiar with it for a number of years still find it to be very complicated, and it seems to be changing every day with changes at the Federal level. And I would like to repeat what a colleague of mine previously stated, that Pennsylvania’s dairy industry is predominantly covered by Federal regulation and Federal orders when it comes to milk prices.



I am supporting this legislation because we have always encouraged farmers to do something to help themselves, to do something to pull themselves up by their bootstraps when things get tough, and recently with the swings that we have seen in dairy prices, things have been very tough for not only the smaller family farms but even for those that are growing at this point in time.

We cannot afford to have Pennsylvania be an island when all the surrounding States have joined into this Northeast Dairy Compact. We need it in order to stabilize the prices that our Pennsylvania farmers receive. Unfortunately, if we stay out of this program, there is nothing preventing those dairy farmers in Pennsylvania who are closer to the New York and New Jersey borders from shipping milk out of State and thereby taking benefit from the Northeast Dairy Compact. But where does that leave the dairy farmers of Pennsylvania who might not live close to the borders? We need to give our dairy farmers this tool in order for them to help themselves and to create a floor for their prices, one that they can count on and one that they can budget with.

So in closing, again, I do encourage all my colleagues to vote in support. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Lehigh, Mr. Semmel. Mr. SEMMEL. Thank you, Mr. Speaker.

Not to belabor, but I certainly want to echo my support for SB 365 since this compact will allow the Pennsylvania dairy farm community to have some of the progressive tools to compete equitably with the market situation without volatility, and the end product would be, there will be a reasonable and adequate future supply of milk or dairy products to the consumer.

I might end my comments with the fact that I withdrew my amendment to this particular bill with the assurance and hope that the Senate will not alter any of the thoughts that were contained in the original bill and voted in the Ag Committee. Thank you very much.

The SPEAKER. The gentleman, Mr. Armstrong, on final passage.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, I also sit on the Agriculture Committee, and this issue has been very perplexing for me, very trying, as I tried to determine in my own district how they felt about it. In fact, through the process what I learned is that Lancaster County in and of itself, if you take the full dairy production of Lancaster County, could equate to be the 11th largest producing State in the United States of dairy production. However, in discussing this issue with a number of farmers across Lancaster County, I only came across one farmer who expressed support and many that expressed opposition. I think that is telling in and of itself. And a lot of what was said to me was, through the years they have been moving toward this free market base, and some individuals are getting a little bit scared and schizophrenic about that kind of an environment. So they are looking to try to provide this kind of floor mechanism, which the bottom line is, it is price fixing. I mean, we can get into all kinds of cute cliches, but it is price fixing for a floor.

So I rise with, and hopefully I am wrong, but I believe that this is going to hurt our small farmers in the long run. Sure, it will provide a short-term fix for them for now, but in the long run I think it is going to really hurt them, and we are going to see more dairy farmers leave the industry. It was stated a little bit before that Massachusetts is losing dairy farms. I was told just about 3 months

ago that they lost eight, eight dairy farms since they have been in the dairy compact, small farms. Now, the larger farms are not going to lose; they are not going to go out of business; they know how to conduct their business with the economies of scale and what have, but if we are really going to try to make sure that we try to help that small farmer — and I know a lot of them across Pennsylvania, except for Lancaster County, are crying for this — but I think as policymakers we need to have a little bit more foresight and realize what this is going to do in the long term. And it will hurt; it will hurt drastically.

So that is why I am rising in opposition to this bill, and hopefully I am wrong. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lebanon County, Mr. Krebs.

Mr. KREBS. Thank you, Mr. Speaker.

I think that people should realize that the dairy industry has probably been the most interfered agricultural industry over the last 70 years.

The SPEAKER. The gentleman will yield.

Conferences on the floor, please break up.

Mr. Krebs.

Mr. KREBS. Over the last 70 years we have had many government programs involving the dairy industry, and the general purpose has always been to help save the small family dairy farm. During that period the vast majority of those small dairy farms, after they received government help, went out of business. We are again at that point where we are now looking at another government program to save the small dairy farm.

And I think what we have got to recognize is that there are certain economic realities — that small dairy farming is at a disadvantage relative to larger dairy farms, and if you are willing to put in a dairy compact which stabilizes the prices at a higher level than the market does, that you will actually be encouraging the large farmers to get larger, and that will put more pressure on the small farmers to go out of business. I realize we have a political problem that our dairy farmers are asking for help, but I think that they should be careful of what they ask for, because we probably in all reality will pass this bill today, but what we are really doing is we are probably encouraging the large farmers to get larger and forcing the small farmers out of business.

I think that what we really need to do is to allow the market to make the adjustments and tell dairy farmers that they have to make the difficult decisions to determine whether they will be profitable and will be in business in the long term, and I think that by sending this message of giving them a dairy compact saying that this will solve their economic problems, it will not. It will solve some of our political problems here in this House, but it will not solve the small dairy farmer's problem that his cost of production is too high.

I am asking members to vote against this today, because I believe in the long run it will be more harmful to the small dairy farmers than doing nothing. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Veon. The gentleman waives off.

#### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentleman,

Mr. McNaughton, and instructs the clerk to open Mr. McNaughton's machine.

**CONSIDERATION OF SB 365 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—183**

Adolph	Evans	Major	Schuler
Allen	Fairchild	Mann	Scrimenti
Argall	Fargo	Marsico	Semmel
Baker	Feece	Masland	Serafini
Bard	Fichter	McCall	Seyfert
Barley	Fleagle	McGeehan	Shaner
Barrar	Flick	McGill	Smith, B.
Battisto	Forcier	McIlhattan	Smith, S. H.
Bebko-Jones	Frankel	McIlhinney	Snyder
Belardi	Freeman	McNaughton	Solobay
Belfanti	Gannon	Melio	Staback
Benninghoff	Geist	Michlovic	Stairs
Birmelin	George	Micozzie	Steelman
Bishop	Gigliotti	Miller, R.	Steil
Blaum	Gladeck	Miller, S.	Stern
Browne	Godshall	Mundy	Stetler
Bunt	Gordner	Myers	Strittmatter
Butkovitz	Grucela	Nailor	Sturla
Buxton	Gruitza	Nickol	Surra
Caltagirone	Haluska	O'Brien	Taylor, E. Z.
Cappabianca	Hanna	Oliver	Taylor, J.
Carn	Harhai	Orie	Thomas
Casorio	Harhart	Perzel	Tigue
Cawley	Hasay	Pesci	Travaglio
Chadwick	Hennessey	Petrarca	Trello
Civera	Herman	Petrone	Trich
Clark	Hershey	Phillips	True
Clymer	Hess	Pippy	Tulli
Cohen, L. I.	Horsey	Pistella	Vance
Cohen, M.	Hutchinson	Platts	Van Horne
Colafella	Jadlowiec	Preston	Veon
Cornell	James	Ramos	Vitali
Corrigan	Josephs	Raymond	Walko
Costa	Keller	Reinard	Washington
Coy	Kenney	Rieger	Waters
Curry	Kirkland	Roberts	Williams
Dailey	LaGrotta	Robinson	Wilt
Daley	Laughlin	Roebuck	Wogan
Dally	Lawless	Rooney	Wright
DeLuca	Lederer	Rubley	Yewcic
Dempsey	Leh	Sainato	Yudichak
Dermody	Lescovitz	Samuelson	Zimmerman
DeWeese	Levdansky	Santoni	Zug
DiGrolamo	Lucyk	Sather	
Donatucci	Lynch	Saylor	Ryan,
Druce	Maitland	Schroder	Speaker
Eachus			

**NAYS—18**

Armstrong	Kaiser	Mayemik	Ruffing
Bastian	Krebs	Metcalfe	Stevenson
Boyes	Maher	Readshaw	Wojnaroski
Egolf	Manderino	Rohrer	Youngblood
Habay	Markosek		

**NOT VOTING—0**

**EXCUSED—2**

Ross                      Tangretti

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

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

**LEAVE OF ABSENCE**

The SPEAKER. The Chair turns to page 2 of today's calendar. The Chair first recognizes the minority whip under leaves of absence, who asks that the gentleman, Mr. ROBERTS, be placed on leave for the balance of today's session. Without objection, the leave will be granted. The Chair hears no objection.

**REPUBLICAN POLICY COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Cornell. For what purpose do you rise?

Mr. CORNELL. Mr. Speaker, I would like to make an announcement on a Republican Policy Committee meeting for today. Thank you.

The meeting that was originally scheduled for 11:30 has now been postponed until 1:30 in the majority caucus room.

The SPEAKER. The Chair thanks the gentleman.

Are there any other short announcements like that that members want to make?

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 848, PN 906**, entitled:

An Act amending the act of January 25, 1966 (1965 P.L.1546, No.541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," further providing for the amount of scholarship awards.

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

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

The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	McNaughton	Staback
Belfanti	George	Melio	Stairs
Benninghoff	Gigliotti	Metcalfe	Steelman
Birmelin	Gladeck	Michlovic	Steil
Bishop	Godshall	Micozzie	Stern
Blaum	Gordner	Miller, R.	Stetler
Boyes	Grucela	Miller, S.	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pippy	Vance
Cohen, L. I.	Jadlowiec	Pistella	Van Horne
Cohen, M.	James	Platts	Veon
Colafella	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corrigan	Keller	Raymond	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGiroiamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	
Eachus	Maitland	Saylor	
Egolf	Major		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

\*\*\*

The House proceeded to third consideration of **HB 1276, PN 1752**, entitled:

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, further providing for immunity from civil and criminal liability, for involuntary examinations and for involuntary emergency examinations and treatment authorized by a physician not to exceed 120 hours.

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

**BILL RECOMMENDED**

The **SPEAKER**. The Chair recognizes the majority leader.  
Mr. **PERZEL**. Mr. Speaker, I move that **HB 1276** be recommitted to the Committee on Appropriations.

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

\*\*\*

The House proceeded to third consideration of **HB 148, PN 136**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing county appropriations for the observance of Flag Day; and further providing for payments to historical societies.

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

Mr. **STETLER** offered the following amendment No. **A2195**:

Amend Title, page 1, line 5, by inserting after "initiatives," " further providing for the district attorney;

Amend Bill, page 1, lines 11 through 14, by striking out all of said lines and inserting

Section 1. Section 401(b) of the act of August 9, 1955 (P.L.323, No.130), known as *The County Code*, amended December 18, 1984 (P.L.1065, No.211), is amended and the section is amended by adding a subsection to read:

Section 401. Enumeration of Elected Officers.—\*\*\*

(b) All such officers, except for the district attorney, shall be elected at the municipal election next preceding the expiration of the terms of the officers now in office, and quadrennially thereafter, and shall hold their offices for a term of four years from the first Monday of January next after their election and until their successors shall be duly qualified, but in the event that any such officer so elected, excepting a county commissioner or auditor, shall fail to qualify, or if no successor shall be elected, then the chief deputy, first assistant, first deputy or principal deputy in office at the time the vacancy occurred shall assume the office until a successor has been appointed pursuant to section 409 or until the first Monday in January following the next municipal election, whichever period is shorter. In the case of a county commissioner or auditor, there shall be a vacancy which shall be filled as provided in this act.

\* \* \*

(e) The district attorney in each county shall be elected at the municipal election next preceding the expiration of the term of the officer in office and shall hold office for a term of six years from the first Monday of January next after being elected. The term of office thereafter will be for six years. In the event that any such officer so elected shall fail to qualify or if no successor shall be elected, then the first assistant district attorney or the assistant district attorney in office at the time the vacancy occurred shall assume the office until a successor has been appointed pursuant to section 409 or until the first Monday in January following the next municipal election, whichever period is shorter.

Section 2. Section 1401(g) of the act, amended November 23, 1994 (P.L.640, No.98), is amended to read:

Section 1401. District Attorney; Qualifications; Eligibility; Compensation.—\* \* \*

(g) (1) The commissioners of any county may by ordinance fix the services of the district attorney at full time. Such determination may be made at any time, provided that the determination shall not be made between the first day for the circulation of nominating petitions for the office of district attorney and January of the subsequent year. The president judge of the court of common pleas of the judicial district and the district attorney may make recommendations at any time to the county commissioners on the advisability of full-time service by the district attorney, but the same shall not be binding on them.

(2) When the determination by the county commissioners to require a full-time district attorney becomes effective and operative, he shall be compensated at one thousand dollars (\$1,000) lower than the compensation paid to a judge of the court of common pleas in the respective judicial district. It is the legislative intent that all provisions of this subsection requiring full-time service shall be unenforceable until such time as the accompanying salary provisions take effect.

(3) Once the determination for a full-time district attorney is made, it shall not thereafter be changed except by referendum of the electorate of the said county. Such referendum may be instituted by the county commissioners or on petition by five per cent of the electors voting for the office of Governor in the last gubernatorial general election. Such referendum may be held at any election preceding the year in which the district attorney shall be elected. Such district attorney shall devote full time to the office. The district attorney while in office, shall not derive any other income as a result of honorariums, profit shares or divisions of income from any firm with which the district attorney was associated prior to election. This limitation shall not be construed, however, to preclude payment of fees earned for legal work done prior to, but not concluded until after his election as district attorney. In addition the district attorney shall not engage in any private practice and must be completely disassociated with any firm with which the district attorney was affiliated prior to election, nor shall the district attorney-elect accept any civil or criminal cases after being elected to the office. Furthermore, the district attorney shall be subject to the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth in so far as such canons apply to salaries, full-time duties [and], conflicts of interest, and political activity inappropriate to his office.

(4) Any complaint by a citizen of the county that a full-time district attorney may be in violation of this section shall be made to the Disciplinary Board of the Supreme Court of Pennsylvania, for determination as to the merit of the complaint. If any substantive basis is found, the board shall proceed forthwith in the manner prescribed by the rules of the Supreme Court and make such recommendation for disciplinary action as it deems advisable, provided, however, that if the Supreme Court deems the violation so grave as to warrant removal from office, the prothonotary of the said court shall transmit its findings to the Speaker of the House of Representatives for such action as the House deems advisable under Article VI of the Constitution of the Commonwealth of Pennsylvania.

(5) Where no such determination to require a full-time district attorney is made, the district attorney shall be permitted to have an outside practice.

(6) Notwithstanding the provision of any other statute, the annual salaries of part-time district attorneys shall be as follows: In counties of the third or fourth class, the salary shall be sixty per cent of the annual salary payable to the judge of the court of common pleas of the judicial district of the county; in a county of the fifth or sixth class, the salary shall be fifty per cent of the annual salary payable to the judge of the court of common pleas of the judicial district of the county; and in a county of the seventh or eighth class, the salary shall be forty per cent of the annual salary payable to the judge of the court of common pleas of the judicial district of the county.

Section 3. The heading and subsection (a) of section 1921 of the act, amended October 4, 1978 (P.L.964, No.190), are amended to read:

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting  
4

Amend Sec. 3, page 3, line 4, by striking out all of said line and inserting

Section 5. This act shall take effect as follows:

(1) The amendment of sections 401(b) and 1401(g) of the act shall take effect immediately.

(2) This section shall take effect immediately.

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

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. Stetler, has just informed the Chair that this amendment is withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman, Mr. Carn, who has two amendments. The clerk will read the first. Do you have a preference as to which goes first, Mr. Carn?

Mr. CARN. No, Mr. Speaker.

The SPEAKER. The clerk will read one of the amendments.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. CARN offered the following amendment No. A2198:

Amend Title, page 1, line 7, by striking out "and"

Amend Title, page 1, line 8, by removing the period after "societies" and inserting

; and providing for a nonbinding referendum in the city of the first class on the matter of public funding for professional sports stadiums.

Amend Bill, page 1, lines 11 through 14, by striking out all of said lines and inserting

Section 1. The title of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended June 18, 1997 (P.L.179, No.18), is amended to read:

#### AN ACT

Relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; and providing for regional renaissance initiatives[.] and for a nonbinding referendum in the city of the first class.

Section 2. The heading and subsection (a) of section 1921 of the act, amended October 4, 1978 (P.L.964, No.190), are amended to read:

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

Section 3. The act is amended by adding an article to read:

**ARTICLE XXXI**

**PHILADELPHIA STADIUM REFERENDUM**

Section 3101. Short Title.—This article shall be known and may be cited as the Philadelphia Stadium Referendum.

Section 3102. Authorization.—The County Board of Election in the city of the first class shall cause to be printed on the official ballot, at the primary or general election occurring at least thirty days next following the effective date of this act, a nonbinding referendum to determine the will of the electorate in the city of the first class with respect to public funding of professional sports stadiums.

Section 3103. Form of Question.—The referendum question shall be in substantially the following form:

Do you favor the use of State, county or municipal funding in the financing of new sports stadiums in the City of Philadelphia?

Section 3104. Conduct of Election.—The referendum required under this article shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L., 1333, No. 320), known as the "Pennsylvania Election Code."

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

4

On the question,

Will the House agree to the amendment?

**AMENDMENT RULED OUT OF ORDER**

The SPEAKER. This particular amendment — may I have the attention of the House, please? — this particular amendment, in my judgment, is improper and cannot be offered at this time. The amendment adds new titled material to a bill. In other words, the bill, the underlying bill that you seek to amend, deals with counties of the third through eighth class, and that is a specific code. And the subject matter of your amendment, which is a nonbinding referendum for our first-class city-county code bill, is different than the, is a second title, and that is ordinarily not permitted unless it is a situation where the subject matter is the same, and in this case the subject matter is not the same. In the case of your amendment, you are talking about a nonbinding referendum whereas the bill itself deals with appropriations to veterans organizations for expenses of Memorial Day, Flag Day, and the like. So on that basis I am finding your amendment to be out of order.

Mr. CARN. Mr. Speaker—

The SPEAKER. Now, for the benefit of the members, Mr. Carn and I had a long discussion on this yesterday, and this ruling is no surprise.

**RULING OF CHAIR APPEALED**

Mr. CARN. Well, Mr. Speaker, I would like to challenge the ruling of the Chair, please.

The SPEAKER. The gentleman from Philadelphia, Mr. Carn, challenges the ruling of the Chair, which was that amendment A2198 to HB 148 would be out of order and accordingly cannot be offered.

The question that comes before the House is, shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

Mr. CARN. Mr. Speaker?

The SPEAKER. The gentleman will yield.

On the question,

Will the House sustain the ruling of the Chair?

The SPEAKER. Mr. Carn, on the question.

Mr. CARN. Thank you, Mr. Chairman.

The SPEAKER. "Mr. Speaker" is appropriate.

Mr. CARN. Excuse me, Mr. Speaker. Thank you, Mr. Speaker.

On your order, I would like to point out that in 1997, this same code was amended to allow for a vote on an amendment for the regional renaissance initiative referendum vote in western Pennsylvania, and the bill that was used and amended to allow for the referendum vote by the voters of counties in western Pennsylvania on the initiative of stadiums had nothing to do with stadiums.

So again, I am doing the same thing or submitting a similar amendment to a bill, the same code that the referendum amendment was submitted to that allowed the voters in western Pennsylvania to vote on whether or not their public dollars should be used for stadiums. I am just asking that the voters in Philadelphia County with this particular amendment have the same opportunity through the same process, amending the same code, that was done that allowed voters in western Pennsylvania to express how they felt in a referendum vote on using taxpayers' dollars to build stadiums.

I just challenge your order that says that this is out of order when the record truly reflects that this is the same process to the same code that allowed western Pennsylvanians to vote on the question of public dollars for stadiums, and I just do not understand why it is out of order today when it was not out of order in 1997. I just ask the members of this House to consider that and vote "no." Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I ask our members to support the Chair's ruling by voting "yes" on the challenge to the question of whether or not a referendum dealing with the city and county of Philadelphia should be placed in the County Code. The County Code, Mr. Speaker, as you noted, deals with classes third through eighth, and the city of Philadelphia and the county of Philadelphia fall within their own statute within the Pennsylvania laws.

Mr. Speaker, this would be adding not only a different title but also a different subject to the County Code, and I feel that the ruling of the Chair is proper and should be supported. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The question recurs— Mr. Carn, for the second time.

Mr. CARN. Thank you, Mr. Chairman.

I would like to point out — Mr. Speaker; I am sorry, Mr. Speaker — I would like to point out, Mr. Speaker, that when we voted on the amendment to allow for a vote, a referendum vote, in western Pennsylvania, that dealt with Allegheny County, which was a second-class county, which is not a part of this code. So for the speaker, Mr. Speaker, to say that this code does not address the first-class county, well, when we voted in 1997, Allegheny County is a second-class county and that was not a part of that code.

So again, Mr. Speaker, I ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. On the question, those voting to sustain the ruling of the Chair will vote "aye"; opposed, "no."

On the question recurring,  
Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—153

Adolph	Fairchild	Marsico	Scrimenti
Allen	Fargo	Masland	Semmel
Argall	Feese	Mayernik	Serafini
Armstrong	Fichter	McGill	Seyfert
Baker	Fieagle	McLhattan	Smith, B.
Bard	Flück	McIlhinney	Smith, S. H.
Barley	Forcier	McNaughton	Snyder
Barrar	Frankel	Melio	Solobay
Bastian	Freeman	Metcalfe	Staback
Battisto	Gannon	Micozzie	Stairs
Bebko-Jones	Geist	Miller, R.	Steil
Belardi	Gigliotti	Miller, S.	Stern
Belfanti	Gladeck	Myers	Stetler
Benninghoff	Godshall	Nailor	Stevenson
Birmelin	Gordner	Nickol	Strittmatter
Bishop	Habay	O'Brien	Sturla
Boyes	Harhart	Oliver	Taylor, E. Z.
Browne	Hasay	Orie	Taylor, J.
Bunt	Hennessey	Perzel	Tigue
Burkovitz	Herman	Pesci	Trello
Buxton	Hershey	Petrone	Trich
Caltagirone	Hess	Phillips	True
Cappabianca	Hutchinson	Pippy	Tulli
Cawley	Jadlowiec	Platts	Vance
Chadwick	James	Preston	Van Horne
Civera	Kaiser	Ramos	Vitali
Clark	Keller	Raymond	Washington
Clymer	Kenney	Readshaw	Waters
Cohen, L. I.	Kirkland	Reinard	Wilt
Cornell	Krebs	Rohrer	Wogan
Corrigan	Lawless	Rooney	Wojnaroski
Curry	Lederer	Rubley	Wright
Dailey	Leh	Ruffing	Yudichak
Dally	Lynch	Samuelson	Zimmerman
DeLuca	Maher	Santoni	Zug
Dempsey	Maitland	Sather	
DiGirolamo	Major	Saylor	Ryan,
Druce	Mann	Schroder	Speaker
Egolf	Markosek	Schuler	

NAYS—46

Blaum	Evans	Lucyk	Sainato
Carn	George	Manderino	Shaner
Casorio	Grucela	McCall	Steelman
Cohen, M.	Gruitza	McGeehan	Surra
Colafella	Haluska	Michlovic	Thomas
Costa	Hanna	Mundy	Travaglio
Coy	Harhai	Petrarca	Veon
Daley	Josephs	Pistella	Walko
Dermody	LaGrotta	Rieger	Williams
DeWeese	Laughlin	Robinson	Yewcic
Donatucci	Lescovitz	Roebuck	Youngblood
Eachus	Levdansky		

NOT VOTING—1

Horsey

EXCUSED—3

Roberts                      Ross                      Tangretti

The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

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

Mr. CARN offered the following amendment No. A2208:

Amend Title, page 1, line 7, by striking out "and"

Amend Title, page 1, line 8, by removing the period after "societies" and inserting

; and providing for a Philadelphia stadium referendum.

Amend Bill, page 1, lines 11 through 14, by striking out all of said lines and inserting

Section 1. The title of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended June 18, 1997 (P.L.179, No.18), is amended to read:

AN ACT

Relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; and providing for regional renaissance initiatives[.] and for a Philadelphia stadium referendum.

Section 2. The heading and subsection (a) of section 1921 of the act, amended October 4, 1978 (P.L.964, No.190), are amended to read:

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

Section 3. The act is amended by adding an article to read:

ARTICLE XXXI

PHILADELPHIA STADIUM REFERENDUM

Section 3101. Short Title.—This article shall be known and may be cited as the "Philadelphia Stadium Referendum."

Section 3102. Definitions.—As used in this article,

"Central county" shall mean a county of the first class.

"Contiguous county" shall mean a county, other than a county of the first class, that:

(1) has a boundary that touches, even at a single point, a county of the first class; or

(2) is a county of the third class and shares common boundaries at more than a single point with two counties described in clause (1).

Section 3103. Authorization.—The County Board of Election of the central county and each contiguous county shall cause to be printed on the official ballot, at the primary or general election occurring at least thirty days next following the effective date of this act, a nonbinding referendum to determine the will of the electorate in the city of the first class with respect to public funding of professional sports stadiums.

Section 3104. Form of Question.—The referendum question shall be in substantially the following form:

Do you favor the use of State, county or municipal funding in the financing of new sports stadiums in the City of Philadelphia?

Section 3105. Conduct of Election.—The referendum required under this article shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

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

4

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. Carn.

Mr. CARN. Thank you again, Mr. Speaker.

This amendment is more similar to the amendment that was passed on western Pennsylvania in that it allows not only Philadelphia but the contiguous counties around Philadelphia, which include Montgomery, Bucks, and Delaware Counties, to also be included in a referendum vote on whether or not their local dollars should be used to build stadiums. This amendment, based on the Speaker's other explanation about first-class cities, is expanded to include other counties that are not first-class counties, and this amendment is more similar to the amendment that was passed in 1997 allowing the 10 or 11 counties in western Pennsylvania to vote in a referendum on whether or not their moneys should be used to build stadiums.

I just ask for an affirmative vote on this amendment. Thank you, Mr. Speaker.

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

Mr. DEMPSEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Representative's second amendment. We are still talking about apples and bananas.

The city of Philadelphia is still included in this amendment. I am really concerned that we set some sort of a precedent where we take a County Code that addresses third- through eighth-class counties and mix Philadelphia into this mix. Therefore, I rise to oppose this amendment and ask my compatriots to also. Thank you.

The SPEAKER. On the question, the gentleman, Mr. Carn, for the second time.

Mr. CARN. Thank you again, Mr. Speaker.

Again I point out to the members of this House that this amendment is practically identical to the same amendment in 1997, the same County Code, that allowed western Pennsylvania taxpayers and voters the opportunity to vote on whether or not they want their tax dollars utilized for stadiums. I am just asking for the opportunity to bring this issue to the members of this House so that the voters will have their opportunities in Philadelphia, Bucks, Montgomery, and Delaware Counties to let it be known how they feel about using their local tax dollars toward the building of stadiums for professional sports teams.

I ask that the members provide an affirmative vote for this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of final passage, Mr. Dempsey.

Mr. DEMPSEY. Thank you, Mr. Speaker.

The SPEAKER. The Chair is in error; on the question of the adoption of the amendment.

Mr. DEMPSEY. Thank you, Mr. Speaker.

While the Representative's idea may have a lot of merit, I do not believe that adding it to a County Code is the proper place for this idea to take place. Therefore, I continue to oppose the amendment and ask the members to also. 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—97

Adolph	Frankel	Markosek	Schroder
Bebko-Jones	Freeman	Mayemik	Scrimenti
Belardi	George	McCall	Shaner
Belfanti	Gigliotti	McGeehan	Solobay
Bishop	Grucela	Melio	Staback
Blaum	Gruitza	Michlovic	Steelman
Boyes	Haluska	Micozzie	Steil
Butkovitz	Hanna	Mundy	Stetler
Buxton	Harhai	Myers	Sturla
Callagirone	Horsey	Oliver	Surra
Cappabianca	James	Pesci	Thomas
Carn	Josephs	Petrarca	Tigue
Casorio	Kaiser	Petrone	Travaglio
Cohen, M.	Keller	Pistella	Trello
Coiafella	Kirkland	Preston	Trich
Corrigan	LaGrotta	Ramos	Veon
Costa	Laughlin	Raymond	Vitali
Coy	Lawless	Readshaw	Walko
Daley	Lederer	Rieger	Washington
DeLuca	Lescovitz	Robinson	Waters
Dermody	Levdansky	Roebuck	Wojnaroski
DeWeese	Lucyk	Rubley	Yewcic
Donatucci	Manderino	Ruffing	Youngblood
Eachus	Mann	Sainato	Yudichak
Evans			

NAYS—101

Allen	Fairchild	Major	Semmel
Argall	Fargo	Marsico	Serafini
Armstrong	Feese	Masland	Seyfert
Baker	Fichter	McGill	Smith, B.
Bard	Fleagle	McIlhattan	Smith, S. H.
Barrar	Flick	McIlhinney	Snyder
Bastian	Forcier	McNaughton	Stairs
Battisto	Gannon	Metcalfe	Stern
Benninghoff	Geist	Miller, R.	Stevenson
Birmelin	Gladeck	Miller, S.	Stritmatter
Browne	Godshall	Nailor	Taylor, E. Z.
Bunt	Gordner	Nickol	Taylor, J.
Cawley	Habay	O'Brien	True
Chadwick	Harhart	Orie	Tulli
Civera	Hasay	Perzel	Vance
Clark	Hennessey	Phillips	Van Home
Clymer	Hershey	Pippy	Williams
Cohen, L. I.	Hess	Platts	Wilt
Cornell	Hutchinson	Reinard	Wogan
Curry	Jadlowiec	Rohrer	Wright
Dailey	Kenney	Rooney	Zimmerman
Dally	Krebs	Samuelson	Zug
Dempsey	Leh	Santoni	
DiGirolamo	Lynch	Sather	Ryan,
Druce	Maher	Saylor	Speaker
Egolf	Maitland	Schuler	

NOT VOTING—2

Barley	Herman
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EXCUSED—3

Roberts	Ross	Tangretti
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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?

The SPEAKER. The Chair recognizes the gentleman, Mr. Fairchild, who offers the following amendment, which the clerk will read. The gentleman withdraws his amendment.

The gentleman, Mr. Curry, is recognized. Does the gentleman have an amendment? The clerk will read the Curry amendment.

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

Mr. CURRY offered the following amendment No. A2470:

Amend Title, page 1, line 7, by striking out "and"

Amend Title, page 1, line 8, by removing the period after "societies" and inserting

; and providing for the establishment of a commission on the status of women.

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

Section 3. Article XIX of the act is amended by adding a subdivision to read:

(z.2) Commission on Women

Section 1999i. Commission on the Status of Women.—The board of commissioners in any county may establish a commission on the status of women.

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

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 Montgomery County, Mr. Curry.

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply allows county commissioners in counties not under a home-rule charter but under the County Code to create a commission on the status of women. That is an authority that does not now exist and yet many counties have created these commissions, and I think it is important that we give them this power now, although belatedly.

The SPEAKER. The Chair thanks the gentleman.

Mr. Dempsey.

Mr. DEMPSEY. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman and ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayemik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Soiboy
Belardi	Geist	McNaughton	Staback
Belfanti	George	Melio	Stairs

Benninghoff	Gigliotti	Metcalfe	Steelman
Birmelin	Gladeck	Michlovic	Steil
Bishop	Godshall	Micozzie	Stern
Blaum	Gordner	Miller, R.	Stetler
Boyes	Grucela	Miller, S.	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsely	Phillips	Tulli
Clymer	Hutchinson	Pippy	Vance
Cohen, L. I.	Jadlowiec	Pistella	Van Horne
Cohen, M.	James	Platts	Veon
Colafella	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corrigan	Keller	Raymond	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

NAYS—0

NOT VOTING—0

EXCUSED—3

Roberts                      Ross                      Tangretti

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.

The following roll call was recorded:

YEAS—199

Adolph	Evans	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fargo	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert



Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Bastian	Frankel	McGeehan	Smith, S. H.
Battisto	Freeman	McGill	Snyder
Bebko-Jones	Gannon	McIlhatten	Solobay
Belardi	Geist	McIlhinney	Staback
Belfanti	George	McNaughton	Stairs
Benninghoff	Gigliotti	Melio	Steelman
Birmelin	Gladeck	Metcalfe	Steil
Bishop	Godshall	Michlovic	Stern
Blaum	Gordner	Micozzie	Stetler
Boyes	Grucela	Miller, R.	Stevenson
Browne	Gruitza	Miller, S.	Strittmatter
Bunt	Habay	Mundy	Sturla
Butkovitz	Haluska	Myers	Surra
Buxton	Hanna	Nailor	Taylor, E. Z.
Caltagirone	Harhai	Nickol	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Carn	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Van Horne
Cohen, M.	James	Pistella	Veon
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Raymond	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGiroloamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker

NAYS-0

NOT VOTING-1

Ramos

EXCUSED-3

Roberts                  Ross                  Tangretti

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 **HB 979, PN 1891**, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for auxiliary appeal boards.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Major	Schroder
Allen	Evans	Manderino	Schuler
Argall	Fairchild	Mann	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Bastian	Forcier	McGeehan	Smith, S. H.
Battisto	Frankel	McGill	Snyder
Bebko-Jones	Freeman	McIlhatten	Solobay
Belardi	Gannon	McIlhinney	Staback
Belfanti	Geist	McNaughton	Stairs
Benninghoff	George	Melio	Steelman
Birmelin	Gigliotti	Metcalfe	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller, R.	Stevenson
Browne	Grucela	Miller, S.	Strittmatter
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Myers	Surra
Buxton	Haluska	Nailor	Taylor, E. Z.
Caltagirone	Hanna	Nickol	Taylor, J.
Cappabianca	Harhai	O'Brien	Thomas
Carn	Harhart	Oliver	Tigue
Casorio	Hasay	Orie	Travaglio
Cawley	Hennessey	Perzel	Trello
Chadwick	Herman	Pesci	Trich
Civera	Hershey	Petrarca	True
Clark	Hess	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Van Horne
Cohen, M.	James	Pistella	Veon
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Raymond	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGiroloamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker

NAYS-0

NOT VOTING-2

Horsey                  Ramos

EXCUSED-3

Roberts                  Ross                  Tangretti

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 House proceeded to third consideration of **SB 366, PN 1099**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, The County Code, further providing for the definition of "county" for authorization of excise tax.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder, who offers the following amendment, which the clerk will read. The clerk will yield.

Mr. Snyder.

Mr. SNYDER. Mr. Speaker, I would like to withdraw all the amendments I have to this bill.

The SPEAKER. The Chair thanks the gentleman. All three Snyder amendments are withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A2140**:

Amend Bill, page 2, by inserting between lines 17 and 18 Section 2. The act is amended by adding a section to read:

Section 1976. County Control of Certain Waste Facilities.—(a) The county commissioners of a host county may deny any permit or permit modification for a facility located in the county, except as provided in subsection (b).

(b) (1) The host county may not deny a permit or permit modification of a facility located in the county if the department determines that there is a public need for the additional capacity contained within that permit or permit modification. The public need for additional capacity shall be determined by the department, at least every three years, by totaling the available disposal capacity within that region. If the total disposal capacity within that region is at or below the two-year capacity, the department may issue a certificate of public need which shall override any host county denials of permits or permit modifications.

(2) The department may issue permits and permit modifications within that region until such time as the permitted capacity within that region reaches the seven-year capacity.

(c) (1) If the department determines to issue a certificate of public need under subsection (b), the department shall conduct at least one public hearing in the host county before the permit or permit modification is approved. The public hearing shall be scheduled with a minimum of thirty days' public notice prior to the hearing date. A comment period of not less than sixty days shall be provided to accept written comments on the permit or permit modification.

(2) At the public hearing, the department shall present information, including, but not limited to:

(i) The nature of the proposed facility.

(ii) The site of the proposed facility or expansion of existing facility.

(iii) The potential generators of waste.

(iv) The life expectancy of the proposed facility or expansion of existing facility.

(v) An explanation of the host county's rights with regard to abatement of nuisances at the facility, including, but not limited to, traffic problems, litter, odors, noise, dust or other nuisances that may emanate from the facility or that may increase daily volume at the facility.

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Daily volume." The amount of solid waste actually disposed of each day at a facility.

"Department." The Department of Environmental Protection of the Commonwealth.

"Facility." A municipal waste landfill, construction/demolition waste landfill, resource recovery facility or commercial residual waste disposal facility.

"Host county." A county within which a facility is located or proposed to be located or has been permitted but not constructed.

"Permitted daily volume." The amount of solid waste permitted by the Department of Environmental Protection to be disposed of at a facility each day.

"Region." The geographical area designated by the Department of Environmental Protection for each of its regional field operations.

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, where just yesterday I read that several of our colleagues on the other side of the aisle are hopeful that Governor Ridge along with Governor Whitman of New Jersey will go down to the Congress of the United States so that we can do something about the solid waste program, and I am hopeful that happens, but, Mr. Speaker, it is our responsibility. We have been talking a great deal about it, but we have not been doing anything but giving it lip service. There was a time, Mr. Speaker, when we had to concern ourselves whether or not we could handle the household waste problem in Pennsylvania no matter where it came from in Pennsylvania, and now, Mr. Speaker, with the fact that several States that have been taking solid waste from New York insist on the closing of the plant in New York, they will no longer accept that solid waste. This amendment, I believe, is the best of all reasonable, rational arguments in that it gives the control to the counties in which the site will be sited.

Now, Mr. Speaker, they do not have control or veto power. If in fact the department sees that there is a need for the additional space or landfill, the counties will not have the last say. This is merely a reason where the best of minds and the best of rationale can be applied, and I believe that we should give the counties this final say, even though it is not veto power. We should give them an opportunity to work with the Department of Environmental Protection, and the Department of Environmental Protection should be responsible as to whether or not another landfill is needed and whether that landfill is going to be utilized for the purpose of all States from outside of the Commonwealth.

I ask that we accept this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the George amendment, the gentleman, Mr. Wilt.

Mr. WILT. Thank you, Mr. Speaker.

Mr. Speaker, I commend the maker of the amendment on what he is trying to do here. I can only tell you that SB 366 gives the county of Lycoming and my county, Mercer County, an opportunity to levy a tax that will help our local tourist promotion agencies, and I would hate to jeopardize those efforts that we have been working on for a number of months by allowing this amendment in, because we do not know what they will be doing to this bill if we send it back with this amendment over to the Senate.

So I would encourage a "no" vote on this amendment, although I do agree with what the maker of the amendment is trying to do here. Thank you, Mr. Speaker.

The SPEAKER. On the question, Mr. George for the second time.

Mr. GEORGE. Mr. Speaker, I will not need very long, and I appreciate my colleague's concern, but if we keep approaching that we cannot do it now; we better do it later, we will never get it done. This just is not my problem; it is your problem, and I think we should be almost willing to work with a problem that is universal, and I ask that we adopt this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SURRA. Thank you, Mr. Speaker.

I rise in support of the George amendment, Mr. Speaker, and I can appreciate the concerns of my colleague. While this is a good piece of legislation, I do not think we should not support the George amendment, because it is equally a good idea. In fact, it is an idea that is very timely.

We need to give our county commissioners and our local governments some handle, some type of veto authority, over the issuance of waste disposal permits in this Commonwealth, Mr. Speaker, and the gentleman has language in the amendment which is very, very reasonable. If the department determines that there is a need to site a facility, that local veto can then be overridden. So we just cannot go about and just say no, no, no, no, no when in fact there is a need.

The situation as it is now, Mr. Speaker, in Pennsylvania, it seems like need is not even being considered when the average daily volumes in the State of Pennsylvania have been allowed to increase by the Department of Environmental Protection to some 125,000 tons per day of trash — and most of that trash coming from 25 other States and Canada — when in essence we are only burying in Pennsylvania 70,000 to 75,000 tons per day. So while the Department of Environmental Protection goes on and says, we are doing everything we can; there is not much we can do; we need Federal help, everything they do do makes it easier to take more and more out-of-State waste.

So, Mr. Speaker, I think the Representative's amendment is very timely, very needed, and would fit well in this legislation. I would appreciate an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is the adoption of the George amendment. The Chair recognizes the gentleman from Chester County, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I would like to make a comment on this amendment.

The SPEAKER. The gentleman is in order.

Mr. HERSHEY. Thank you.

This amendment has a lot of content to it. It is something that should be considered not on the last day of session but in a

committee meeting or have a hearing to see what the support is out in the counties, and I would encourage a "no" vote.

The SPEAKER. On the question, Mr. Grucela; on the question. Does the gentleman, Mr. Wilt, also desire recognition?

Mr. GRUCELA.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the George amendment. As a former county councilperson and as a former member of a county solid waste committee that studied the disposal of solid waste, I believe this amendment does give the counties and the county officials some flexibility. Ofttimes as a member of the county government, I felt that my hands were tied by what was done at the State level. Now as a member of the State level of government, I believe that this amendment will give flexibility to those county officials, and therefore, I support the George amendment.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Mercer County, Mr. Wilt.

Mr. WILT. Thank you, Mr. Speaker.

Again I urge my colleagues to vote "no" on this amendment. We have a commitment from the Environmental Resources Committee chairman to take this issue up in committee. It is a good issue, but we need to move timely on SB 366, without amendments. Thank you very much, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—138

Allen	Frankel	Masland	Schuler
Argall	Freeman	Mayemik	Scrimenti
Bard	George	McCall	Serafini
Battisto	Gigliotti	McGeehan	Seyfert
Bebko-Jones	Gordner	McIlhattan	Shaner
Belardi	Grucela	McIlhinney	Smith, S. H.
Belfanti	Gruitza	McNaughton	Solobay
Bishop	Habay	Melio	Staback
Blaum	Haluska	Michlovic	Stairs
Boyes	Hanna	Miller, S.	Steelman
Browne	Harhai	Mundy	Steil
Butkovitz	Harhart	Myers	Stetler
Buxton	Herman	Oliver	Stevenson
Caltagirone	Hess	Orie	Sturla
Cappabianca	Horsey	Pesci	Surra
Carn	Hutchinson	Petrarca	Taylor, E. Z.
Casorio	Jadlowiec	Petrone	Thomas
Cawley	James	Phillips	Tigue
Clark	Josephs	Pippy	Travaglio
Cohen, M.	Kaiser	Pistella	Trello
Colafigliola	Keller	Platts	Trich
Corrigan	Kenney	Preston	True
Costa	Kirkland	Ramos	Van Horne
Coy	Krebs	Readshaw	Veon
Curry	LaGrotta	Rieger	Vitali
Daley	Laughlin	Robinson	Walko
Dally	Lawless	Roebuck	Washington
DeLuca	Lederer	Rooney	Waters
Dermody	Lescovitz	Rubiey	Williams
DeWeese	Levdansky	Ruffing	Wogan
Donatucci	Lucyk	Sainato	Wojnaroski
Eachus	Maher	Samuelson	Yewcic
Evans	Manderino	Santoni	Youngblood
Fairchild	Mann	Schroder	Yudichak
Feese	Markosek		

NAYS—62

Adolph	DiGirolamo	Lynch	Saylor
Armstrong	Druce	Maitland	Semmel
Baker	Egolf	Major	Smith, B.
Barley	Fargo	Marsico	Snyder
Barrar	Fichter	McGill	Stern
Bastian	Fleagle	Metcalfe	Strittmatter
Benninghoff	Flick	Micozzie	Taylor, J.
Birmelin	Forcier	Miller, R.	Tulli
Bunt	Gannon	Nailor	Vance
Chadwick	Geist	Nickol	Wilt
Civera	Gladeck	O'Brien	Wright
Clymer	Godshall	Perzel	Zimmerman
Cohen, L. I.	Hasay	Raymond	Zug
Cornell	Hennessey	Reinard	
Dailey	Hershey	Rohrer	Ryan,
Dempsey	Leh	Sather	Speaker

NOT VOTING—0

EXCUSED—3

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

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

Mr. CURRY offered the following amendment No. A2265:

Amend Title, page 1, line 7, by removing the period after "tax" and inserting

; and providing for the establishment of a commission on the status of women.

Amend Bill, page 2, by inserting between lines 17 and 18

Section 2. Article XIX of the act is amended by adding a subdivision to read:

(z.2) Commission on Women

Section 1999i. Commission on the Status of Women.—The board of commissioners in any county may establish a commission on the status of women.

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting  
3

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

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Mr. Curry.

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, this is the amendment on the Commission on Women. It allows commissioners in counties not under home rule to create commissions on the status of women, and I urge its adoption.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans	Manderino	Schroder
Ailen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCaill	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	McNaughton	Staback
Belfanti	George	Melio	Stairs
Benninghoff	Gigliotti	Metcalfe	Steelman
Birmelin	Gladeck	Michlovic	Steil
Bishop	Godshall	Micozzie	Stern
Blaum	Gordner	Miller, R.	Stetler
Boyes	Grucela	Miller, S.	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsely	Phillips	Tulli
Clymer	Hutchinson	Pippy	Vance
Cohen, L. I.	Jadlowiec	Pistella	Van Horne
Cohen, M.	James	Platts	Veon
Colafella	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corrigan	Keller	Raymond	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rublely	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Fairchild, who withdraws his amendment.

All other amendments have been withdrawn, to the knowledge of the Chair.

On the question recurring,

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

Mr. McNAUGHTON offered the following amendment No. A2356:

Amend Bill, page 2, by inserting between lines 17 and 18

Section 2. The act is amended by adding a section to read:

Section 1770.5. Authorization of Two Per Centum Hotel Tax.—(a)

The county commissioners of any county of the third class having a population under the 1990 Federal Decennial Census in excess of 237,000 residents, but less than 240,000 residents may impose a hotel tax not to exceed two per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The county commissioners of each county shall designate the entity or agency responsible to collect and to enforce the collection of the tax on their behalf. All revenues received from the tax shall be deposited into a special fund, which is to be established by the county's treasurer. The disposition of the revenues from the special fund shall be as follows:

(1) twenty per centum of all revenues received per annum shall be distributed by the treasurer to a city of the third class in the county of the third class imposing the tax for the appropriate and reasonable marketing and promotional expenses of promoting tourism in the city of a third class and the costs associated with the renovation, rehabilitation, extension, furnishing, equipping, substantial repair, or construction of a tourism-related facility located within the city of the third class, including for payment of the debt service on bonds issued for such projects;

(2) ten per centum of all revenues received per annum shall be distributed by the treasurer to the county commissioners who may accept the funds which may be used for purposes to be determined by the county commissioners, or, if the county commissioners elect not to accept the funds, the funds shall be distributed by the treasurer to the TPA for the appropriate and reasonable marketing and promotional expenses of the TPA in promoting tourism in the county of the third class imposing the tax, excluding promotion of a city of the third class receiving revenues under clause (1); and

(3) seventy per centum of all revenue received per annum shall be distributed by the treasurer to qualified authorities located within the county of the third class imposing the tax, for payment of the debt service on bonds issued for the construction of the county regional sports facility having a seating capacity of ten thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable authority, and which is located within the county of the third class imposing the tax. The following are qualified authorities for purposes of this clause:

(i) an authority incorporated pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945";

(ii) an industrial or commercial development authority incorporated pursuant to the act of August 23, 1967 (P.L.251, No.102), known as the "Economic Development Financing Law"; and

(iii) a redevelopment authority incorporated pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law."

(d) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax from the entity or agency designated by the county commissioners to collect and to enforce the collection of the tax and shall deposit the revenues received from the tax in a special fund established for that purpose.

(e) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Debt service on bonds." Any cost related to the issuance, refinancing, refunding, or payment or any other costs associated with the issuance and maintenance of bonds or notes by an authority or a city of the third class.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation, any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation, or other person or group of persons who maintains, operates, manages, owns, has custody of or otherwise possesses the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Tourist Promotion Agency (TPA)." An organization, agency or corporation designated to be such by the board of commissioners of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county's TPA in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting

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On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the McNaughton amendment, those in favor will vote "aye"; opposed, "no."

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Dauphin explain his amendment?

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

Mr. McNAUGHTON. Thank you, Mr. Speaker.

This amendment is simply enabling legislation that affects only the Dauphin County area, and it enables them to possibly impose a hotel tax.

Mr. COHEN. Mr. Speaker, where do the tax revenues go, under your amendment?

Mr. McNAUGHTON. For promotion of travel and tourism.

Mr. COHEN. All the money goes for travel and tourism?

Mr. McNAUGHTON. For promotion of travel and tourism.

Mr. COHEN. Thank you, Mr. Speaker. I have no problems with his amendment.

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

The following roll call was recorded:

YEAS—180

Adolph	Evans	Major	Saylor
Allen	Fairchild	Manderino	Schroder
Argall	Fargo	Mann	Semmel
Armstrong	Feese	Markosek	Seyfert
Bard	Fichter	Marsico	Shaner
Barley	Fleagle	Masland	Smith, B.
Barrar	Flick	Mayemik	Smith, S. H.
Bastian	Forcier	McCall	Snyder
Battisto	Frankel	McGeehan	Solobay
Bebko-Jones	Freeman	McGill	Staback
Belardi	Gannon	McIlhatten	Stairs
Belfanti	Geist	McNaughton	Steelman
Birmelin	George	Michlovic	Stern
Bishop	Gigliotti	Micozzie	Stetler
Blaum	Gladeck	Miller, R.	Stevenson
Boyes	Godshall	Miller, S.	Strittmatter
Bunt	Gordner	Mundy	Sturla
Butkovitz	Grucela	Myers	Surra
Buxton	Gruitza	Nailor	Taylor, E. Z.
Caltagirone	Haluska	Nickol	Taylor, J.
Cappabianca	Hanna	O'Brien	Thomas
Carn	Harhai	Oliver	Tigue
Cawley	Hasay	Orie	Travaglio
Chadwick	Hennessey	Perzel	Trelio
Civera	Herman	Pesci	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pippy	Van Home
Cohen, M.	Jadlowiec	Pistella	Veon
Colafella	James	Platts	Walko
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Ramos	Waters
Costa	Keller	Raymond	Williams
Coy	Kenney	Readshaw	Wilt
Curry	Kirkland	Reinard	Wogan
Dailey	Krebs	Rieger	Wojnaroski
Daley	LaGrotta	Robinson	Wright
DeLuca	Laughlin	Roebuck	Yewcic
Dempsey	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Yudichak
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Ruffing	Zug
Donatucci	Levdansky	Sainato	
Druce	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Maitland		Ryan, Speaker

NAYS—20

Baker	Habay	Melio	Scrimenti
Benninghoff	Harhart	Metcalfe	Serafini
Browne	Hutchinson	Petrarca	Steil
Casorio	Maher	Samuelson	True
Dally	McIlhinney	Schuler	Vitali

NOT VOTING—0

EXCUSED—3

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

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

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

Mr. COHEN. Mr. Speaker, I would like to submit a reconsideration on the McNaughton amendment, based on information I have received from one of the Republican leaders about the content of the amendment.

BILL PASSED OVER TEMPORARILY

The SPEAKER. There are other complications with this particular bill, so we will go over it temporarily, and the gentleman, Mr. Cohen, during that interval can submit the proper documents for reconsideration.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee, which will meet at the majority leader's desk.

BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE

HB 981, PN 1756

By Rep. PERZEL

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for

payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

**HB 982, PN 1757**

By Rep. PERZEL

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; *authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh,*" making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

**HB 983, PN 1758**

By Rep. PERZEL

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

**HB 984, PN 1801**

By Rep. PERZEL

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; *authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University,*" making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

**HB 985, PN 1759**

By Rep. PERZEL

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

RULES.

**HB 992, PN 1760**

By Rep. PERZEL

An Act making appropriations to the Pennsylvania College of Optometry, Philadelphia.

RULES.

**HB 994, PN 1804**

By Rep. PERZEL

An Act making appropriations to the Philadelphia Health and Education Corporation for the MCP Hahnemann University and for continuation of pediatric services.

RULES.

**HB 1003, PN 1762**

By Rep. PERZEL

An Act making an appropriation to The Children's Institute, Pittsburgh.

RULES.

**HB 1004, PN 1802**

By Rep. PERZEL

An Act making an appropriation to The Children's Hospital of Philadelphia.

RULES.

**SB 255, PN 1193 (Amended)**

By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting income and employment information computer access by Commonwealth officials and employees; and further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages by minors.

RULES.

**SB 740, PN 1113**

By Rep. PERZEL

An Act making appropriations to the Trustees of the University of Pennsylvania.

RULES.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 203, PN 1911**

By Rep. PERZEL

A Resolution urging the Department of Education to request that all school districts include within their graduation exercises a prayer or period of remembrance for those students who, but for their tragic and untimely deaths during their high school years, would also be graduating this year.

RULES.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1520, PN 1836**, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by the borough of Downingtown, Chester County, in return for imposition of Project 70 restrictions on other lands owned or to be obtained by the Borough of Downingtown, Chester County.

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

Mrs. **VANCE** offered the following amendment No. **A2463**:

Amend Title, page 1, line 5, by removing the period after "County" and inserting  
and authorizing the release of Project 70 restrictions on certain land owned by the Township of Silver Spring, Cumberland County, in return for the imposition of Project 70 restrictions on certain land to be obtained by the Township of Silver Spring, Cumberland County.

Amend Sec. 1, page 1, line 8, by inserting after "Authorization" for lands in Downingtown, Chester County

Amend Sec. 4, page 3, line 24, by striking out "downingtown" and inserting

Downingtown

Amend Bill, page 4, by inserting between lines 29 and 30

Section 6. Authorization for lands in Silver Spring Township, Cumberland County.

Under the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the release of Project 70 restrictions from the land owned by the Township of Silver Spring, Cumberland County, described in section 7 in exchange for the imposition of Project 70 restrictions on the land described in section 8 to be obtained by the Township of Silver Spring, Cumberland County.

Section 7. Land in Silver Spring Township to be released from Project 70 restrictions.

All that certain lot, piece or parcel of land situate in the Township of Silver Spring, Cumberland County, designated Lot 4A on the 2 lot final subdivision plan of "Project 70" Property prepared by Pennoni Associates, Inc., and being more particularly described as follows, to wit:

Beginning at a point in the center line of Carlisle Pike, the point being a common corner for this lot and lands now or formerly of Fredrick C. and Carole M. Frattaroli; thence south 87 degrees 19 minutes east 548 feet along said center line of Carlisle Pike to a common corner with lands now or formerly of Lawrence Associates, Inc.; thence along the common line with lands of Lawrence Associates, Inc., south 4 degrees 11 minutes 19 seconds west 465.77 feet to a point; thence continuing along lands of Lawrence Associates, Inc., and along lands now or formerly of Jesse N. Aycock south 65 degrees 01 minute 17 seconds west 503.68 feet to a point; thence by a new line of subdivision through "Project 70" Property and along the common line with Lot 4 of the aforesaid plan of "Project 70" Property north 25 degrees 12 minutes west 191.70 feet to a common corner with the aforesaid lands of Frattaroli; thence by said lands north 2 degrees 41 minutes east 530 feet to the point and place of beginning.

Containing 7.29 acres, more or less.

Section 8. Two parcels of land on which Project 70 restrictions are to be imposed.

**PARCEL NUMBER 1**

All that certain tract of land situate on the northeasterly side of S.R. 0114 (New Willow Mill Road) also known as Pa. Route 114, approximately 5,000 feet southeasterly from the intersection of I-81 in the

Township of Silver Spring, County of Cumberland and Commonwealth of Pennsylvania, more particularly bounded and described as follows:

Beginning at a point on the northeasterly legal right-of-way line of public highway S.R. 0114 (New Willow Mill Road, Pa. Route 114) at a corner of land now or formerly of William Stuart Hench, III; thence along said lands now or formerly of William Stuart Hench, III, North 61 degrees 34 minutes East, a distance of 140.07 feet to a point on the southwesterly side of the Conodoguinet Creek; thence along said lands now or formerly of William Stuart Hench, III, and the southwesterly side of the Conodoguinet Creek the following ten courses and distances: (a) South 40 degrees 43 minutes East, a distance of 194.10 feet to a point; (b) South 43 degrees 8 minutes East, a distance of 500.00 feet to a point; (c) South 68 degrees 13 minutes East, a distance of 108.30 feet to a point; (d) South 27 degrees 29 minutes East, a distance of 104.84 feet to a point; (e) South 46 degrees 41 minutes East, a distance of 100.05 feet to a point; (f) South 60 degrees 50 minutes East, a distance of 108.47 feet to a point; (g) South 43 degrees 53 minutes East, a distance of 200.25 feet to a point; (h) South 36 degrees 27 minutes East, a distance of 100.32 feet to a point; (i) South 31 degrees 26 minutes East, a distance of 112.04 feet to a point; and (j) South 17 degrees 48 minutes East, a distance of 62.31 feet to a point on the northeasterly legal right-of-way line of public highway S.R. 0114 (New Willow Mill Road, Pa. Route No. 114); thence along said legal right-of-way line of S.R. 0114 (New Willow Mill Road) the following five courses and distances: (a) South 57 degrees 58 minutes 9 seconds West, a distance of 101.83 feet to a point on a curve; (b) on a curve to the left having a radius of 2,059.86 feet, (a chord of North 37 degrees 21 minutes 22 seconds West, 617.48 feet) an arc distance of 619.82 feet to a point; (c) North 45 degrees 58 Minutes 34 seconds West, a distance of 8.85 feet to a point; (d) North 57 degrees 17 minutes 10 seconds West, a distance of 203.96 feet to a point; and (e) North 45 degrees 58 minutes 34 seconds West, a distance of 757.98 feet to a point on said legal right-of-way line of public highway S.R. 0114 (New Willow Mill Road, Pa. Route 114), the place of beginning.

Containing 3.72 acres, more or less.

**PARCEL NUMBER 2**

All that certain lot, piece or parcel of land situate in the Township of Silver Spring, Cumberland County, as shown on the Potteiger Subdivision Plan prepared by Pennoni Associates, Inc., and being more particularly described as follows, to wit:

Beginning at a point, said point an iron pin at the southeast corner of the intersection of the southern line of South Alley with the eastern line of a 50 feet wide proposed right-of-way; thence from said point of beginning and along the southern line of South Alley, north 81 degrees 30 minutes east a distance of 347.28 feet to an iron pin set at the northwest corner of a 2.12 acre tract of land about to be conveyed to the Township of Silver Spring by Russell L. Potteiger and Robert L. Potteiger; thence by said land, south 16 degrees 26 minutes 23 seconds east a distance of 495.03 feet to an iron pin set at lands of the New Kingston Fire Company; thence along said lands, south 65 degrees 35 minutes 41 seconds west a distance of 357.75 feet to an iron pin set on the eastern line of the aforementioned right-of-way; thence along said right-of-way, north 15 degrees 26 minutes 23 seconds west a distance of 592.67 feet to a point, the place of beginning.

Containing 4.35 acres, more or less.

Section 9. Use of sale proceeds.

An amount not to exceed \$40,000 from the proceeds of the sale of the land described in section 7 may be used by the Township of Silver Spring to acquire Parcel Number 2 of the land described in section 8. The balance of the sale proceeds shall be deposited into a special account established by the Township of Silver Spring for acquisition and development of park, recreation and open space lands. None of the sale proceeds shall be disbursed from this special account until a plan is developed for use of the funds by the Township of Silver Spring and until the plan has been approved by the Department of Conservation and Natural Resources. Any sale proceeds remaining in the special account five years after the date of deposit by the Township of



Silver Spring shall be paid to the Commonwealth for deposit into the Project 70 Land Acquisition Sinking Fund.

Section 10. Effect on existing conveyance.

Any conveyance pursuant to the act of April 29, 1994 (P.L.155, No.27), entitled "An act authorizing the release of Project 70 restrictions on certain land owned by the Township of Silver Spring, Cumberland County, in return for the imposition of Project 70 restrictions on certain land to be obtained by the Township of Silver Spring, Cumberland County," prior to the effective date of this act shall be deemed to have been lawfully made from the date of such conveyance.

Section 11. Repeal.

The act of April 29, 1994 (P.L.155, No.27), entitled "An act authorizing the release of Project 70 restrictions on certain land owned by the Township of Silver Spring, Cumberland County, in return for the imposition of Project 70 restrictions on certain land to be obtained by the Township of Silver Spring, Cumberland County," is repealed.

Amend Sec. 6, page 4, line 30, by striking out "6" and inserting

12

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

The following roll call was recorded:

YEAS—200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	McNaughton	Staback
Belfanti	George	Melio	Stairs
Benninghoff	Gigliotti	Metcalfe	Steelman
Birmelin	Gladeck	Michlovic	Steil
Bishop	Godshall	Micozzie	Stern
Blaum	Gordner	Miller, R.	Stetler
Boyes	Grucela	Miller, S.	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pippy	Vance
Cohen, L. I.	Jadlowiec	Pistella	Van Horne
Cohen, M.	James	Platts	Veon
Colafella	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corrigan	Keller	Raymond	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	

Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

On the question,  
Will the House agree to the bill on 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.

The following roll call was recorded:

YEAS—200

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Fargo	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Seyfert
Barley	Flick	McCall	Shaner
Barrar	Forcier	McGeehan	Smith, B.
Bastian	Frankel	McGill	Smith, S. H.
Battisto	Freeman	McIlhattan	Snyder
Bebko-Jones	Gannon	McIlhinney	Solobay
Belardi	Geist	McNaughton	Staback
Belfanti	George	Melio	Stairs
Benninghoff	Gigliotti	Metcalfe	Steelman
Birmelin	Gladeck	Michlovic	Steil
Bishop	Godshall	Micozzie	Stern
Blaum	Gordner	Miller, R.	Stetler
Boyes	Grucela	Miller, S.	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Harhai	O'Brien	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pippy	Vance
Cohen, L. I.	Jadlowiec	Pistella	Van Horne
Cohen, M.	James	Platts	Veon
Colafella	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corrigan	Keller	Raymond	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski

Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf	Major		

NAYS—0

NOT VOTING—0

EXCUSED—3

Roberts                  Ross                  Tangretti

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.

### KOREAN CONFLICT VETERANS PRESENTED

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. McNaughton. Mr. McNaughton, did you seek recognition?

Mr. McNAUGHTON. Yes, I do, Mr. Speaker.

Mr. Speaker, on this beautiful 9th day of June, I rise to welcome a group of American heroes to this chamber.

Today, Mr. Speaker, 60 members of Company E, 2d Battalion, 5th Marine Regiment, who served in the Korean Conflict are observing our proceedings. These brave men, as 1 of 27 rifle companies in the 1st Marine Division, were some of the first Americans to enter the war. "Easy" Company engaged the enemy in battle on August 7, 1950. From August to December of that same year, 1,303 marines and corpsmen gave their lives for their country; 28 of those killed in action were men of Easy Company.

Easy Company continued to fight hard and played a major role in depleting the enemy resources and troops. The efforts of these brave soldiers and those of others who fought in Korea forced the Communists to ask for peace talks and end the war.

Today we are privileged to have 60 veterans with us in the House of Representatives. These men bravely served their country and represent 150 members of today's E-2-5 Korea Association, which is only a sampling of the more than 1,400 marines who served in the company during the war. All of these men fought with honor. Many were cited for valor under fire, including one member of Easy Company with us today, Dwane Dewey, who received 1 of 42 Medals of Honor awarded during the Korean Conflict.

These men made great sacrifices to preserve freedom and defeat communism. Ninety-six men of Easy Company were killed in action; 750 more were wounded in action.

These men are true American heroes, Mr. Speaker, and on behalf of the Pennsylvania House of Representatives, I thank these men for their service and welcome them to this chamber.

The SPEAKER. The Chair is particularly pleased to welcome the former marines to the halls of the House. I know the

gentleman, Mr. DeWeese, joins in that, as do a number of others of us who were privileged to wear the ball and hook at one time or another. Thank you for being with us.

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. It is requested that the gentleman, Mr. RAYMOND, be placed on leave for the balance of today's session. Without objection, leave will be granted. The Chair hears none.

### VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Birmelin.

Mr. BIRMELIN. May I make a correction of the record, please?

The SPEAKER. The gentleman may proceed.

Mr. BIRMELIN. On SB 366 I am recorded as a "yes" vote on amendment 2356, and I would like to be recorded as a negative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair requests the gentleman, Mr. Chadwick, to preside temporarily.

### THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

### VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Herman, rise?

Mr. HERMAN. Mr. Speaker, I would like to correct the record on HB 148, amendment 2208. I was not recorded, and I was voting in the negative. I would like to be recorded in the negative on that amendment.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

### INTERROGATION

The SPEAKER pro tempore. Does the gentleman, Mr. Michlovic, seek recognition?

Mr. MICHLOVIC. Yes, Mr. Speaker, for unanimous consent.

The SPEAKER pro tempore. The gentleman is in order.

Mr. MICHLOVIC. Mr. Speaker, yesterday on the passage of HB 17, I missed my opportunity to make an inquiry. I would like to do so now of the prime sponsor for the purpose of establishing legislative intent. So I would like to interrogate the gentleman, Mr. Stevenson, on a point in HB 17.

The SPEAKER pro tempore. Without objection, the gentleman may proceed. The gentleman, Mr. Stevenson, indicates that he is willing to stand for interrogation. The gentleman, Mr. Michlovic, is in order and may proceed.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Again, with my apologies for missing this opportunity yesterday.

In HB 17 there is a provision in the bill requiring a local match from a taxing body to generate matching funds from the State. In this local match, are we including school districts in that local match, because they also are taxing bodies?

Mr. STEVENSON. Mr. Speaker, it is the intent of this legislation and has been the intent of the Department of Education to include those local libraries that are funded by school districts. In fact, we already have a local library that I know of in the Commonwealth — and that is the Altoona Public Library — that is funded by the school district, and they are included in receiving additional moneys under HB 17, for Quality Aid and for Excellence Aid, if they qualify.

Mr. MICHLOVIC. Thank you, sir. Thank you, Mr. Speaker, and I thank the House.

Mr. STEVENSON. Thank you.

**CONSIDERATION OF SB 366 CONTINUED**

The SPEAKER pro tempore. Return to page 3 of today's calendar, SB 366, PN 1099.

**RULES SUSPENDED**

The SPEAKER pro tempore. The Chair understands the gentleman, Mr. Cappabianca, wishes to make a motion to suspend the rules so that he may offer an amendment. The gentleman is recognized for that purpose.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I would like the indulgence of the House for suspension of the rules in order to introduce an amendment which would basically do what many others have done, which would allow Erie County the same opportunity that many counties have in imposing a hotel-motel tax. It is a "may" provision. They do not have to impose it; the county commissioners would not have to enact it.

So I would ask for approval of the motion to suspend the rules.

The SPEAKER pro tempore. What is the amendment number?

Mr. CAPPABIANCA. The amendment number, Mr. Speaker, is—

The SPEAKER pro tempore. 2535?

Mr. CAPPABIANCA. 2535; you are correct. You have better eyes than I have, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Cappabianca, moves that the rules of the House be suspended so that he may immediately offer amendment A2535 to SB 366.

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

The SPEAKER pro tempore. Mr. Barley.  
Mr. BARLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would recommend that we agree with the gentleman's request and vote to suspend the rules.

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

The following roll call was recorded:

**YEAS—188**

Adolph	Egolf	Major	Saylor
Allen	Evans	Manderino	Schroder
Argall	Fairchild	Mann	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Bastian	Forcier	McGeehan	Smith, S. H.
Battisto	Frankel	McGill	Snyder
Bebko-Jones	Freeman	McIlhattan	Solobay
Belardi	Gannon	McIlhinney	Staback
Belfanti	Geist	McNaughton	Stairs
Birmelin	George	Melio	Stern
Bishop	Gigliotti	Michlovic	Stetler
Blaum	Gladeck	Micozzie	Stevenson
Browne	Godshall	Miller, R.	Strittmatter
Bunt	Gordner	Miller, S.	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Myers	Taylor, E. Z.
Caltagirone	Haluska	Nailor	Taylor, J.
Cappabianca	Harhai	Nickol	Thomas
Carn	Harhart	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Orie	Trello
Chadwick	Herman	Perzel	Trich
Civera	Hershey	Pesci	True
Clark	Hess	Petrarca	Tulli
Clymer	Horsey	Petrone	Vance
Cohen, L. I.	Hutchinson	Phillips	Van Horne
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Cornell	Josephs	Preston	Walko
Corrigan	Kaiser	Ramos	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Williams
Curry	Kirkland	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Zimmerman
DeWeese	Levdanskyy	Sainato	Zug
DiGirolamo	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	Ryan,
Druce	Maher	Sather	Speaker
Eachus	Maitland		

**NAYS—10**

Benninghoff	Hanna	Platts	Steelman
Boyes	Krebs	Seyfert	Steil
Habay	Metcalfe		

**NOT VOTING—1**

Yudichak

**EXCUSED—4**

Raymond	Roberts	Ross	Tangretti
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A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. CAPPABIANCA offered the following amendment No. A2535:

Amend Title, page 1, line 7, by removing the period after "tax" and inserting

; and further providing for authorization of hotel tax.

Amend Bill, page 2, by inserting between lines 17 and 18

Section 2. Section 1770.4 of the act, added June 18, 1997 (P.L.179, No.18), is amended to read:

Section 1770.4. Authorization of Hotel Tax.—(a) (1) The county commissioners of any county of the third class having a second class A city located therein may impose a hotel tax not to exceed four per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(2) The county commissioners of any county of the third class having a population under the 1990 Federal Decennial Census in excess of two hundred fifty-five thousand, but less than two hundred eighty-five thousand residents may impose a hotel tax not to exceed five per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) (1) The county commissioners of each county shall designate the entity or agency responsible to collect and to enforce the collection of the tax under subsection (a)(1) on their behalf. All revenues received from [the] that tax shall be deposited into a special fund which is to be established by the county's legally sanctioned and duly designated Tourist Promotion Agency (TPA). The disposition of the revenues from the TPA hotel tax fund shall be as follows: a minimum of twenty per centum of all revenues received per annum shall be used by the TPA for the appropriate and reasonable operational, marketing and promotional expenses of the TPA. Other tax revenues received and amounting to not more than eighty per centum of total annual revenues shall be used for reasonable expenses associated with collection and enforcement of the tax; for county-owned tourist and recreational facilities, sports facilities or visitor centers; or for other tourism-related activities as determined by the county commissioners.

(2) The county commissioners shall designate the entity or agency responsible to collect and to enforce the collection of the tax under subsection (a)(2) on their behalf. All revenues received from that tax shall be deposited into a special fund which is to be established by the county. The disposition of the revenues from the special fund shall be as follows: a minimum of fifteen per centum of all revenues received per annum shall be used by the county to reduce county real property taxes by means of a reduction in the millage rate. Other tax revenues received and amounting to not more than eighty-five per centum of total annual revenues shall be used for reasonable expenses associated with collection and enforcement of the tax; for tourist and recreational facilities, sports facilities, convention centers, baseball parks, museums or zoos; or for other regional assets as determined by the county commissioners.

(d) (1) The treasurer of each county electing to impose the tax authorized under [this section] subsection (a.1) shall collect [the] that tax and deposit the revenues received from the tax in a special fund established for that purpose. The revenues from the special fund shall be used for county-owned tourist and recreational facilities, sports facilities, visitors center or use of any county-municipal authority as determined by the county commissioners.

(2) The treasurer of the county electing to impose the tax authorized under subsection (a)(2) shall collect the tax and deposit the revenues received from the tax in the special fund established for that purpose. The revenues from the special fund shall be used for purposes under subsection (c)(2).

(e) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Temporary." A period of time not exceeding thirty days.

"Tourist Promotion Agency (TPA)." An organization, agency or corporation designated to be such by the board of commissioners of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county's TPA in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Once again, real briefly, the amendment offers the opportunity to Erie County — the county that has the third largest city of the State, Erie, Pennsylvania; the county that also is the residence of, and proud to have him, the Governor of the Commonwealth of Pennsylvania — the opportunity to impose a hotel-motel tax, if they want to, and the money would be used specifically for regional assets, to support those regional assets, and I would be very happy if the House would concur with my thoughts in approving this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Lucyk, on the amendment.

Mr. LUCYK. I would just like to ask the maker of the amendment a few questions.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. You are in order and may proceed.

Mr. LUCYK. Number one, I would like to ask, does this only apply to Erie County?

Mr. CAPPABIANCA. Mr. Speaker, the way the amendment was drafted by the Reference Bureau, based on the population figures, I believe it would only apply to Erie County, but if there is another third-class county that has a population of no more than — what is it? — 245,000 and does not exceed 285,000, they would qualify also.

Mr. LUCYK. Thank you, Mr. Speaker.

May I make a statement?

The SPEAKER pro tempore. On the amendment.

Mr. LUCYK. I would just like to call the attention of the House, the members of the House, to this amendment, because I think it is similar to amendments that were withdrawn earlier to this bill. Traditionally our hotel taxes, taxes on hotel rooms, have been dedicated to the tourism industry. Philadelphia, other cities, the major hotel centers, have imposed hotel taxes with the understanding that the revenues raised from these taxes are earmarked for promoting tourism in those counties. This is more or less a break with tradition throughout the State in having hotel taxes go for some other purpose than tourist promotion.

I am not dictating or asking the House members to vote one way or the other on this bill, since the prime sponsor is doing this to his own county. However, I would ask the members to look if they are included in this bill, if their counties come under the jurisdiction of the bill, and others who might not want the hotel tax in their county to fall under the same circumstances.

So I am just bringing the attention of the House members to this amendment, to make sure they understand what is happening. Thank you, Mr. Speaker.

**BILL PASSED OVER TEMPORARILY**

The SPEAKER pro tempore. Without objection, SB 366 will be over temporarily.

**SUPPLEMENTAL CALENDAR B**

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 981, PN 1756**, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

**YEAS—197**

Adolph	Egolf	Manderino	Schuler
Allen	Evans	Mann	Scrimanti
Argall	Fairchild	Markosek	Semmel
Armstrong	Fargo	Marsico	Serafini
Baker	Feece	Masland	Seyfert
Bard	Fichter	Mayernik	Shaner
Barley	Fleagle	McCall	Smith, B.
Barrar	Flick	McGeehan	Smith, S. H.
Bastian	Forcier	McGill	Snyder
Battisto	Frankel	McIlhattan	Solobay
Bebko-Jones	Freeman	McIlhinney	Staback
Belardi	Gannon	McNaughton	Stairs
Belfanti	Geist	Melio	Steelman
Benninghoff	George	Metcalfe	Steil
Birmelin	Gigliotti	Michlovic	Stem
Bishop	Godshall	Micozzie	Stetler
Blaum	Gordner	Miller, R.	Stevenson
Boyes	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappabianca	Hasay	Oliver	Tigue
Carn	Hennessey	Orie	Travaglio
Casorio	Herman	Perzel	Trello
Cawley	Hershey	Pesci	Trich
Chadwick	Hess	Petrarca	True
Civera	Horsey	Petrone	Tulli
Clark	Hutchinson	Phillips	Vance
Clymer	Jadlowiec	Pippy	Van Home
Cohen, L. I.	James	Pistella	Veon
Cohen, M.	Josephs	Platts	Vitali
Colafella	Kaiser	Preston	Walko
Cornell	Keller	Ramos	Washington
Corrigan	Kenney	Readshaw	Waters
Costa	Kirkland	Reinard	Williams
Coy	Krebs	Rieger	Wilt
Curry	LaGrotta	Robinson	Wogan
Dailey	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright

Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dempsey	Lescovitz	Ruffing	Yudichak
Dermody	Levdansky	Sainato	Zimmerman
DeWeese	Lucyk	Samuelson	Zug
DiGirolamo	Lynch	Santoni	
Donatucci	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Eachus	Major	Schroder	

NAYS-1

Haluska

NOT VOTING-1

Gladeck

EXCUSED-4

Raymond	Roberts	Ross	Tangretti
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 982, PN 1757**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Major	Schroder
Allen	Evans	Manderino	Schuler
Argall	Fairchild	Mann	Scrimenti

Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayemik	Shaner
Barrar	Flick	McCall	Smith, B.
Bastian	Forcier	McGeehan	Smith, S. H.
Battisto	Frankel	McGill	Snyder
Bebko-Jones	Freeman	McIlhattan	Solobay
Belardi	Gannon	McIlhinney	Staback
Belfanti	Geist	McNaughton	Stairs
Benninghoff	George	Melio	Steelman
Birmelin	Gigliotti	Metcalfe	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller, R.	Stevenson
Browne	Grucela	Miller, S.	Strittmatter
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Myers	Surra
Buxton	Hanna	Nailor	Taylor, E. Z.
Caltagirone	Harhai	Nickol	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Carn	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trelo
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Van Horne
Cohen, M.	James	Pistella	Veon
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Ramos	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker

NAYS-1

Haluska

NOT VOTING-0

EXCUSED-4

Raymond	Roberts	Ross	Tangretti
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 983, PN 1758**, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis

for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments inserted by the Senate.

On the question recurring,  
Will the House concur in Senate amendments?  
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Major	Schroder
Allen	Evans	Manderino	Schuler
Argall	Fairchild	Mann	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Bastian	Forcier	McGeehan	Smith, S. H.
Battisto	Frankel	McGill	Snyder
Bebko-Jones	Freeman	McIlhattan	Solobay
Belardi	Gannon	McIlhinney	Staback
Belfanti	Geist	McNaughton	Stairs
Benninghoff	George	Melio	Steelman
Birmelin	Gigliotti	Metcalfe	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller, R.	Stevenson
Browne	Grucela	Miller, S.	Strittmatter
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Myers	Surra
Buxton	Hanna	Nailor	Taylor, E. Z.
Caltagirone	Harhai	Nickol	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Cam	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Van Home
Cohen, M.	James	Pistella	Veon
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Ramos	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rublely	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Saimato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Jachus	Maitland	Saylor	Speaker

NAYS—1

Haluska

NOT VOTING—0

EXCUSED—4

Raymond          Roberts          Ross          Tangretti

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

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 984, PN 1801**, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, is there anyone that can stand and provide some clarification as to the Senate amendments?

The SPEAKER pro tempore. The gentleman, Mr. Barley, indicates that he is willing to stand for interrogation. The gentleman is recognized.

Mr. THOMAS. Thank you.

Mr. Speaker, I am only interested in what changes were made to this bill, between what the House sent to the Senate and what we are now getting back.

Mr. BARLEY. Now, what originally was done was, the House sent a series of bills to the Senate, the Senate sent a complete series of the nonpreferreds back to the House, and so we were basically exchanging the same version of the bills. This bill does not have any changes in it. There is no difference in this bill over the bill we had sent them originally. So there were no major changes to this at all.

Mr. THOMAS. Thank you.

On the question recurring,  
Will the House concur in Senate amendments?  
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Major	Schroder
Allen	Evans	Manderino	Schuler
Argall	Fairchild	Mann	Scrimenti
Armstrong	Fargo	Markosek	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Bastian	Forcier	McGeehan	Smith, S. H.
Battisto	Frankel	McGill	Snyder
Bebko-Jones	Freeman	McIlhatten	Solobay
Belardi	Gannon	McIlhinney	Staback
Belfanti	Geist	McNaughton	Stairs
Benninghoff	George	Melio	Steelman
Bimmelin	Gigliotti	Metcalfe	Steil
Bishop	Gladeck	Michlovic	Stern
Blaum	Godshall	Micozzie	Stetler
Boyes	Gordner	Miller, R.	Stevenson
Browne	Grucela	Miller, S.	Strittmatter
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Myers	Surra
Buxton	Hanna	Nailor	Taylor, E. Z.
Caltagirone	Harhai	Nickol	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Carn	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Van Horne
Cohen, M.	James	Pistella	Veon
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Ramos	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	
Eachus	Maitland	Saylor	Ryan, Speaker

NAYS—1

Haluska

NOT VOTING—0

EXCUSED—4

Raymond      Roberts      Ross      Tangretti

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

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 985, PN 1759**, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—195

Adolph	Evans	Mann	Schuler
Allen	Fairchild	Markosek	Scrimenti
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Seyfert
Bard	Fleagle	McCall	Shaner
Barley	Flick	McGeehan	Smith, B.
Barrar	Forcier	McGill	Smith, S. H.
Bastian	Frankel	McIlhatten	Snyder
Battisto	Freeman	McIlhinney	Solobay
Bebko-Jones	Gannon	McNaughton	Staback
Belardi	Geist	Melio	Stairs
Belfanti	George	Metcalfe	Steelman
Benninghoff	Gigliotti	Michlovic	Steil
Bishop	Gladeck	Micozzie	Stern
Blaum	Godshall	Miller, R.	Stetler
Boyes	Grucela	Miller, S.	Stevenson
Browne	Gruitza	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Hanna	Nailor	Surra
Buxton	Harhai	Nickol	Taylor, E. Z.
Caltagirone	Harhart	O'Brien	Taylor, J.
Cappabianca	Hasay	Oliver	Thomas
Carn	Hennessey	Orie	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Pesci	Trello
Chadwick	Hess	Petrarca	Trich
Civera	Horsey	Petrone	True
Clark	Hutchinson	Phillips	Tulli
Clymer	Jadlowiec	Pippy	Vance
Cohen, L. I.	James	Pistella	Van Horne
Cohen, M.	Josephs	Platts	Veon
Colafella	Kaiser	Preston	Vitali
Cornell	Keller	Ramos	Walko
Corrigan	Kenney	Readshaw	Washington
Costa	Kirkland	Reinard	Waters
Coy	LaGrotta	Rieger	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daley	Lederer	Rohrer	Wojnaroski
Dally	Leh	Rooney	Wright
DeLuca	Lescovitz	Rubley	Yewcic
Dempsey	Levdansky	Ruffing	Youngblood



Dermody	Lucyk	Sainato	Yudichak
DeWeese	Lynch	Samuelson	Zimmerman
DiGirolamo	Maher	Santoni	Zug
Donatucci	Maitland	Sather	Ryan,
ruce	Major	Saylor	Speaker
Eachus	Manderino	Schroder	
Egolf			

NAYS-4

Birmelin	Gordner	Haluska	Krebs
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NOT VOTING-0

EXCUSED-4

Raymond	Roberts	Ross	Tangretti
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 992, PN 1760**, entitled:

An Act making appropriations to the Pennsylvania College of Optometry, Philadelphia.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS-195

Adolph	Evans	Mann	Schuler
Allen	Fairchild	Markosek	Scrimenti
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Seyfert
Bard	Fleagle	McCall	Shaner
Barley	Flick	McGeehan	Smith, B.
Barrar	Forcier	McGill	Smith, S. H.
Bastian	Frankel	McIlhattan	Snyder
Battisto	Freeman	McIlhinney	Solobay
Bebko-Jones	Gannon	McNaughton	Staback
Belardi	Geist	Melio	Stairs
Belfanti	George	Metcalfe	Steelman
Benninghoff	Gigliotti	Michlovic	Steil
Bishop	Gladeck	Micozzie	Stern
Blaum	Godshall	Miller, R.	Stetler
Boyes	Gordner	Miller, S.	Stevenson
Browne	Grucela	Mundy	Stritmatter
Bunt	Gruitza	Myers	Sturla
Butkovitz	Habay	Nailor	Surra

Buxton	Harhai	Nickol	Taylor, E. Z.
Caltagirone	Harhart	O'Brien	Taylor, J.
Cappabianca	Hasay	Oliver	Thomas
Carn	Hennessey	Orie	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Pesci	Trello
Chadwick	Hess	Petrarca	Trich
Civera	Horsey	Petrone	True
Clark	Hutchinson	Phillips	Tulli
Clymer	Jadlowiec	Pippy	Vance
Cohen, L. I.	James	Pistella	Van Home
Cohen, M.	Josephs	Platts	Veon
Colafella	Kaiser	Preston	Vitali
Cornell	Keller	Ramos	Walko
Corrigan	Kenney	Readshaw	Washington
Costa	Kirkland	Reinard	Waters
Coy	LaGrotta	Rieger	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daley	Lederer	Rohrer	Wojnaroski
Dally	Leh	Rooney	Wright
DeLuca	Lescovitz	Rubley	Yewcic
Dempsey	Levdansky	Ruffing	Youngblood
Dermody	Lucyk	Sainato	Yudichak
DeWeese	Lynch	Samuelson	Zimmerman
DiGirolamo	Maher	Santoni	Zug
Donatucci	Maitland	Sather	
Druce	Major	Saylor	Ryan,
Eachus	Manderino	Schroder	Speaker
Egolf			

NAYS-4

Birmelin	Haluska	Hanna	Krebs
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NOT VOTING-0

EXCUSED-4

Raymond	Roberts	Ross	Tangretti
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 994, PN 1804**, entitled:

An Act making appropriations to the Philadelphia Health and Education Corporation for the MCP Hahnemann University and for continuation of pediatric services.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate?

The Chair understands the gentleman, Mr. Thomas, seeks recognition. The gentleman is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would someone stand for interrogation with respect to HB 994?

The SPEAKER pro tempore. The gentleman, Mr. Barley, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have a couple questions. One, this bill indicates that all payments to MCP Hahnemann University will go into a Philadelphia Health and Education Corporation. Is that a separate corporation that is acting as a fiduciary for MCP Hahnemann, and if so, what is its relationship to the Tenet Health System, which allegedly owns MCP Hahnemann?

Mr. BARLEY. Yes, Mr. Speaker, that in effect is what it is; it is the Tenet Health System.

Mr. THOMAS. So the Tenet Health System is the Health and Education Corporation?

Mr. BARLEY. That is my understanding of the way it is organized and the structure of it, yes.

Mr. THOMAS. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—188

Adolph	Eachus	Mann	Schuler
Allen	Egolf	Markosek	Scrimenti
Argall	Evans	Marsico	Semmel
Armstrong	Fairchild	Masland	Serafini
Baker	Feese	Mayernik	Seyfert
Bard	Fichter	McCall	Shaner
Barley	Fleagle	McGeehan	Smith, B.
Barrar	Flick	McGill	Smith, S. H.
Bastian	Forcier	McIlhattan	Snyder
Battisto	Frankel	McIlhinney	Solobay
Bebko-Jones	Freeman	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Bishop	Gigliotti	Miller, R.	Stetler
Blaum	Gladeck	Miller, S.	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Browne	Grucela	Myers	Sturla
Bunt	Gruitza	Nailor	Surra
Butkovitz	Habay	Nickol	Taylor, E. Z.
Buxton	Harhai	O'Brien	Taylor, J.
Caltagirone	Harhart	Oliver	Tigue
Cappabianca	Hasay	Orie	Travaglio
Carn	Hennessey	Perzel	Trello
Casorio	Herman	Pesci	Trich
Cawley	Hershey	Petrarca	True
Chadwick	Hess	Petrone	Tulli
Civera	Horsey	Phillips	Vance
Clark	Hutchinson	Pippy	Van Home
Clymer	Jadlowiec	Pistella	Veon
Cohen, L. I.	James	Platts	Vitali
Cohen, M.	Josephs	Preston	Walko
Colafella	Kaiser	Ramos	Washington
Cornell	Keller	Readshaw	Waters
Corrigan	Kenney	Reinard	Williams
Costa	LaGrotta	Rieger	Wilt
Coy	Laughlin	Robinson	Wogan
Curry	Lawless	Roebuck	Wojnaroski
Dailey	Lederer	Rooney	Wright
Daley	Leh	Rublely	Yewcic
Dally	Lescovitz	Ruffing	Youngblood
DeLuca	Levdansky	Sainato	Yudichak
Dempsey	Lucyk	Samuelson	Zimmerman
Dermody	Lynch	Santoni	Zug
DeWeese	Maher	Sather	

DiGirolamo	Maitland	Saylor	Ryan,
Donatucci	Major	Schroder	Speaker
Druce	Manderino		

NAYS—10

Birmelin	Haluska	Krebs	Rohrer
Fargo	Hanna	Metcalfe	Stern
Gordner	Kirkland		

NOT VOTING—1

Thomas

EXCUSED—4

Raymond	Roberts	Ross	Tangretti
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1003, PN 1762**, entitled:

An Act making an appropriation to The Children's Institute, Pittsburgh.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—193

Adolph	Egolf	Mann	Schuler
Allen	Evans	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong	Fargo	Masland	Serafini
Baker	Feese	Mayernik	Seyfert
Bard	Fichter	McCall	Shaner
Barley	Fleagle	McGeehan	Smith, B.
Barrar	Flick	McGill	Smith, S. H.
Bastian	Forcier	McIlhattan	Snyder
Battisto	Frankel	McIlhinney	Solobay
Bebko-Jones	Freeman	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Metcalfe	Steil
Benninghoff	George	Michlovic	Stern
Bishop	Gigliotti	Micozzie	Stetler
Blaum	Gladeck	Miller, R.	Stevenson
Boyes	Godshall	Miller, S.	Strittmatter
Browne	Grucela	Mundy	Sturla
Bunt	Gruitza	Myers	Surra
Butkovitz	Habay	Nailor	Taylor, E. Z.

Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappabianca	Hasay	Oliver	Tigue
Cam	Hennessey	Orie	Travaglio
Casorio	Herman	Perzel	Trello
Cawley	Hershey	Pesci	Trich
Chadwick	Hess	Petrarca	True
Civera	Horshey	Petrone	Tulli
Clark	Hutchinson	Phillips	Vance
Clymer	Jadlowiec	Pippy	Van Horne
Cohen, L. I.	James	Pistella	Veon
Cohen, M.	Josephs	Platts	Vitali
Colafella	Kaiser	Preston	Waiko
Cornell	Keller	Ramos	Washington
Corrigan	Kenney	Readshaw	Waters
Costa	Kirkland	Reinard	Williams
Coy	LaGrotta	Rieger	Wilt
Curry	Laughlin	Robinson	Wogan
Dailey	Lawless	Roebuck	Wojnaroski
Daley	Lederer	Rohrer	Wright
Dally	Leh	Rooney	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dempsey	Levdansky	Ruffing	Yudichak
Dermody	Lucyk	Sainato	Zimmerman
DeWeese	Lynch	Samuelson	Zug
DiGirolamo	Maher	Santoni	
Donatucci	Maitland	Sather	Ryan,
Druce	Major	Saylor	Speaker
Eachus	Manderino	Schroder	

NAYS-6

Birmelin	Haluska	Krebs	Steelman
Gordner	Hanna		

NOT VOTING-0

EXCUSED-4

Raymond	Roberts	Ross	Tangretti
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 1004, PN 1802**, entitled:

An Act making an appropriation to The Children's Hospital of Philadelphia.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments inserted by the Senate.

On the question recurring,  
Will the House concur in Senate amendments?  
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-193

Adolph	Egolf	Mann	Schuler
Allen	Evans	Markosek	Scrimenti
Argall	Fairchild	Marsico	Semmel
Armstrong	Fargo	Masland	Serafini
Baker	Feese	Mayernik	Seyfert
Bard	Fichter	McCall	Shaner
Barley	Fleagle	McGeehan	Smith, B.
Barrar	Flick	McGill	Smith, S. H.
Bastian	Forcier	McIlhattan	Snyder
Battisto	Frankel	McIlhinney	Solobay
Bebko-Jones	Freeman	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Metcalfe	Steil
Benninghoff	George	Michlovic	Stern
Bishop	Gigliotti	Micozzie	Stetler
Blaum	Gladeck	Miller, R.	Stevenson
Boyes	Godshall	Miller, S.	Strittmatter
Browne	Grucela	Mundy	Sturla
Bunt	Gruitza	Myers	Surra
Butkovitz	Habay	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappabianca	Hasay	Oliver	Tigue
Carn	Hennessey	Orie	Travaglio
Casorio	Herman	Perzel	Trello
Cawley	Hershey	Pesci	Trich
Chadwick	Hess	Petrarca	True
Civera	Horshey	Petrone	Tulli
Clark	Hutchinson	Phillips	Vance
Clymer	Jadlowiec	Pippy	Van Horne
Cohen, L. I.	James	Pistella	Veon
Cohen, M.	Josephs	Platts	Vitali
Colafella	Kaiser	Preston	Waiko
Cornell	Keller	Ramos	Washington
Corrigan	Kenney	Readshaw	Waters
Costa	Kirkland	Reinard	Williams
Coy	LaGrotta	Rieger	Wilt
Curry	Laughlin	Robinson	Wogan
Dailey	Lawless	Roebuck	Wojnaroski
Daley	Lederer	Rohrer	Wright
Dally	Leh	Rooney	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dempsey	Levdansky	Ruffing	Yudichak
Dermody	Lucyk	Sainato	Zimmerman
DeWeese	Lynch	Samuelson	Zug
DiGirolamo	Maher	Santoni	
Donatucci	Maitland	Sather	Ryan,
Druce	Major	Saylor	Speaker
Eachus	Manderino	Schroder	

NAYS-6

Birmelin	Haluska	Krebs	Steelman
Gordner	Hanna		

NOT VOTING-0

EXCUSED-4

Raymond	Roberts	Ross	Tangretti
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

## SUPPLEMENTAL CALENDAR C

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 740, PN 1113**, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Barley, that the House concur in the amendments.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

## YEAS—192

Adolph	Evans	Mann	Schuler
Allen	Fairchild	Markosek	Scrimenti
Argall	Feese	Marsico	Semmel
Armstrong	Fichter	Masland	Serafini
Baker	Fleagle	Mayernik	Seyfert
Bard	Flick	McCall	Shaner
Barley	Forcier	McGeehan	Smith, B.
Barrar	Frankel	McGill	Smith, S. H.
Bastian	Freeman	McIlhattan	Snyder
Battisto	Gannon	McIlhinney	Solobay
Bebko-Jones	Geist	McNaughton	Staback
Belardi	George	Melio	Stairs
Belfanti	Gigliotti	Michlovic	Steelman
Benninghoff	Gladeck	Micozzie	Steil
Bishop	Godshall	Miller, R.	Stetler
Blaum	Gordner	Miller, S.	Stevenson
Boyes	Grucela	Mundy	Stritmatter
Browne	Gruitza	Myers	Sturla
Bunt	Habay	Nailor	Surra
Butkovitz	Harhai	Nickol	Taylor, E. Z.
Buxton	Harhart	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cappabianca	Hennessey	Orie	Tigue
Carn	Herman	Perzel	Travaglio
Casorio	Hershey	Pesci	Trello
Cawley	Hess	Petrarca	Trich
Chadwick	Horsey	Petrone	True
Civera	Hutchinson	Phillips	Tulli
Clark	Jadlowiec	Pippy	Vance
Clymer	James	Pistella	Van Home
Cohen, L. I.	Josephs	Platts	Veon
Cohen, M.	Kaiser	Preston	Vitali
Colafella	Keller	Ramos	Walko
Cornell	Kenney	Readshaw	Washington
Corrigan	Kirkland	Reinard	Waters
Costa	Krebs	Rieger	Williams
Coy	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Rubley	Yewcic

Dempsey	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zimmerman
DiGirolamo	Lynch	Santoni	Zug
Donatucci	Maher	Sather	
Druce	Maitland	Saylor	Ryan, Speaker
Eachus	Major	Schroder	
Egolf	Manderino		

## NAYS—7

Birmelin	Fargo	Hanna	Stern
Dailey	Haluska	Metcalfe	

## NOT VOTING—0

## EXCUSED—4

Raymond	Roberts	Ross	Tangretti
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to the following **SB 255, PN 1193**, as further amended by the House Rules Committee:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages by minors.

On the question,

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Perzel, that the House concur in the amendments.

The question recurs, will the House concur in the amendments inserted by the Senate to House amendments as amended by the Rules Committee?

On that question, the Chair recognizes the gentleman, Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask that this bill temporarily be gone over. Representative Evans and I are in the process of having amendments drafted to this legislation. We would appreciate the opportunity and the courtesy to ask for a rules suspension once those amendments are prepared.

The SPEAKER pro tempore. Mr. Rooney, it is the Chair's understanding that it is the wishes of the majority leader to run the bill immediately.

Mr. ROONEY. I understand, Mr. Speaker, and I will accept that, but for the record, I would like to note that the amendments that we have in the Reference Bureau deal with the issue of gun safety. This represents yet another occasion where the House has not seen fit to grant us the consideration, those of us who believe in gun safety in Pennsylvania, another example of the House not giving us the consideration that we feel strongly that we are entitled to.

On the question recurring,

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

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

The following roll call was recorded:

YEAS—199

Adolph	Evans	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fargo	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Bastian	Frankel	McGeehan	Smith, S. H.
Battisto	Freeman	McGill	Snyder
Bebko-Jones	Gannon	McIlhatten	Solobay
Belardi	Geist	McIlhinney	Staback
Belfanti	George	McNaughton	Stairs
Benninghoff	Gigliotti	Melio	Steelman
Birmelin	Gladeck	Metcalfe	Steil
Bishop	Godshall	Michlovic	Stern
Blaum	Gordner	Micozzie	Stetler
Boyes	Grucela	Miller, R.	Stevenson
Browne	Gruitza	Miller, S.	Strittmatter
Bunt	Habay	Mundy	Sturla
Butkovitz	Haluska	Myers	Surra
Buxton	Hanna	Nailor	Taylor, E. Z.
Caltagirone	Harhai	Nickol	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Carn	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Van Home
Cohen, M.	James	Pistella	Veon
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Ramos	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—4

Raymond                      Roberts                      Ross                      Tangretti

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

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

SUPPLEMENTAL CALENDAR D

RESOLUTION

Mr. KIRKLAND called up **HR 203, PN 1911**, entitled:

A Resolution urging the Department of Education to request that all school districts include within their graduation exercises a prayer or period of remembrance for those students who, but for their tragic and untimely deaths during their high school years, would also be graduating this year.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Manderino	Schroder
Allen	Fargo	Mann	Schuler
Argall	Feese	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker	Fleagle	Masland	Serafini
Bard	Flick	Mayernik	Seyfert
Barley	Forcier	McCall	Shaner
Barrar	Frankel	McGeehan	Smith, B.
Bastian	Freeman	McGill	Smith, S. H.
Battisto	Gannon	McIlhatten	Snyder
Bebko-Jones	Geist	McIlhinney	Solobay
Belardi	George	McNaughton	Staback
Belfanti	Gigliotti	Melio	Stairs
Benninghoff	Gladeck	Metcalfe	Steelman
Birmelin	Godshall	Michlovic	Steil
Bishop	Gordner	Micozzie	Stern
Blaum	Grucela	Miller, R.	Stetler
Boyes	Gruitza	Miller, S.	Stevenson
Browne	Habay	Mundy	Strittmatter
Bunt	Haluska	Myers	Sturla
Butkovitz	Hanna	Nailor	Surra
Buxton	Harhai	Nickol	Taylor, E. Z.
Caltagirone	Harhart	O'Brien	Taylor, J.
Cappabianca	Hasay	Oliver	Thomas
Carn	Hennessey	Orie	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Pesci	Trello
Chadwick	Hess	Petrarca	Trich
Civera	Horsey	Petrone	True
Clark	Hutchinson	Phillips	Tulli
Clymer	Jadlowiec	Pippy	Vance
Cohen, M.	James	Pistella	Van Home
Colafella	Kaiser	Platts	Veon
Cornell	Keller	Preston	Vitali
Corrigan	Kenney	Ramos	Walko
Costa	Kirkland	Readshaw	Washington
Coy	Krebs	Reinard	Waters
Dailey	LaGrotta	Rieger	Wilt

Daley	Laughlin	Robinson	Wogan
Dally	Lawless	Roebuck	Wojnaroski
DeLuca	Lederer	Rohrer	Wright
Dempsey	Leh	Rooney	Yewcic
Dermody	Lescovitz	Rublely	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lucyk	Sainato	Zimmerman
Donatucci	Lynch	Samuelson	Zug
Druce	Maher	Santoni	Ryan,
Eachus	Maitland	Sather	Speaker
Egolf	Major	Saylor	
Evans			

**NAYS—4**

Cohen, L. I.	Curry	Josephs	Williams
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**NOT VOTING—0**

**EXCUSED—4**

Raymond	Roberts	Ross	Tangretti
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**CALENDAR CONTINUED**

**CONSIDERATION OF SB 366 CONTINUED**

The SPEAKER pro tempore. Return to page 3 of today's calendar, SB 366, PN 1099. The House has before it the Cappabianca amendment.

**STATEMENT BY MR. STURLA**

The SPEAKER pro tempore. Does the gentleman, Mr. Sturla, seek recognition for some particular purpose? Now would be a good time. The gentleman is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

A point of personal privilege.

Mr. Speaker, I just wanted to report some of the recent results of legislative baseball.

This past Monday we had a game against a local radio station, and during that game, Representative Benninghoff, who was appropriately playing right field, threw out a guy trying to take third base. Representative Eachus made a diving catch and did the obligatory somersault and raised the hand with the glove and the ball. There were numerous lead changes, and what was supposed to be a 7-inning game ran 14 innings before the radio station finally took us by a 14-to-13 win.

Just yesterday members played staff, and as is the norm around here, staff came out on top, winning 10 to 8 in 7 innings.

Next Monday we will be playing the lobbyists, and next Tuesday we will be playing the administration, and I encourage all members to come out and join in some of the festivities. Thank you.

The SPEAKER pro tempore. Mr. Sturla, I would predict that you will defeat the lobbyists.

The House will be at ease momentarily.

**LOCAL GOVERNMENT  
COMMITTEE MEETING**

The SPEAKER pro tempore. The gentleman, Mr. Herman, seeks recognition for the purpose of making an announcement. The Chair recognizes the gentleman.

Mr. HERMAN. Thank you, Mr. Speaker.

The House Local Government Committee will meet at the rear of the chamber at the conclusion of business. Thank you, Mr. Speaker.

**CONSIDERATION OF SB 366 CONTINUED**

**AMENDMENT WITHDRAWN**

The SPEAKER pro tempore. The Chair returns to SB 366, amendment A2535, and the Chair recognizes the gentleman, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker, and I thank the House for their indulgence and patience.

I am going to take the advice of the chairman of the Tourism Committee and withdraw this amendment at this time, with the understanding that we will, through his committee, reintroduce such legislation that will cover what we were trying to do but in a more professional manner. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

**RULES SUSPENDED**

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Representative Bishop.

Ms. BISHOP. Mr. Speaker, I move that the rules of the House be suspended so that I may offer amendment A2316.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady.

Ms. BISHOP. Thank you very much, Mr. Speaker.

I ask for the suspension of the rules so that we might be able to introduce this amendment. This amendment only asks us for an excise tax, or it allows Philadelphia and first-class counties to impose an excise tax on vehicle rentals. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—170**

Adolph	Druce	Mann	Scrimenti
Allen	Eachus	Markosek	Serafini
Argall	Egolf	Marsico	Seyfert
Armstrong	Evans	Masland	Shaner
Bard	Feese	Mayernik	Smith, B.

Barley	Fichter	McCail	Smith, S. H.
Barrar	Fleagle	McGeehan	Snyder
Bastian	Flick	McGill	Solobay
Battisto	Frankel	McIlhattan	Staback
Bebko-Jones	Freeman	McIlhinney	Stairs
Belardi	Gannon	McNaughton	Stetler
Belfanti	Geist	Melio	Stevenson
Bishop	George	Michlovic	Strittmatter
Blaum	Gigliotti	Micozzie	Sturla
Browne	Gladeck	Miller, S.	Surra
Bunt	Godshall	Mundy	Taylor, E. Z.
Butkovitz	Grucela	Myers	Taylor, J.
Buxton	Gruitza	Nailor	Thomas
Caltagirone	Haluska	Nickol	Tigue
Cappabianca	Harhai	O'Brien	Travaglio
Carn	Harhart	Oliver	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Pesci	True
Chadwick	Hershey	Petrarca	Tulli
Civera	Hess	Petrone	Vance
Clymer	Horsey	Phillips	Van Home
Cohen, L. I.	Hutchinson	Pistella	Veon
Cohen, M.	Jadlowiec	Preston	Vitali
Colafella	James	Ramos	Walko
Cornell	Josephs	Readshaw	Washington
Corrigan	Kaiser	Reinard	Waters
Costa	Keller	Rieger	Williams
Coy	Kenney	Robinson	Wogan
Curry	Kirkland	Roebuck	Wojnaroski
Dailey	LaGrotta	Rooney	Wright
Daley	Laughlin	Rubley	Yewcic
Dally	Lawless	Ruffing	Youngblood
DeLuca	Lederer	Sainato	Yudichak
Dempsey	Lescovitz	Samuelson	Zimmerman
Dermody	Levdansky	Santoni	Zug
DeWeese	Lucyk	Sather	
DiGirolamo	Lynch	Schroder	Ryan,
Donatucci	Manderino	Schuler	Speaker

NAYS—29

Baker	Gordner	Maitland	Rohrer
Benninghoff	Habay	Major	Saylor
Birmelin	Hanna	Metcalfe	Semmel
Boyes	Herman	Miller, R.	Steelman
Clark	Krebs	Orie	Steil
Fairchild	Leh	Pippy	Stern
Fargo	Maher	Platts	Wilt
Forcier			

NOT VOTING—0

EXCUSED—4

Raymond	Roberts	Ross	Tangretti
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A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

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

The SPEAKER pro tempore. The Chair would ask the lady, since we have two amendments before us, which of the two she is offering. Is it amendment A2316 or amendment A2363?

Ms. BISHOP. Thank you, Mr. Speaker.

It is amendment A2316.

The SPEAKER pro tempore. That is what we thought, and that is what I read. The Chair thanks the lady.

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

Ms. BISHOP offered the following amendment No. A2316:

Amend Title, page 1, line 7, by removing the period after "tax" and inserting

; and authorizing counties of the first class to impose an excise tax on vehicle rentals.

Amend Bill, page 1, lines 10 through 13, by striking out all of said lines and inserting

Section 1. The title of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended June 18, 1997 (P.L.179, No.18), is amended to read:

AN ACT

Relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives.

Section 2. The definition of "county" in section 1770.2(f) of the act, amended June 18, 1998 (P.L.619, No.79), is amended to read:

Amend Bill, page 2, by inserting between lines 17 and 18

Section 3. The act is amended by adding a section to read:

Section 2807.1. Authorization of Vehicle Rental Tax by Cities of the First Class.—(a) Notwithstanding any provision of this act or any law to the contrary, each county of the first class is hereby authorized to impose an excise tax on the rental of a rental vehicle in that county. The tax may be imposed on any person renting a rental vehicle at a rate of up to two per centum of the purchase price of the rental. For purposes of this section, the situs of a rental vehicle is the place where the renter takes possession of the rental vehicle.

(b) All of the proceeds of the vehicle rental tax shall be dedicated solely to the payment of the costs of capital projects, which costs may include, without limitation, lease payments or service agreements with authorities for capital projects and debt service on bonds issued for capital projects. The Commonwealth does hereby pledge to and agree with any person, firm or corporation subscribing to or acquiring bonds issued by the county, city or an authority to finance a capital project for which the tax was dedicated that the Commonwealth itself will not repeal this authorization or reduce the rate of tax authorized under this section until all such bonds, together with the interest thereon, have been paid or provision for such payment shall have been made, nor shall a county or city of the first class imposing such tax and dedicating such tax as provided in this section be permitted to repeal such tax or to reduce the rate of such tax or to revoke such dedication until all of such bonds, together with interest thereon, shall have been paid or provision for such payment shall have been made. Payments by a county or a city of the first class under any lease or service agreement as hereinabove described shall not constitute debt of the Commonwealth or of a county or city of the first class.

(c) The vehicle rental tax shall be collected by each vehicle rental company in the county or city imposing the tax. The tax shall be collected at the time the rental vehicle is rented by that vehicle rental company and shall be remitted by the vehicle rental company to the county or city that imposed the tax in accordance with rules and regulations established by the county or city or the tax collection agencies of that county or city for collection and remittance of the tax. Any person required to collect or pay over any tax authorized by this section and who fails to collect or pay over any such tax shall be liable for the full amount of such tax, including any interest or penalties which may be imposed by a county or city of the first class.

(d) The county or city and its tax collection agencies are authorized to promulgate and enforce rules and regulations not inconsistent with the

provisions of this section relating to any matter or thing pertaining to the collection, administration and enforcement of the provisions of this section.

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

"Rental vehicle" shall mean a private passenger motor vehicle designed to transport fifteen or fewer passengers, or a truck, trailer or semitrailer used in the transportation of property other than commercial freight, that is rented without a driver, is part of a fleet of five or more rental vehicles that is used for that purpose and owned or leased by the same person or entity, and is rented for a period of twenty-nine or fewer consecutive days.

"Vehicle rental company" shall mean any business entity engaged in the business of renting motor vehicles in this Commonwealth.

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting 4

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia.

Ms. BISHOP. Thank you very much, Mr. Speaker.

I rise to ask your support of this amendment, amendment A2316, which, again, offers and authorizes counties of the first class to impose an excise tax on all rental vehicles, if they so desire, of 2 percent. Thank you.

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

The following roll call was recorded:

YEAS-97

Table listing names of members who voted 'YEAS' (97 total). Includes Bard, Barley, Battisto, etc.

NAYS-101

Table listing names of members who voted 'NAYS' (101 total). Includes Adolph, Allen, Argall, etc.

Table listing names of members who were absent or did not vote. Includes Benninghoff, Birmelin, Boyes, etc.

NOT VOTING-1

DiGirolamo

EXCUSED-4

Table listing names of members who were excused: Raymond, Roberts, Ross, Tangretti.

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 as amended?

AMENDMENT A2316 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Barley, who moves that the vote by which amendment 2316 was defeated to SB 366, PN 1099, be reconsidered.

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

The following roll call was recorded:

YEAS-186

Table listing names of members who voted 'YEAS' for the amendment (186 total). Includes Adolph, Allen, Argall, etc.



Caltagirone	Harhai	Nickol	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Cam	Hasay	Oliver	Tigue
Casorio	Hennessey	Perzel	Travaglio
Chadwick	Hershey	Pesci	Trello
Civera	Hess	Petrarca	Trich
Clark	Horsey	Petrone	True
Clymer	Hutchinson	Phillips	Tulli
Cohen, L. I.	Jadlowiec	Pippy	Vance
Cohen, M.	James	Pistella	Van Horne
Colafella	Josephs	Platts	Veon
Cornell	Kaiser	Preston	Vitali
Corrigan	Keller	Ramos	Walko
Costa	Kenney	Readshaw	Washington
Coy	Kirkland	Reinard	Waters
Curry	Krebs	Rieger	Williams
Dailey	LaGrotta	Robinson	Wilt
Daley	Laughlin	Roebuck	Wogan
Dally	Lawiess	Rohrer	Wojnaroski
DeLuca	Lederer	Rooney	Wright
Dempsey	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Donatucci	Lynch	Santoni	Zug
Druce	Maitland	Sather	
Eachus	Major	Saylor	Ryan,
Egolf	Manderino	Schroder	Speaker

NAYS—12

Baker	Fleagle	Herman	Orie
Benninghoff	Godshall	Maher	Serafini
Boyes	Habay	Metcalfe	Stevenson

NOT VOTING—1

Cawley

EXCUSED—4

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

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

The clerk read the following amendment No. A2316:

Amend Title, page 1, line 7, by removing the period after "tax" and inserting

; and authorizing counties of the first class to impose an excise tax on vehicle rentals.

Amend Bill, page 1, lines 10 through 13, by striking out all of said lines and inserting

Section 1. The title of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended June 18, 1997 (P.L.179, No.18), is amended to read:

AN ACT

Relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives.

Section 2. The definition of "county" in section 1770.2(f) of the act, amended June 18, 1998 (P.L.619, No.79), is amended to read:

Amend Bill, page 2, by inserting between lines 17 and 18

Section 3. The act is amended by adding a section to read:

Section 2807.1. Authorization of Vehicle Rental Tax by Cities of the First Class.—(a) Notwithstanding any provision of this act or any law to the contrary, each county of the first class is hereby authorized to impose an excise tax on the rental of a rental vehicle in that county. The tax may be imposed on any person renting a rental vehicle at a rate of up to two per centum of the purchase price of the rental. For purposes of this section, the situs of a rental vehicle is the place where the renter takes possession of the rental vehicle.

(b) All of the proceeds of the vehicle rental tax shall be dedicated solely to the payment of the costs of capital projects, which costs may include, without limitation, lease payments or service agreements with authorities for capital projects and debt service on bonds issued for capital projects. The Commonwealth does hereby pledge to and agree with any person, firm or corporation subscribing to or acquiring bonds issued by the county, city or an authority to finance a capital project for which the tax was dedicated that the Commonwealth itself will not repeal this authorization or reduce the rate of tax authorized under this section until all such bonds, together with the interest thereon, have been paid or provision for such payment shall have been made, nor shall a county or city of the first class imposing such tax and dedicating such tax as provided in this section be permitted to repeal such tax or to reduce the rate of such tax or to revoke such dedication until all of such bonds, together with interest thereon, shall have been paid or provision for such payment shall have been made. Payments by a county or a city of the first class under any lease or service agreement as hereinabove described shall not constitute debt of the Commonwealth or of a county or city of the first class.

(c) The vehicle rental tax shall be collected by each vehicle rental company in the county or city imposing the tax. The tax shall be collected at the time the rental vehicle is rented by that vehicle rental company and shall be remitted by the vehicle rental company to the county or city that imposed the tax in accordance with rules and regulations established by the county or city or the tax collection agencies of that county or city for collection and remittance of the tax. Any person required to collect or pay over any tax authorized by this section and who fails to collect or pay over any such tax shall be liable for the full amount of such tax, including any interest or penalties which may be imposed by a county or city of the first class.

(d) The county or city and its tax collection agencies are authorized to promulgate and enforce rules and regulations not inconsistent with the provisions of this section relating to any matter or thing pertaining to the collection, administration and enforcement of the provisions of this section.

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

"Rental vehicle" shall mean a private passenger motor vehicle designed to transport fifteen or fewer passengers, or a truck, trailer or semitrailer used in the transportation of property other than commercial freight, that is rented without a driver, is part of a fleet of five or more rental vehicles that is used for that purpose and owned or leased by the same person or entity, and is rented for a period of twenty-nine or fewer consecutive days.

"Vehicle rental company" shall mean any business entity engaged in the business of renting motor vehicles in this Commonwealth.

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting

4

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

The following roll call was recorded:

YEAS-105

Armstrong	DeWeese	Lucyk	Snyder
Bard	DiGirolamo	Manderino	Solobay
Barley	Druce	Mann	Staback
Bastian	Eachus	McCall	Stairs
Battisto	Evans	McGeehan	Steil
Bebko-Jones	Fichter	McGill	Stetler
Belardi	Flick	McIlhattan	Strittmatter
Belfanti	Frankel	McNaughton	Sturla
Bishop	Freeman	Melio	Surra
Blaum	Gannon	Michlovic	Taylor, J.
Bunt	George	Mundy	Trello
Butkovitz	Gigliotti	Myers	Trich
Buxton	Gladeck	O'Brien	Tulli
Caltagirone	Grucela	Oliver	Van Home
Cappabianca	Gruitza	Perzel	Veon
Cohen, L. I.	Haluska	Pesci	Walko
Cohen, M.	Horsey	Petrone	Washington
Colafella	James	Pistella	Williams
Cornell	Josephs	Preston	Wilt
Corrigan	Keller	Ramos	Wojnaroski
Costa	Kirkland	Rieger	Wright
Curry	LaGrotta	Robinson	Youngblood
Dailey	Laughlin	Roebuck	Zimmerman
Daley	Lawless	Rooney	
DeLuca	Lederer	Ruffing	Ryan,
Dempsey	Lescovitz	Santoni	Speaker
Dermody	Levdansky	Schroder	

NAYS-92

Adolph	Forcier	Markosek	Saylor
Allen	Geist	Marsico	Schuler
Argall	Godshall	Masland	Scrimenti
Baker	Gordner	Mayernik	Semmel
Barrar	Habay	McIlhinney	Serafini
Benninghoff	Hanna	Metcalfe	Seyfert
Birmelin	Harhai	Micozzie	Shaner
Boyes	Harhart	Miller, R.	Smith, B.
Browne	Hasay	Miller, S.	Smith, S. H.
Cam	Hennessey	Nailor	Stern
Casorio	Herman	Nickol	Stevenson
Cawley	Hershey	Orie	Taylor, E. Z.
Chadwick	Hess	Petrarca	Thomas
Clark	Hutchinson	Phillips	Tigue
Clymer	Jadlowiec	Pippy	Travaglio
Coy	Kaiser	Platts	True
Daily	Kenney	Readshaw	Vance
Donatucci	Krebs	Reinard	Vitali
Egolf	Leh	Rohrer	Waters
Fairchild	Lynch	Rubley	Wogan
Fargo	Maher	Sainato	Yewcic
Feese	Maitland	Samuelson	Yudichak
Fleagle	Major	Sather	Zug

NOT VOTING-2

Civera	Steelman
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EXCUSED-4

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

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

AMENDMENT A2356 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of another reconsideration motion.

Moved by the lady from Cumberland County, Representative Vance, that the vote by which amendment 2356 was passed to SB 366 be reconsidered.

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

The following roll call was recorded:

YEAS-199

Adolph	Evans	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fargo	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Bastian	Frankel	McGeehan	Smith, S. H.
Battisto	Freeman	McGill	Snyder
Bebko-Jones	Gannon	McIlhattan	Solobay
Belardi	Geist	McIlhinney	Staback
Belfanti	George	McNaughton	Stairs
Benninghoff	Gigliotti	Melio	Steelman
Birmelin	Gladeck	Metcalfe	Steil
Bishop	Godshall	Michlovic	Stern
Blaum	Gordner	Micozzie	Stetler
Boyes	Grucela	Miller, R.	Stevenson
Browne	Gruitza	Miller, S.	Strittmatter
Bunt	Habay	Mundy	Sturla
Butkovitz	Haluska	Myers	Surra
Buxton	Hanna	Nailor	Taylor, E. Z.
Caltagirone	Harhai	Nickol	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Cam	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Van Home
Cohen, M.	James	Pistella	Veon
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Ramos	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Daily	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf			

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

The clerk read the following amendment No. A2356:

Amend Bill, page 2, by inserting between lines 17 and 18  
Section 2. The act is amended by adding a section to read:

Section 1770.5. Authorization of Two Per Centum Hotel Tax.—(a)

The county commissioners of any county of the third class having a population under the 1990 Federal Decennial Census in excess of 237,000 residents, but less than 240,000 residents may impose a hotel tax not to exceed two per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose by ordinance penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The county commissioners of each county shall designate the entity or agency responsible to collect and to enforce the collection of the tax on their behalf. All revenues received from the tax shall be deposited into a special fund, which is to be established by the county's treasurer. The disposition of the revenues from the special fund shall be as follows:

(1) twenty per centum of all revenues received per annum shall be distributed by the treasurer to a city of the third class in the county of the third class imposing the tax for the appropriate and reasonable marketing and promotional expenses of promoting tourism in the city of a third class and the costs associated with the renovation, rehabilitation, extension, furnishing, equipping, substantial repair, or construction of a tourism-related facility located within the city of the third class, including for payment of the debt service on bonds issued for such projects;

(2) ten per centum of all revenues received per annum shall be distributed by the treasurer to the county commissioners who may accept the funds which may be used for purposes to be determined by the county commissioners, or, if the county commissioners elect not to accept the funds, the funds shall be distributed by the treasurer to the TPA for the appropriate and reasonable marketing and promotional expenses of the TPA in promoting tourism in the county of the third class imposing the tax, excluding promotion of a city of the third class receiving revenues under clause (1); and

(3) seventy per centum of all revenue received per annum shall be distributed by the treasurer to qualified authorities located within the county of the third class imposing the tax, for payment of the debt service on bonds issued for the construction of the county regional sports facility having a seating capacity of ten thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable authority, and which is located within the county of the third class imposing the tax. The following are qualified authorities for purposes of this clause:

(i) an authority incorporated pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945";

(ii) an industrial or commercial development authority incorporated pursuant to the act of August 23, 1967 (P.L.251, No.102), known as the "Economic Development Financing Law"; and

(iii) a redevelopment authority incorporated pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law."

(d) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax from the entity or agency designated by the county commissioners to collect and to enforce

the collection of the tax and shall deposit the revenues received from the tax in a special fund established for that purpose.

(e) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Debt service on bonds." Any cost related to the issuance, refinancing, refunding, or payment or any other costs associated with the issuance and maintenance of bonds or notes by an authority or a city of the third class.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation, any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation, or other person or group of persons who maintains, operates, manages, owns, has custody of or otherwise possesses the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Tourist Promotion Agency (TPA)." An organization, agency or corporation designated to be such by the board of commissioners of the county in which the tax is imposed. The TPA shall be duly established, designated and recognized as the county's TPA in accordance with and pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting

3

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

The following roll call was recorded:

YEAS-135

Adolph	Druce	Major	Semmel
Allen	Eachus	Manderino	Serafini
Argall	Evans	Mann	Seyfert
Bard	Feese	Markosek	Smith, B.
Barley	Fichter	Marsico	Smith, S. H.
Bastian	Flick	Mayemik	Snyder
Battisto	Frankel	McCall	Solobay
Bebko-Jones	Freeman	McGeehan	Staback
Belardi	Gannon	McGill	Stairs
Belfanti	Geist	McNaughton	Stern
Bishop	Gigliotti	Michlovic	Stetler
Blaum	Gladeck	Micozzie	Stevenson
Boyes	Grucela	Mundy	Strittmatter
Bunt	Gruitza	Myers	Sturla
Butkovitz	Haluska	O'Brien	Surra
Buxton	Hennessey	Oliver	Taylor, J.
Caltagirone	Hershey	Orie	Tigue
Cappabianca	Hess	Perzel	Trello
Carn	Horsey	Pesci	Trich
Cawley	James	Petrone	Tulli
Chadwick	Josephs	Phillips	Van Horne
Cohen, L. I.	Kaiser	Pistella	Veon
Cohen, M.	Keller	Preston	Walko
Colafella	Kenney	Ramos	Washington
Cornell	Kirkland	Readshaw	Williams
Corrigan	LaGrotta	Rieger	Wilt
Costa	Laughlin	Robinson	Wogan
Dailey	Lawless	Roebuck	Wojnaroski
Daley	Lederer	Rooney	Youngblood
Dally	Lescovitz	Ruffing	Yudichak
DeLuca	Levdansky	Santoni	Zimmerman
Dempsey	Lucyk	Saylor	
Dermody	Lynch	Schroder	Ryan,
DeWeese	Maitland	Scrimenti	Speaker
Donatucci			

NAYS-61

Armstrong	Forcier	Masland	Sainato
Baker	George	McIlhattan	Samuelson
Barrar	Godshall	McIlhinney	Sather
Benninghoff	Gordner	Melio	Schuler
Birmelin	Habay	Metcalfe	Shaner
Browne	Hanna	Miller, R.	Steelman
Casorio	Harhai	Miller, S.	Steil
Clark	Harhart	Nailor	Taylor, E. Z.
Clymer	Hasay	Nickol	Travaglio
Coy	Herman	Petrarca	True
Curry	Hutchinson	Pippy	Vance
DiGirolo	Jadlowiec	Platts	Vitali
Egolf	Krebs	Reinard	Wright
Fairchild	Leh	Rohrer	Yewcic
Fargo	Maher	Rubley	Zug
Fleagle			

NOT VOTING-3

Civera	Thomas	Waters
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EXCUSED-4

Raymond	Roberts	Ross	Tangretti
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The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

The Chair recognizes, on that question, the gentleman from Mercer County, Mr. Wilt.

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

Very briefly, I urge everyone's support of SB 366. This helps out some tourist promotion agencies in smaller counties like mine, and I encourage everyone to support SB 366. Thank you.

The SPEAKER pro tempore. Mr. Gordner, are you seeking recognition? The gentleman is recognized.

Mr. GORDNER. Thank you, Mr. Speaker.

I cannot let the bill go past without just mentioning the irony of what we are doing here today. We spent considerable time yesterday hearing from the tourist industry how horrible it is that we allow for an amusement tax in this Commonwealth, and the tourist industry said that we must have to change things to promote tourism, to eliminate and reduce the amusement tax, because it was creating all sorts of hardships across this State, and now all of a sudden, the day after, we are considering a bill that will allow taxes on various tourism activities in this Commonwealth. I would hope that the tourism industry would be opposed to this, but they are not, because this directly benefits the tourism industry. Most of these moneys go in to help the TPAs, so the TPAs are saying and the tourism industries are saying they want themselves to be helped, but the taxpayers back in my community, who have activities in the community where people come into there, cannot get any assistance in regard to help with police protection and roads and all of the things that are needed in order to help assist with the activities in their community.

I just cannot let this go past without mentioning the irony in this, and I will vote against this bill because of the arguments made yesterday on behalf of the tourism industry. They cannot have it both ways. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-128

Adolph	Evans	Mann	Santoni
Argall	Fargo	Markosek	Saylor
Bard	Feese	Marsico	Schroder
Barley	Fichter	Mayemik	Semmel
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Frankel	McGeehan	Snyder
Belfanti	Freeman	McGill	Staback
Bishop	Gannon	McIlhattan	Stairs
Blaum	George	McNaughton	Stelman
Bunt	Gigliotti	Melio	Stetler
Butkovitz	Gladeck	Michlovic	Strittmatter,
Buxton	Godshall	Micozzie	Sturla
Caltagirone	Grucela	Miller, S.	Surra
Cappabianca	Gruitza	Mundy	Taylor, E. Z.
Carn	Haluska	Myers	Taylor, J.
Chadwick	Hanna	O'Brien	Travaglio
Civera	Hennessey	Oliver	Trello
Cohen, L. I.	Hershey	Perzel	Trich
Cohen, M.	Horsey	Pesci	Tulli
Colafella	James	Petrone	Van Horne
Cornell	Josephs	Pippy	Veon

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

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

Bill as amended was agreed to.

Corrigan	Kaiser	Pistella	Waiko
Costa	Keller	Preston	Washington
Curry	Kirkland	Ramos	Williams
Dailey	LaGrotta	Readshaw	Wilt
Daley	Laughlin	Reinard	Wojnaroski
DeLuca	Lawless	Rieger	Youngblood
Dempsey	Lederer	Robinson	Yudichak
Dermody	Leh	Roebuck	Zimmerman
DeWeese	Lescovitz	Rooney	
DiGirolamo	Levdansky	Rublely	Ryan,
Druce	Lucyk	Ruffing	Speaker
Eachus	Lynch		

NAYS—69

Allen	Fleagle	Manderino	Serafini
Armstrong	Forcier	Masland	Seyfert
Baker	Geist	McIlhinney	Shaner
Barrar	Gordner	Metcalfe	Smith, B.
Bastian	Habay	Miller, R.	Solobay
Benninghoff	Harhai	Nailor	Steil
Birmelin	Harhart	Nickol	Stern
Boyes	Hasay	Orie	Stevenson
Browne	Herman	Petrarca	Thomas
Casorio	Hess	Phillips	Tigue
Cawley	Hutchinson	Platts	True
Clark	Jadlowiec	Rohrer	Vance
Clymer	Kenney	Sainato	Vitali
Coy	Krebs	Samuelson	Wogan
Dally	Maher	Sather	Wright
Donatucci	Maitland	Schulter	Yewcic
Egolf	Major	Scrimenti	Zug
Fairchild			

NOT VOTING—2

Battisto	Waters
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EXCUSED—4

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

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

**REPUBLICAN POLICY COMMITTEE MEETING**

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Wilt, rise?

Mr. WILT. To make a brief announcement, Mr. Speaker.

Thank you, Mr. Speaker.

On behalf of the policy chairman, I would like to invite all of the Republican members to the majority caucus room. There is a Policy Committee meeting with some speakers here, speaking about DUI (driving under the influence) legislation. I invite all of our members to come down.

The SPEAKER pro tempore. The Chair would advise members, we are not done yet.

**HR 203 RECONSIDERED**

The SPEAKER pro tempore. The Chair is in possession of another reconsideration motion.

The gentleman, Mr. Kirkland, moves that the vote by which HR 203 was passed be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Adolph	Evans	Major	Schroder
Allen	Fairchild	Manderino	Schulter
Argall	Fargo	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Seyfert
Barley	Flick	Mayernik	Shaner
Barrar	Forcier	McCall	Smith, B.
Bastian	Frankel	McGeehan	Smith, S. H.
Battisto	Freeman	McGill	Snyder
Bebko-Jones	Gannon	McIlhattan	Solobay
Belardi	Geist	McIlhinney	Staback
Belfanti	George	McNaughton	Stairs
Benninghoff	Gigliotti	Melio	Steelman
Birmelin	Gladeck	Metcalfe	Steil
Bishop	Godshall	Michlovic	Stern
Blaum	Gordner	Micozzie	Stetler
Boyes	Grucela	Miller, R.	Stevenson
Browne	Gruitza	Miller, S.	Strittmatter
Bunt	Habay	Mundy	Sturla
Butkovitz	Haluska	Myers	Surra
Buxton	Hanna	Nailor	Taylor, E. Z.
Caltagirone	Harhai	Nickol	Taylor, J.
Cappabianca	Harhart	O'Brien	Thomas
Carn	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Van Home
Cohen, M.	James	Pistella	Veon
Colafella	Josephs	Platts	Vitali
Cornell	Kaiser	Preston	Waiko
Corrigan	Keller	Ramos	Washington
Costa	Kenney	Readshaw	Waters
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Leh	Rublely	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Druce	Maher	Sather	Ryan,
Eachus	Maitland	Saylor	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—4

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

On the question recurring,  
Will the House adopt the resolution?

#### RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, HR 203 is passed over temporarily. The Chair hears no objection.

#### VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair understands the gentleman, Mr. Semmel, seeks recognition for the purpose of making a committee announcement. The gentleman is recognized.

Mr. SEMMEL. Thank you, Mr. Speaker.

I want to call a Veterans Affairs and Emergency Preparedness Committee meeting when we finish here. It will not take very long. Thank you.

The SPEAKER pro tempore. Mr. Semmel.

Mr. SEMMEL. I should have included in the rear of the hall of the House. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Would the gentleman, Mr. DeWeese, please come up. Thank you.

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

The SPEAKER. The House will come to order, please.

Rather than hold the House in session until a reprint has been done on the Kirkland resolution, the Chair is going to declare a recess at this time until 3 o'clock, at which time the Chair will return and take only the reports of committees that are now meeting during this luncheon period and will take a voice vote on the Kirkland resolution.

The lady, Ms. Manderino.

Now, if this is a problem, we can go all out.

Ms. MANDERINO. Thank you, Mr. Speaker.

I am not sure if it is a problem. If I intended to vote differently than I did on the first one on the second one, do I need to let you know that for the voice vote or will I have to be here?

The SPEAKER. You may advise the gentleman, Mr. Thompson. He will see to it that you are recorded the way you wish to be recorded.

Ms. MANDERINO. Thank you, Mr. Speaker.

The SPEAKER. The Chair is in error.

With a voice vote, there would be no recording of the individuals' votes.

For the information of the member, there were four members who were recorded as voting "no" on that resolution. On a voice vote, they could stand and note for the record that they did not vote in the affirmative. If the four members will give me that information, I will make that notation on the record. Failing to hear from the members, the voice vote will be recorded either in the affirmative or the negative as the voices indicate.

#### VOTE CORRECTIONS

The SPEAKER. Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I would like to correct a vote.

The SPEAKER. The gentleman is in order.

Mr. STEIL. On amendment A2316 to SB 366, on the reconsideration I was recorded as voting in the affirmative. I would like to be recorded in the negative. Thank you, Mr. Speaker.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The gentleman, Mr. Donatucci.

Mr. DONATUCCI. Mr. Speaker, to correct the record, please.

The SPEAKER. The gentleman is in order.

Mr. DONATUCCI. On HB 980, amendment 1264, I would like to be recorded in the negative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. Ramos.

Mr. RAMOS. Mr. Speaker, I would like to correct the record.

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

Mr. RAMOS. Mr. Speaker, I was unable to record my vote on HB 979. I would like the record to show an affirmative vote.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Any further corrections to the record?

Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

On the second vote on amendment 2316, my vote was not recorded. I would like to have that recorded in the negative, please.

The SPEAKER. The remarks of the lady will be spread upon the record.

#### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table:

HB 617;

HB 770;

HB 771; and

HB 772.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be placed on the table:

HB 617;

HB 770;

HB 771; and

HB 772.

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

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HB 981, PN 1756

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

#### HB 982, PN 1757

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

#### HB 983, PN 1758

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

#### HB 984, PN 1801

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an

annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

#### HB 985, PN 1759

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

#### HB 992, PN 1760

An Act making appropriations to the Pennsylvania College of Optometry, Philadelphia.

#### HB 994, PN 1804

An Act making appropriations to the Philadelphia Health and Education Corporation for the MCP Hahnemann University and for continuation of pediatric services.

#### HB 1003, PN 1762

An Act making an appropriation to The Children's Institute, Pittsburgh.

#### HB 1004, PN 1802

An Act making an appropriation to The Children's Hospital of Philadelphia.

Whereupon, the Speaker, in the presence of the House, signed the same.

### VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Waters, Philadelphia County.

Mr. WATERS. Thank you, Mr. Speaker.

Let the record reflect that on SB 366, my machine did malfunction, and I wanted to vote on that in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record. Thank you.

Mr. WATERS. Thank you, sir.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 309, PN 1187

Referred to Committee on EDUCATION, June 9, 1999.

#### SB 652, PN 1186

Referred to Committee on APPROPRIATIONS, June 9, 1999.

#### SB 926, PN 1170

Referred to Committee on EDUCATION; June 9, 1999.

**SB 927, PN 1188**

Referred to Committee on EDUCATION, June 9, 1999.

**SB 929, PN 1190**

Referred to Committee on EDUCATION, June 9, 1999.

**SB 934, PN 1189**

Referred to Committee on EDUCATION, June 9, 1999.

**SB 945, PN 1172**

Referred to Committee on EDUCATION, June 9, 1999.

**SB 999, PN 1158**

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 9, 1999.

**RECESS**

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, this House will stand in recess until 3 p.m., unless sooner recalled by the Chair or extended by the Chair.

**AFTER RECESS**

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

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND TABLED****SB 852, PN 954**

By Rep. HERMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for written or telephonic price quotations from contractors.

**LOCAL GOVERNMENT.****SB 900, PN 1111**

By Rep. STAIRS

An Act providing for scholarships for persons entering into the field of science and technology.

**EDUCATION.****SB 999, PN 1158**

By Rep. SEMMEL

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

**VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.****BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that the following bills be taken from the table:

SB 852;  
SB 999; and  
SB 900.

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

**BILLS RECOMMITTED**

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

Mr. BARLEY. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

SB 852;  
SB 999; and  
SB 900.

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

**SUPPLEMENTAL CALENDAR D CONTINUED****CONSIDERATION OF HR 203 CONTINUED**

The SPEAKER. The Chair returns to today's calendar, HR 203.

On the question recurring,  
Will the House adopt the resolution?

Mr. KIRKLAND offered the following amendment No. A2629:

Amend Second Resolve Clause, page 2, line 12, by striking out "before June 1, 1999" and inserting immediately

On the question,  
Will the House agree to the amendment?  
Amendment was agreed to.

On the question,  
Will the House adopt the resolution as amended?

The SPEAKER. Those in favor of the adoption of the resolution will vote "aye"; opposed, "no." The "ayes" have it with the exception of the following members who vote "no": Manderino; Cohen from Montgomery; Williams, Montgomery; Josephs; Philadelphia; Curry, Montgomery.

The clerk will record the vote on that basis.



On the question recurring,  
Will the House adopt the resolution as amended?  
Resolution as amended was adopted.

### **BILLS AND RESOLUTIONS PASSED OVER**

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

### **ADJOURNMENT**

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, the Chair recognizes the gentleman, Mr. Kirkland.

Mr. KIRKLAND. Mr. Speaker, I move that this House do now adjourn until Monday, June 14, 1999, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 3:15 p.m., e.d.t., the House adjourned.