

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 8, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 61

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING**

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should note that there will not be a voting session until 12:30, and members should be in their caucus at this time.

PRAYER

REV. DR. JAMES W. GRUBB, Chaplain of the House of Representatives and pastor of Grace United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

O God, in Your economy there is a time on earth for all things. As the writer of Ecclesiastes says, there is a time to plant and a time to reap, a time to destroy and a time to build, a time to mourn and a time to dance, a time to listen and a time to speak, a time to embrace and a time to part. Peculiar to this body, there is a time to be partisan and a time for compromise, a time for working in committee and writing legislation and a time to walk with constituents, a time for work within these halls and a time to enjoy the sanctuary of nature, a time to fulfill our roles in this House and a time to strengthen personal and family relationships.

On this last session day of the year, with committee meetings, constituent work, and holiday celebration with our families still ahead of us, we acknowledge You, O God, sovereign of the universe, and we pray that in this season You would renew us to the very depth of our being. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, December 7, 1999, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2106 By Representatives COLAFELLA, MICOZZIE, MANDERINO, BELFANTI, BEBKO-JONES, BELARDI, BUXTON, CALTAGIRONE, CAWLEY, CORRIGAN, CURRY, DALEY, FEESE, GEORGE, HANNA, HARHAI, HESS, JAMES, LaGROTTA, LAUGHLIN, LYNCH, MICHLOVIC, OLIVER, ROONEY, STABACK and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for equity funding for school districts.

Referred to Committee on EDUCATION, December 8, 1999.

No. 2124 By Representatives LYNCH, ARGALL, ARMSTRONG, BAKER, BATTISTO, BEBKO-JONES, BELFANTI, BENNINGHOFF, BIRMELIN, BOYES, CAWLEY, L. I. COHEN, CORNELL, DALLY, DeWEESE, FAIRCHILD, GODSHALL, GRUCELA, HENNESSEY, HERMAN, HERSHEY, HUTCHINSON, KREBS, LEDERER, LEH, MAJOR, MASLAND, McCALL, ORIE, PHILLIPS, ROHRER, SATHER, SCRIMENTI, SEYFERT, STABACK, STEELMAN, STRITTMATTER, TRAVAGLIO, TRELLO, TRUE, WILT, YOUNGBLOOD, ZIMMERMAN and ZUG

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further defining "police department" and "police officer" for purposes of municipal police education and training; and further providing for automatic certification and for payment of certain county costs.

Referred to Committee on LOCAL GOVERNMENT, December 8, 1999.

No. 2125 By Representatives WALKO, MANDERINO, VEON, DeWEESE, THOMAS, YUDICHAK, MUNDY, BROWNE, BELARDI, LEVDANSKY, CARN, WOJNAROSKI, STURLA, LAUGHLIN, BEBKO-JONES, SOLOBAY, ROBINSON, EVANS, WILLIAMS, PESCI, CORRIGAN, BELFANTI, TRELLO, WASHINGTON, CURRY, PETRARCA, VAN HORNE, FREEMAN, YOUNGBLOOD, SURRA, PISTELLA, M. COHEN, HARHAI and DERMODY

An Act providing for use of tobacco settlement moneys for charity health care.

Referred to Committee on HEALTH AND HUMAN SERVICES, December 8, 1999.

No. 2126 By Representatives WILLIAMS, BELARDI, BELFANTI, BISHOP, ARGALL, BROWNE, COSTA, DALEY, DeWEESE, FRANKEL, HENNESSEY, JOSEPHS, KIRKLAND, LEDERER, MELIO, MYERS, ORIE, RAMOS, ROEBUCK, ROONEY, SEYFERT, SOLOBAY, STABACK, STEELMAN, E. Z. TAYLOR, THOMAS, TIGUE, TRELLO, WALKO, WATERS, YOUNGBLOOD, YUDICHAK, RUBLEY, BARD, M. COHEN, CURRY, DeLUCA, FICHTER, HARHAI, HORSEY, KENNEY, LAUGHLIN, MANDERINO and MICHLOVIC

An Act providing for lead-level testing of day-care and preschool facilities; and making an appropriation.

Referred to Committee on AGING AND YOUTH, December 8, 1999.

No. 2127 By Representatives DeLUCA, BARRAR, BELFANTI, BROWNE, CLARK, M. COHEN, CORRIGAN, COSTA, DALEY, DeWEESE, FRANKEL, GEIST, GEORGE, GIGLIOTTI, GORDNER, HARHAI, HORSEY, LAUGHLIN, LEDERER, MARKOSEK, MELIO, MUNDY, READSHAW, ROBINSON, ROONEY, SHANER, SOLOBAY, STABACK, STEELMAN, TANGRETTI, WALKO, WASHINGTON, WOJNAROSKI, YOUNGBLOOD and DALLY

An Act requiring all health care practitioners and health care providers to wear identification tags.

Referred to Committee on HEALTH AND HUMAN SERVICES, December 8, 1999.

No. 2128 By Representatives DeWEESE, MICHLOVIC, VEON, PESCI, WILT, FRANKEL, GIGLIOTTI, SOLOBAY, YUDICHAK, FEESE, SANTONI, LYNCH, MANN, GEORGE, EVANS, CALTAGIRONE, FICHTER, FAIRCHILD, LAUGHLIN, LEDERER, CORRIGAN, SHANER, WOJNAROSKI, GEIST, COY, BEBKO-JONES, TIGUE, HORSEY, NAILOR, MARKOSEK, PETRONE, STABACK, READSHAW, SCRIMENTI, JOSEPHS, SCHULER, BUNT, KAISER, RIEGER, CAWLEY, SAYLOR, J. TAYLOR, WALKO, GRUCELA, BARRAR, CLARK, MANDERINO, SNYDER, CASORIO, BATTISTO, GODSHALL, YEWIC, MUNDY, MICOZZIE, YOUNGBLOOD, RUBLEY, DeLUCA, E. Z. TAYLOR, MAHER, MYERS, HERMAN, FLICK, S. MILLER, LEVDANSKY, McCALL, COSTA, LEH, HUTCHINSON, PHILLIPS, BELARDI, BARD, HENNESSEY, WILLIAMS, FREEMAN, STEELMAN, SAINATO, ROONEY, PLATTS, BROWNE, TRAVAGLIO, HARHAI, PISTELLA, STURLA and EACHUS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "soldier."

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 8, 1999.

No. 2129 By Representatives DeWEESE, MICHLOVIC, VEON, PESCI, WILT, FRANKEL, GIGLIOTTI, SOLOBAY, YUDICHAK, FEESE, SANTONI, LYNCH, MANN, GEORGE, EVANS, CALTAGIRONE, FICHTER, FAIRCHILD,

LAUGHLIN, LEDERER, CORRIGAN, SHANER, WOJNAROSKI, COY, BEBKO-JONES, HORSEY, MARKOSEK, PETRONE, STABACK, READSHAW, SCRIMENTI, JOSEPHS, SCHULER, BUNT, KAISER, RIEGER, CAWLEY, SAYLOR, J. TAYLOR, WALKO, GRUCELA, BARRAR, CLARK, MANDERINO, SNYDER, CASORIO, BATTISTO, GODSHALL, YEWIC, MUNDY, MICOZZIE, YOUNGBLOOD, RUBLEY, DeLUCA, E. Z. TAYLOR, MAHER, MYERS, HERMAN, FLICK, S. MILLER, LEVDANSKY, McCALL, LEH, HUTCHINSON, PHILLIPS, BELARDI, HENNESSEY, WILLIAMS, FREEMAN, STEELMAN, SAINATO, ROONEY, PLATTS, BROWNE, TRAVAGLIO, HARHAI, PISTELLA, STURLA and EACHUS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for disabled veteran's pension.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 8, 1999.

No. 2130 By Representatives GEIST and BATTISTO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for restrictions on use of limited access highways.

Referred to Committee on TRANSPORTATION, December 8, 1999.

No. 2131 By Representatives STEIL, ARMSTRONG, CORRIGAN, DALEY, FARGO, HARHAI, HERMAN, McILHINNEY, PIPPY, RAMOS, ROSS, SATHER, STEVENSON, VAN HORNE, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for appointments to the civil service commission and for organization of the commission.

Referred to Committee on LOCAL GOVERNMENT, December 8, 1999.

No. 2132 By Representatives BUTKOVITZ, KELLER, PRESTON, SOLOBAY, LaGROTTA, TANGRETTI, OLIVER, KENNEY, CAPPABIANCA, READSHAW, BATTISTO, BARRAR, LAUGHLIN, WOJNAROSKI, M. COHEN, E. Z. TAYLOR, THOMAS, PISTELLA, BARD, YOUNGBLOOD, NAILOR, PESCI, LEDERER, BEBKO-JONES, STERN, CLYMER, STURLA, HARHAI, WILLIAMS, PLATTS, TRELLO and J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under influence of alcohol or controlled substance.

Referred to Committee on JUDICIARY, December 8, 1999.

No. 2133 By Representatives BUTKOVITZ, KELLER, PRESTON, SOLOBAY, LaGROTTA, TANGRETTI, OLIVER, KENNEY, CAPPABIANCA, READSHAW, BATTISTO, BARRAR, LAUGHLIN, WOJNAROSKI, M. COHEN,

E. Z. TAYLOR, THOMAS, PISTELLA, BARD, YOUNGBLOOD, NAILOR, PESCI, LEDERER, BEBKO-JONES, STERN, CLYMER, STURLA, HARHAI, WILLIAMS, PLATTS, TRELLO and J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege.

Referred to Committee on TRANSPORTATION, December 8, 1999.

No. 2134 By Representatives COLAFELLA, STAIRS, TRELLO, STEELMAN, MUNDY, STURLA, GRUCELA, McILHATTAN, THOMAS, BARD, BELARDI, BELFANTI, CAPPABIANCA, M. COHEN, CORRIGAN, COSTA, DALEY, EVANS, FRANKEL, GEORGE, HALUSKA, HARHAI, JOSEPHS, LaGROTTA, MANN, MASLAND, MYERS, PISTELLA, RAMOS, READSHAW, SHANER, SOLOBAY, STABACK, TRAVAGLIO, VAN HORNE and WOJNAROSKI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for conditional employment.

Referred to Committee on EDUCATION, December 8, 1999.

No. 2135 By Representatives COLAFELLA, MICOZZIE, MANDERINO, BELFANTI, BEBKO-JONES, BELARDI, BUXTON, CALTAGIRONE, CAWLEY, CORRIGAN, CURRY, DALEY, FEESE, GEORGE, HANNA, HARHAI, HESS, JAMES, LaGROTTA, LAUGHLIN, LYNCH, MICHLOVIC, OLIVER, ROONEY, STABACK and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, imposing an additional tax on personal income; establishing the Educational Equity Fund; and providing for transfers to the Educational Equity Fund.

Referred to Committee on FINANCE, December 8, 1999.

No. 2136 By Representatives GORDNER, MASLAND, VANCE, SAYLOR, HARHAI, BARRAR, STERN, SOLOBAY, WOGAN, BEBKO-JONES, E. Z. TAYLOR, READSHAW, DALLY, LUCYK, STURLA, PLATTS, SAINATO, WILLIAMS, DeLUCA, HENNESSEY, PISTELLA, McILHATTAN, EGOLF, STEELMAN, HORSEY, WASHINGTON and TRUE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under the influence.

Referred to Committee on JUDICIARY, December 8, 1999.

No. 2137 By Representatives JOSEPHS, MUNDY, MANDERINO, WILLIAMS, WASHINGTON, YOUNGBLOOD, STEELMAN, BEBKO-JONES, L. I. COHEN, SEYFERT, PISTELLA, LEVDANSKY, PETRARCA, CARN, GEORGE, SURRA, STETLER, CAPPABIANCA, CALTAGIRONE, SOLOBAY, FRANKEL, LUCYK, JAMES, FAIRCHILD, HORSEY, ROBINSON, M. COHEN, DALEY, FREEMAN, McCALL, DeWEESE, ROONEY, MYERS, MICHLOVIC, RAMOS, O'BRIEN and CHADWICK

An Act protecting the right of a mother to nurse her child in public; prohibiting a unit of local government from adopting an ordinance prohibiting breastfeeding in public; and providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity.

Referred to Committee on JUDICIARY, December 8, 1999.

No. 2138 By Representatives CIVERA, CALTAGIRONE, FICHTER, LYNCH, PISTELLA, SEYFERT, SHANER, SNYDER, E. Z. TAYLOR, J. TAYLOR, TRELLO, WILT, WOJNAROSKI, YOUNGBLOOD and RAYMOND

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for powers and duties of board.

Referred to Committee on PROFESSIONAL LICENSURE, December 8, 1999.

No. 2139 By Representatives EGOLF, SEMMEL, PESCI, WILT, FRANKEL, BASTIAN, STERN, ROBERTS, HUTCHINSON, LYNCH, CALTAGIRONE, CORRIGAN, FICHTER, FAIRCHILD, LAUGHLIN, LEDERER, WOJNAROSKI, SHANER, MASLAND, NAILOR, GEIST, SEYFERT, SATHER, BEBKO-JONES, PETRONE, TIGUE, STABACK, SCRIMENTI, SCHULER, FORCIER, BUNT, GEORGE, ARGALL, SAYLOR, WALKO, HERSHEY, BARRAR, METCALFE, CLARK, SNYDER, ZUG, BELFANTI, YEWIC, ARMSTRONG, GRUCELA, YOUNGBLOOD, MICHLOVIC, RUBLEY, E. Z. TAYLOR, MYERS, TRUE, READSHAW, DeWEESE, HERMAN, HENNESSEY, HASAY, PHILLIPS, BELARDI, BARD, ROHRER, LEH, ORIE, SAINATO, S. MILLER and PLATTS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the State Veterans' Commission.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 8, 1999.

No. 2140 By Representatives J. TAYLOR, BROWNE, FICHTER, WOGAN, HENNESSEY, HABAY, RAYMOND, GANNON, BARRAR, CIVERA and KENNEY

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wage rates.

Referred to Committee on LABOR RELATIONS, December 8, 1999.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 327 By Representatives ORIE, PISTELLA, READSHAW, RUFFING, FRANKEL, COSTA, MAYERNIK, KAISER, PIPPY, MARKOSEK, LAUGHLIN, VAN HORNE, STEVENSON, PRESTON, MICHLOVIC and DERMODY

A Resolution urging the Helen Clay Frick Foundation to retain the distinguished historical papers compiled by Henry Clay Frick in western Pennsylvania.

Referred to Committee on RULES, December 8, 1999.

SENATE BILLS FOR CONCURRENCE

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

SB 958, PN 1090

Referred to Committee on JUDICIARY, December 8, 1999.

SB 1077, PN 1553

Referred to Committee on JUDICIARY, December 8, 1999.

SB 1163, PN 1437

Referred to Committee on GAME AND FISHERIES, December 8, 1999.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1675, PN 2563**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1848, PN 2767**.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 868, PN 2773**; and **HB 1569, PN 2772**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1135, PN 1563**.

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

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that the following bills be removed from the table:

HB 931;
HB 1457;
HB 1753;
HB 1856; and
SB 360.

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

BILLS TABLED

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

Mr. PERZEL. Madam Speaker, I move that the following bills be placed on the table:

HB 931;
HB 1457;
HB 1753;
HB 1856; and
SB 360.

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

RECESS

The SPEAKER pro tempore. This House now stands in recess until 12:30.

RECESS EXTENDED

The time of recess was extended until 1 p.m.

AFTER RECESS

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

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority leader, who requests no leaves of absence for today's session.

The Democratic whip requests a leave for the gentleman, Mr. LaGROTTA, from Lawrence, and the gentleman, Mr. EVANS, from Philadelphia. Without objection, the leaves will be granted. The Chair hears no objection. Once again, leave continues for Mr. DEMPSEY, Mr. BELFANTI, Mr. CORRIGAN, and Mrs. LEDERER.

Prior to the recording of the master-roll-call vote, the lady, Ms. BISHOP, should be added to the leave-of-absence list.

MASTER ROLL CALL

The SPEAKER. On the master roll call, the members will proceed to vote.

The following roll call was recorded:

PRESENT—196

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

Dermody	Lucyk	Ruble	Wright
DeWeese	Lynch	Ruffing	Yewcic
DiGirolamo	Maher	Sainato	Youngblood
Donatucci	Maitland	Samuelson	Yudichak
Druce	Major	Santoni	Zimmerman
Eachus	Manderino	Sather	Zug
Egolf	Mann	Saylor	
Fairchild	Markosek	Schroder	Ryan,
Fargo	Marsico	Schuler	Speaker
Feese	Masland		

ADDITIONS—0**NOT VOTING—0****EXCUSED—7**

Belfanti	Corrigan	Evans	Lederer
Bishop	Dempsey	LaGrotta	

LEAVES ADDED—3

Gladeck	Rooney	Ruffing
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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 1675, PN 2563

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, further providing for employment of children at establishments where alcoholic beverages or malt liquor is sold.

HB 1848, PN 2767

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 calculation of the manufacturing, processing, research and development capital stock and franchise tax exemptions; continuing and expanding a tax credit to employers who hire certain individuals; and making a repeal.

SB 167, PN 1550

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of firearm or other dangerous weapon in court facility, for terroristic threats, for harassment and stalking, for grading of theft offenses, for harassment and stalking by communication or address and weapons or implements for escape and for persons not to possess, use, manufacture, control, sell or transfer firearms; providing for possession of firearms with altered manufacturer's number; further providing for the sale or transfer of firearms and for registration of firearms; providing for locking device for firearms; and limiting certain lawsuits.

SB 555, PN 1555

An Act regulating electronic transactions.

SB 1100, PN 1408

An Act designating a portion of U.S. Route 322 in Mifflin County and Centre County as the J. Doyle Corman Highway.

Whereupon, the Speaker, in the presence of the House, signed the same.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. WILT called up **HR 326, PN 2748**, entitled:

A Resolution proclaiming January 16 through 22, 2000, as "Snowmobile Safety Awareness Week" in Pennsylvania

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Corrigan	Evans	Lederer
Bishop	Dempsey	LaGrotta	

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

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 868, PN 2773

By Rep. PERZEL

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Agriculture, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; providing for use of site-specific postclosure funds and for immunity for certain persons who reclaim abandoned lands or abate certain water pollution; making appropriations; and making repeals.

RULES.

HB 1569, PN 2772

By Rep. PERZEL

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, adding provisions relating to labeling and packaging; and further providing for penalties for certain sales or transfers of cigarettes and for report of property subject to custody and control of the Commonwealth.

RULES.

SB 1135, PN 1563

By Rep. PERZEL

An Act providing for emergency drought relief, for commercial orchard and fruit tree nursery indemnity, for grants for flood damage and for powers and duties of the Department of Agriculture; establishing the Supplemental Individual Assistance Program; providing for payment of the Commonwealth's share to secure individual assistance from the Federal Government; and making appropriations.

RULES.

ADDITIONS AND DELETIONS OF SPONSORS

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

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

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. The Chair turns to page 1 of today's calendar. HB 2 is over.

* * *

The House proceeded to third consideration of **HB 1071**, PN 1217, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for damages in actions for conversion of timber.

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

Mr. **GEORGE** offered the following amendment No. A4747:

Amend Bill, page 1, line 3, by removing the period after "timber" and inserting

; and providing immunity for environmental activism.

The General Assembly finds and declares as follows:

(1) There has been a disturbing increase in lawsuits, known as Strategic Lawsuits Against Public Participation (SLAPP), brought primarily to chill the valid exercise by citizens of their constitutional right to freedom of speech and to petition the government for the redress of grievances.

(2) It is in the public interest to empower citizens to bring a swift end to retaliatory lawsuits seeking to undermine their participation in the establishment of State and local environmental policy and in the implementation and enforcement of environmental law and regulations.

(3) This act will ensure that a frivolous lawsuit or a SLAPP can be resolved in a prompt manner by permitting citizens to raise civil immunity to such suits when filing a preliminary objection for legal insufficiency of a pleading or demurrer or upon another appropriate motion and to obtain a stay on discovery as provided for in this act.

(4) A court should grant or deny relief on the preliminary objection or other appropriate motion without reserving the matter for further discovery.

Amend Bill, page 2, by inserting between lines 15 and 16

Section 2. Title 42 is amended by adding a section to read:

§ 8340.1. Participation in environmental law or regulation.

(a) Immunity.—

(1) A person who acts in furtherance of the person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with an issue related to enforcement or implementation of environmental law or regulation shall be immune from civil liability in any action except where the communication to the government agency is not genuinely aimed at procuring a favorable governmental action, result or outcome.

(2) A communication is not genuinely aimed at procuring a favorable governmental action, result or outcome if it:

- (i) is not material or relevant to the enforcement or implementation of environmental law or regulation;
- (ii) was knowingly false when made;
- (iii) was rendered with reckless disregard as to the truth or falsity of the statement when made; or
- (iv) represented a wrongful use of process or abuse of process.

(b) Stay of discovery.—The court shall stay all discovery proceedings in the action upon the filing of preliminary objections for legal insufficiency of a pleading or other appropriate motion on the basis of immunity, provided, however, that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery shall remain in effect until notice of the entry of the order ruling on the preliminary objections or on another appropriate motion.

(c) Admissibility of court determination.—If the court determines that the plaintiff has established that there is a substantial likelihood that the plaintiff will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination.

(d) Intervention.—The government agency involved in the furtherance of a person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue may intervene or otherwise participate as an amicus curiae in the action involving public petition and participation.

(e) Legal protections of defendants.—Nothing in this section shall be construed to limit any constitutional, statutory or common-law protections of defendants to actions involving public petition and participation.

(f) Abuse of legal process.—In addition to other costs or remedies allowed by general rule or statute, in any administrative or judicial proceeding related to the enforcement or implementation of environmental law or regulation, the agency or court may award costs, including reasonable attorney fees, if the agency or court determines that an action, appeal, claim, motion or pleading is frivolous or taken solely for delay or that the conduct of a party or counsel is dilatory or vexatious.

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

"Act in furtherance of a person's right of petition or free speech under the United States Constitution or the Constitution of Pennsylvania in connection with a public issue." Any written or oral statement or writing made before a legislative, executive or judicial proceeding, or any other official proceeding authorized by law; any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive or judicial body, or any other official proceeding authorized by law; any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest; or any written or oral statement or writing made to a government agency in connection with the implementation and enforcement of environmental law and regulations.

"Enforcement of environmental law and regulations." Any activity related to the identification and elimination of violations of environmental laws and regulations, including investigations of alleged violations, inspections of activities subject to regulation under environmental law and regulations and responses taken to produce correction of the violations.

"Government agency." The Federal Government, the Commonwealth and all of its departments, commissions, boards, agencies and authorities, and all political subdivisions and their authorities.

"Implementation of environmental law and regulations." Any activity related to the development and administration of environmental programs developed under environmental law and regulations.

Amend Sec. 2, page 2, line 16, by striking out "2" and inserting

3

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

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

The House will be temporarily at ease.
The clerk will strike the board.

BILLS PASSED OVER TEMPORARILY

The SPEAKER. The Chair temporarily is going to pass over HBs 1071, 1162, and move to SB 818, PN 1549, on page 2 of today's calendar.

The House proceeded to third consideration of **SB 818, PN 1549**, entitled:

An Act regulating certain transfers of structured settlement payments.

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

The SPEAKER. It is the understanding of the Chair that the O'Brien, Nickol, and Gannon amendments have been withdrawn to this bill.

RULES SUSPENDED

The SPEAKER. The Chair, however, understands that Mr. Nickol has an amendment to offer, which will require first a suspension of the rules to offer amendment 4828.

On the question of suspension of the rules to allow him to offer that amendment, those in favor will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—191

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

Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Costa	Kirkland	Rieger	Washington
Coy	Laughlin	Roberts	Waters
Curry	Lawless	Robinson	Williams
Dailey	Leh	Roebuck	Wilt
Daley	Lescovitz	Rohrer	Wogan
Dally	Levdansky	Rooney	Wojnaroski
DeLuca	Lucyk	Ross	Wright
Dermody	Lynch	Rublely	Yewcic
DeWeese	Maher	Ruffing	Youngblood
DiGirolamo	Maitland	Sainato	Yudichak
Donatucci	Major	Samuelson	Zimmerman
Druce	Manderino	Santoni	Zug
Eachus	Mann	Sather	
Egolf	Markosek	Saylor	Ryan,
Fairchild	Marsico	Schroder	Speaker
Fargo			

NAYS—4

Hanna	Krebs	Steelman	Steil
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NOT VOTING—1

McGeehan

EXCUSED—7

Belfanti	Corrigan	Evans	Lederer
Bishop	Dempsey	LaGrotta	

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?

Mr. **NICKOL** offered the following amendment No. **A4828**:

Amend Sec. 3, page 7, line 4, by inserting after "withheld;" and, further provided that the structured settlement obligor and the annuity issuer shall be required to consent to the transfer if the transferee has agreed to indemnify the structured settlement obligor and annuity issuer from all liabilities arising from the factoring transaction and compliance or noncompliance with this act

Amend Sec. 3, page 7, by inserting between lines 29 and 30

(c) Bonds.—If the indemnity in subsection (a)(5)(i)(A) is offered, the court shall require that the transferee obtain a surety bond or an irrevocable standby letter of credit to secure the indemnity obligation. In considering the necessity and amount of any bond, the court shall consider the size of the underlying transaction and the potential liabilities of the structured settlement obligor and annuity issuer.

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

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

Mr. **NICKOL**. Thank you, Mr. Speaker.

SB 818 is an excellent consumer protection measure, and to show how my amendment fits in, I would just like to briefly explain the bill and how it fits in, and probably the best way to explain structured settlements is by giving an example.

If I had been involved in an automobile accident and as a result of that accident I was seriously injured and in the settlement I am guaranteed a payment each year for the next 20 years to compensate me for not being able to work, I may be home sitting, watching the TV one day and clicking channels, and I get a knock on my door, and that knock may come from what is known as a factoring company, and they may be approaching me to buy out that structured settlement agreement which is providing my income. They are interested in what is called cashing out that agreement. They compute what that is worth, they discount that, and they will offer me up front, in a lump sum they will buy off that agreement.

There are certain problems, as you may imagine, with those, because the factoring companies are not well regulated at all, and what this bill attempts to do is set in some consumer protections, including requiring the court to review these cash-out agreements and also provide for a number of different disclosures to protect consumers. This legislation is supported by the Bar Association, the trial lawyers, the Insurance Federation, the AFL-CIO, and the various disability advocates and the factoring companies themselves.

My amendment addresses a wrinkle in the bill, a provision that deals with the tax implications of these agreements for the insurance companies, dealing with the IRS (Internal Revenue Service). What this section that I am amending deals with is, it provides for the insurers to sign off on these cash-out agreements, and it says the insurers cannot unreasonably withhold their consent in signing off.

The IRS really has not decided how they look upon these agreements. The IRS and the Federal government have smiled on these structured settlements, and they have granted tax exemption, and one of the reasons they do that is, you can imagine if someone receives, say, a million dollars up front versus having that payment structured over 20 years, they may spend that money in the first 3 years, leaving them for the next 17 years without any source of income and end up on the public dole. So the IRS and the Federal government want to encourage these structured settlements, and so they have given this tax exemption.

Now, these cash-outs, the IRS, you might say, is frowning on them. They really have not decided as to how to treat them.

The SPEAKER. Will the gentleman yield, please.

Conferences and conversations, please cease. Members, please take your seats. The topic that the gentleman is discussing is very interesting to a lot of the members here.

Mr. Nickol.

Mr. NICKOL. Thank you.

As I said, the IRS has smiled on these structured settlement agreements, because they look at them as something to keep people off the public dole, because if you can guarantee them an income over time, you can support them.

Now, with the cash-out agreements, the IRS is not so certain they are too happy with those, because, of course, then the person gets a lump sum and can spend it and they are in jeopardy of going on the public dole at that point. Now, they have really issued no opinion on this as to how they might treat those, but there have been threats that they may somehow impact with regard to the tax exemption on these, much to the disadvantage of the insurance companies. So you can imagine an insurance company is not going to be quick to sign off on these agreements, unless they have some

protection from the IRS coming in and holding them liable for the taxes.

So currently in the legislation, it provides for the signoff, and it also provides that if the tax situation is settled, the insurance companies are obligated to sign off. What my amendment does is adds another condition, and that is that if the factoring company steps forward with a security bond to protect the insurance company from any tax liability, then the insurer would also have to sign off on the agreement.

This amendment is supported by all the different associations that I noted before — the trial lawyers, Insurance Federation, Pennsylvania Bar, AFL-CIO, and the various disability advocacy groups — and I would appreciate the members' support. Thank you.

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

Mr. ARMSTRONG. I would just like to interrogate the maker of the amendment.

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

Mr. ARMSTRONG. I am not sure if this is contained in your amendment or the bill, but I will just ask the question at this point.

Does this curtail anyone from getting a structured settlement, from being paid up front, or is it just applying conditions?

Mr. NICKOL. No. This does not prevent anybody from getting a structured settlement. It does require court approval for the settlement — for the sale of the settlement, I mean.

Mr. ARMSTRONG. Is this according to your amendment?

Mr. NICKOL. No. This is an underlying bill.

Mr. ARMSTRONG. Okay.

All right. Thank you, Mr. Speaker. My question has been answered.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair interrupts the taking of the roll call and recognizes the majority whip, who asks that the gentleman, Mr. GLADECK, be placed on leave for the balance of the day. Without objection, leave will be granted. The Chair hears none.

CONSIDERATION OF SB 818 CONTINUED

The SPEAKER. Members will continue to vote on the question of the Nickol amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Mayernik	Scrimenti
Allen	Fleagle	McCall	Semmel
Argall	Flick	McGeehan	Serafini
Armstrong	Forcier	McGill	Seyfert

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Belfanti	Corrigan	Evans	LaGrotta
Bishop	Dempsey	Gladeck	Lederer

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-195

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Belfanti	Corrigan	Evans	LaGrotta
Bishop	Dempsey	Gladeck	Lederer

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

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

CONSIDERATION OF HB 1071 CONTINUED

The SPEAKER. The Chair returns to page 1 of today's calendar, HB 1071.

The Chair recognized earlier the gentleman, Mr. George. That amendment was read.

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

The SPEAKER. On your amendment, Mr. George. This is amendment 4747.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, a little bit redundant. It is a SLAPP suit (Strategic Lawsuits Against Public Participation) amendment. It is agreed to. We are going to continue to let the Senate know that this body has its own mind, and we have our own dictate. I hope that we can support this amendment.

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—195

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

Eachus	Mann	Sather	Zug
Egolf	Markosek	Saylor	
Fairchild	Marsico	Schroder	Ryan,
Fargo	Masland	Schuler	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—8

Belfanti	Corrigan	Evans	LaGrotta
Bishop	Dempsey	Gladeck	Lederer

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. GANNON offered the following amendment No. A4777:

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

; and providing for permissible argument as to damages at trial.

Amend Bill, page 2, by inserting between lines 15 and 16

Section 2. Title 42 is amended by adding a section to read:

§ 8314. Permissible argument as to damages at trial.

(a) General rule.—Except as provided in subsection (b), in any civil action tried before a judge, jury or other tribunal, an attorney during closing argument:

(1) May specifically argue in lump sums or by mathematical formulae the amount he deems to be an appropriate award for all past and future economic or noneconomic damages or both economic and noneconomic damages claimed to be recoverable.

(2) May, on behalf of a defendant, argue to the judge, jury or other tribunal that an award of zero damages is appropriate, even if there is a finding of liability against the defendant.

(b) Prior disclosure required.—

(1) No party may argue a specific sum as provided in subsection (a) unless the party first discloses to the court and opposing counsel that the party intends to argue the specific damages listed in subsection (a) prior to the presentation of closing arguments.

(2) Nothing in this subsection shall be construed to prevent a defendant from arguing in any case that the facts and evidence support a finding of no liability.

(3) Notwithstanding paragraph (1), arguments as to appropriate amount of special damages may be made without notice to opposing counsel if evidence supporting such special damages has been introduced at trial.

(c) Jury instruction.—Whenever, in a civil action tried before a jury, specific lump sums or mathematical formulae are argued during closing arguments as provided for in subsection (a), the trial court shall instruct the jury that the sums of mathematical formulae argued are not evidence but only arguments and that the determination of the amount of appropriate damages to be awarded, if any, is solely for the jury's determination.

Amend Sec. 2, page 2, line 16, by striking out "2" and inserting

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

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

Mr. GANNON. Thank you, Mr. Speaker.

Quite simply, Mr. Speaker, this amendment permits attorneys to argue damages to a jury in a civil action in the Commonwealth of Pennsylvania. Currently Pennsylvania is one of the few States that does not permit that. I believe it is time we join the majority of States in this country and permit our attorneys to argue damages. Thank you.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Belfanti	Corrigan	Evans	LaGrotta
Bishop	Dempsey	Gladeck	Lederer

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.

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—195

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

Fairchild	Marsico	Schroder	Ryan,
Fargo	Masland	Schuler	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—8

Belfanti	Corrigan	Evans	LaGrotta
Bishop	Dempsey	Gladeck	Lederer

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 1162, PN 2737**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for additional methods for the recording and copying of certain records.

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. George, and the gentleman, Mr. Gannon, have withdrawn amendments to that bill.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Mayernik	Scrimenti
Allen	Fleagle	McCall	Semmel
Argall	Flick	McGeehan	Serafini
Armstrong	Forcier	McGill	Seyfert
Baker	Frankel	McIlhattan	Shaner
Bard	Freeman	McIlhinney	Smith, B.
Barley	Gannon	McNaughton	Smith, S. H.
Barrar	Geist	Melio	Snyder
Bastian	George	Metcalfe	Solobay
Battisto	Gigliotti	Michlovic	Staback
Bebko-Jones	Godshall	Micozzie	Stairs
Belardi	Gordner	Miller, R.	Steelman
Benninghoff	Grucela	Miller, S.	Steil
Birmelin	Gruitza	Mundy	Stern
Blaum	Habay	Myers	Stetler
Boyes	Haiuska	Nailor	Stevenson

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Belfanti	Corrigan	Evans	LaGrotta
Bishop	Dempsey	Gladeck	Lederer

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.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the Democratic whip, who requests that the leaves of absence for the day be open for the purpose of putting Mr. ROONEY on leave. Without objection, leave will be granted. The Chair hears no objection.

STATEMENT BY DEMOCRATIC LEADER

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I would like to beg the indulgence of the House to make a 30-second comment on leaves of absence.

The SPEAKER. The gentleman is in order.

Mr. DeWEESE. Thank you, Mr. Speaker.

Chairman Dwight Evans, who had to leave, was asked by Russell Byers' widow, the slain columnist from Philadelphia, to give the eulogy at her husband's funeral today, and Mr. Evans'

absence from the chamber is because of this obligation, and he asked that I share that with the Speaker and the House. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1436, PN 1690**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, establishing a system to create and maintain confidentiality of the addresses of victims of domestic violence; providing for the powers and duties of the Secretary of the Commonwealth; and prescribing penalties.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the lady from Montgomery County, Mrs. Cohen, who offers amendment 4822, which the clerk will now read.

For the information of the House — will the clerk suspend — this 4822 is an update of amendment 4793. There was apparently a technical error that had to be taken care of, and the amendment was redrafted as 4822.

The clerk will read 4822.

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. **COHEN** offered the following amendment No. **A4822**:

Amend Bill, page 1, lines 1 through 14; page 2, lines 1 through 3, by striking out all of said lines on said pages and inserting
Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for address confidentiality program for victims of domestic violence.

The General Assembly finds that persons attempting to escape from actual or threatened domestic violence frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this act is:

(1) to enable State and local government agencies to respond to requests for public records without disclosing the location of a victim of domestic violence;

(2) to enable cooperation between State and local government agencies and the Attorney General in providing address confidentiality for victims of domestic violence; and

(3) to enable State and local government agencies to accept a program participant's use of an address designated by the Attorney General as a substitute mailing address.

Amend Bill, page 2, lines 6 through 30; pages 3 through 9, lines 1 through 30 and page 10, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 65 ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE

Sec.

6501. Definitions.

6502. Establishment of program.

6503. Duties of Attorney General.

6504. Duties of domestic violence programs.

6505. Use of substitute address by State and local government agencies.

6506. Disclosure of records.

6507. Notice.

6508. Use of substitute address.

6509. Marriage applications and records.

6510. Certification cancellation.

6511. Voluntary withdrawal by program participant.

6512. Emergency disclosure.

6513. Custody orders.

6514. Report to General Assembly.

6515. Immunity.

6516. Penalties.

§ 6501. Definitions.

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

"Abuse." As defined in section 6102 (relating to definitions).

"Actual address." A residential street address, school address or work address of a program participant.

"Attorney General." Includes an employee of the Office of Attorney General responsible for implementing the program.

"Authorization card." The card given to program participants by the Office of Attorney General certified to participate in the address confidentiality program.

"Criminal justice agency." The term shall have the meaning given to it under 18 Pa.C.S. § 9102 (relating to definitions).

"Domestic violence." Abuse which occurs between family or household members, whether or not the abuse has been reported to a law enforcement agency or court. The term includes threats to commit abuse.

"Domestic violence program." As defined in section 6102 (relating to definitions).

"Family or household members." As defined in section 6102 (relating to definitions).

"Minor." An individual who is under 18 years of age.

"Program." The address confidentiality program established within the Office of Attorney General under this chapter.

"Program participant." An individual who receives a substitute address from the Attorney General.

"State or local government agency." A Commonwealth agency or a government unit other than the Commonwealth or an employee thereof, but only with respect to an act within the scope of the employee's office or employment. The term includes an intermediate unit, an agency of county government and a criminal justice agency.

"Substitute address." The official address of the Attorney General or an address designated by the Attorney General to be used by a program participant in lieu of an actual address.

§ 6502. Establishment of program.

(a) Establishment.—There is hereby established within the Office of Attorney General an address confidentiality program.

(b) Application.—The following individuals may apply to the Attorney General to have an address designated by the Attorney General to serve as the individual's, a minor's or an incompetent adult's substitute address:

(1) An adult or an emancipated minor applying on behalf of the adult or emancipated minor.

(2) A parent, adult household member or guardian ad litem applying on behalf of a minor.

(3) A guardian of the person of an adult who has been declared incompetent under 20 Pa.C.S. Ch. 51 Subch. B (relating to appointment of guardian) applying on behalf of the incompetent adult.

(c) Assistance.—An application shall be completed in person at a State or local government agency or at a domestic violence program or by an applicant without appearing before such agency or program. If the applicant completes the application with the assistance of a domestic violence program, the applicant shall be able, if the applicant desires, to meet with a domestic violence counselor, receive orientation about the

program and receive an individualized threat assessment conducted by a domestic violence counselor.

(d) Procedure.—The Attorney General shall approve of an application if it is completed in the manner described in subsection (c), filed in the manner and on the form prescribed by the Attorney General and contains all of the following:

(1) A sworn statement by the applicant that the applicant has good reason to believe:

(i) That the applicant, the applicant's children or the minor or incompetent adult on whose behalf application is made is a victim of domestic violence.

(ii) That the applicant fears for the applicant's safety or the safety of the applicant's child, or the safety of the minor or incompetent person on whose behalf application is made.

(2) The signature of the applicant and any other individual other than a representative of a domestic violence program, who assisted in the preparation of the application, if any, as well as the date on which the applicant signed the application. If the application was completed with the assistance of a representative of a domestic violence program, the signature of the applicant and the representative of the domestic violence program and any other individual who assisted in the preparation of the application, and the date on which the applicant signed the application shall appear on the application.

(3) A designation of the Attorney General as agent for the purpose of receiving process and for the purpose of receipt of mail.

(4) The mailing address where the applicant or the minor or the incompetent adult on whose behalf application is made can be contacted by the Attorney General and a telephone number where the applicant, minor or incompetent adult may be called by the Attorney General.

(5) The address or addresses that the applicant requests not be disclosed.

(e) Penalty.—An individual who knowingly or willfully falsely attests in an application that disclosure of an applicant's address would endanger the applicant's safety or the safety of the applicant's child or the safety of the minor or incompetent adult on whose behalf application is made, or who knowingly or willfully provides false or incorrect information upon making an application may be subject to prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). A notice shall be printed on the face of the application informing the applicant of the penalty under this subsection.

(f) Intent to evade prosecution.—Any individual who knowingly enters the address confidentiality program to evade prosecution of criminal laws, regulation under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or restrictions placed on the individual by a criminal justice agency commits a felony of the third degree.

(g) Service of process.—Service on the Attorney General of a summons, writ, notice, demand or process shall be made by delivering to the Attorney General two copies of the summons, writ, notice, demand or process. If a summons, writ, notice, demand or process is served on the Attorney General, the Attorney General shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand or process is received by the program participant within five days of the Attorney General's having received it. The Attorney General shall keep a record of all summonses, writs, notices, demands and processes served upon the Attorney General under this chapter and shall record the date and time of service and the Attorney General's action.

(h) Filing.—An application shall be filed with the Attorney General. A filing fee may not be charged.

§ 6503. Duties of Attorney General.

(a) Certification.—Upon approving an application which meets the requirements of section 6502(b), (c) and (d) (relating to establishment of program) the Attorney General shall certify the applicant as a program

participant and shall designate an address which may be used as a substitute address. Subject to cancellation of certification or voluntary withdrawal from the program under section 6510 (relating to certification cancellation) or 6511 (relating to voluntary withdrawal by program participant), certification shall be valid for three years. A program participant may apply for recertification every three years thereafter. The Attorney General shall, by regulation, establish a renewal procedure.

(b) Mail.—Upon receipt of first-class mail addressed to a program participant, the Attorney General shall forward the mail to the actual address designated by the participant as the place where mail may be received. The Attorney General may arrange to receive and forward other kinds and classes of mail to a program participant at the program participant's expense.

(c) Assistance and counseling.—The Attorney General shall designate State and local government agencies and domestic violence programs as locations where applications to the program may be obtained. Assistance and counseling rendered by the Attorney General shall not be considered legal advice.

(d) Authorization card and forms.—The Attorney General shall develop an authorization card and forms as necessary for program participants.

(e) Rules to facilitate administration.—The Attorney General shall adopt rules to facilitate the administration of this chapter.

§ 6504. Duties of domestic violence programs.

A domestic violence program shall make available the following services to applicants if the applicant desires or requests such services:

(1) Orientation about the program and meeting with a domestic violence counselor.

(2) An individualized threat assessment performed by a domestic violence counselor.

(3) Assistance with preparation of the application to the program.

§ 6505. Use of substitute address by State and local government agencies.

(a) Request.—A program participant may request that a State or local government agency use the substitute address designated by the Attorney General as the participant's address. When creating a new public record, a State or local government agency shall accept the substitute address designated by the Attorney General as a program participant's address, unless the Attorney General has determined that:

(1) The State or local agency has a bona fide statutory or administrative requirement for use of the address which would otherwise be confidential under this chapter.

(2) The address which would otherwise be confidential under this chapter will be used only for those statutory or administrative purposes.

(b) Procedure.—If the Attorney General makes a determination that a State or local government agency meets the requirements of subsection (a)(1) and (2), the program participant shall provide the State or local government agency with his actual address.

§ 6506. Disclosure of records.

(a) General rule.—Subject to subsection (b), the Attorney General may not make any records or information in a program participant's file available for inspection or copying except the address designated by the Attorney General as the substitute address of the program participant.

(b) Exception.—The Attorney General shall make records and information of a program participant available for inspection or copying:

(1) If requested by a criminal justice agency, to the criminal justice agency.

(2) If directed by court order, to the person identified in the order.

(3) To providers of medical care, social service personnel or a criminal justice agency when emergency disclosure is necessary under section 6512 (relating to emergency disclosure).

(c) The Attorney General shall adopt rules regarding the procedures for the availability of records under section 6505(b) (relating to use of substitute address by State and local government agencies).

§ 6507. Notice.

(a) General rule.—Subject to subsection (b), the Attorney General shall notify the program participant in writing within ten business days of any disclosure of a program participant's actual address or any part of the program participant's file.

(b) Exception.—The requirement of subsection (a) shall not apply to a disclosure made to a criminal justice agency, a court, or a disclosure made under section 6512 (relating to emergency disclosure).

§ 6508. Use of substitute address.

(a) Use.—Subject to sections 6505 (relating to use of substitute address by State and local government agencies) and 6506 (relating to disclosure of records), a program participant may use the address designated by the Attorney General as his work address, in order to register to vote or to complete a marriage application.

(b) Voting.—The Attorney General shall, in consultation and cooperation with the Department of State, develop and implement a mechanism to allow a program participant to register to vote and to vote using the participant's actual address without making the voter registration record or actual address available to the public. No State or local government agency shall include the name or address of a program participant in any list of registered voters available to the public, or make information relating to the program participant contained in voter registration records available for public inspection or copying except:

(1) if requested by a criminal justice agency, to the criminal justice agency; or

(2) if directed by a court order, to a person identified in the order.

§ 6509. Marriage applications and records.

If a program participant under this chapter notifies the appropriate county clerk as required under rules adopted by the Attorney General, the county clerk shall not make available for inspection or copying the name and actual address of a program participant contained in marriage applications and records filed under this chapter, except under either of the following circumstances:

(1) If requested by a criminal justice agency, to the criminal justice agency.

(2) If directed by a court order, to a person identified in the order.

§ 6510. Certification cancellation.

(a) General rule.—The Attorney General may cancel certification of a program participant if:

(1) The program participant fails to notify the Attorney General within seven business days of a lawful name change or change in address.

(2) The application provides false information.

(3) The program participant's mail or service of process, summons, writ, notice or demand is returned to the Attorney General as not deliverable.

(4) The program participant refuses delivery of mail or service of process, summons, writ, notice or demand.

(5) The program participant's certification has expired and certification renewal has not been completed.

(6) The Attorney General has determined that participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement.

(b) Procedure.—Except as provided in subsection (c), if the Attorney General intends to cancel the program participant's certification under subsection (a)(1), (2), (3), (4) or (5), the Attorney General shall provide the program participant notice in writing at the program participant's last known address within 30 days of the intended cancellation. A program participant shall have ten business days after receipt of notice to appeal the intended cancellation.

(c) Exception.—The Attorney General may immediately cancel a program participant's certification under subsection (a)(6). A program participant may apply for reinstatement within ten business days after receipt of notice by writing the Attorney General.

(d) Records retention.—Any records or documents pertaining to a program participant shall be retained by the Attorney General and held confidential for ten years after cancellation of certification, and then destroyed.

§ 6511. Voluntary withdrawal by program participant.

A program participant may voluntarily withdraw from the program by submitting to the Attorney General written notification of withdrawal and by returning his current authorization card. Certification shall be canceled on the date of receipt of notification and authorization card.

§ 6512. Emergency disclosure.

(a) Emergency access.—The Attorney General shall establish a system to handle emergencies that will provide, on a 24-hour basis, access to the actual address of a program participant.

(b) Disclosure.—The Attorney General may disclose the actual address of a program participant if:

(1) the Attorney General determines that failure to disclose the actual address may result in physical harm to the program participant or the program participant's family or household member; or

(2) requested by a criminal justice agency in writing and circumstances warrant immediate disclosure.

§ 6513. Custody orders.

(a) General rule.—Nothing in this chapter, nor participation in this program, shall affect custody orders in effect prior to or during program participation.

(b) Custody orders.—Participation in the program does not constitute evidence of domestic violence for purposes of orders.

§ 6514. Report to General Assembly.

The Attorney General shall submit to the Governor and the General Assembly, no later than January 10 of each year, a report that includes:

(1) The total number of applications received by the program established under this chapter.

(2) The total number of program participants and whether those participants are adults, minors or incompetent adults.

(3) Total number of pieces of mail forwarded to program participants.

(4) Total number of program participants during the program's duration and the average length of time a program participant remains in the program.

(5) Suggested changes in the program or this chapter which are needed to improve the program's efficiency.

§ 6515. Immunity.

The Attorney General shall be immune from suit for acts or omissions committed in good faith under this chapter.

§ 6516. Penalties.

(a) False information.—A person who knowingly or willfully provides false information in regard to a material fact in an application may be subject to cancellation of certification and prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(b) Unlawful access.—A person who gains or attempts to gain access to a program participant's actual address when not entitled to do so under this chapter commits a misdemeanor of the first degree.

Section 2. This act shall take effect in 180 days.

On the question,

Will the House agree to the amendment?

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

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as chair of the House domestic relations task force, I have learned several things, and one of the most incredibly shocking facts that I have learned is that domestic violence is of

epidemic proportions here in the Commonwealth of Pennsylvania. We as legislators have an obligation to do our part to make sure that the victims of domestic abuse are provided with safety. In 95 percent of the cases, the victims are females. We have an obligation, obviously, to both correct and provide therapy to as well as punishment to perpetrators, but our primary obligation is to provide safe havens and do whatever we can to the victims and to the children who are also victims, and therefore, Representative True has introduced HB 1436.

My amendment, which has been agreed to by both Representative True as well as all of the other interested parties, essentially fine-tunes Representative True's bill. What this does is to provide anonymity for victims. In many instances, after victims leave an abusive situation and find a safe haven somewhere, they are tracked down by their abusers and subsequently abused and have violence committed upon them, and in many cases, once they have left their abusers, statistics show that they then become victims of murder, and I think we know all too well that there have been many famous cases that we have read about in the newspapers where this is indeed true.

The bill and my amendment will provide anonymity to victims. It will allow them to have a legal address registered with the Attorney General of the Commonwealth of Pennsylvania. The Attorney General will receive their bills, their mail, and then forward it to them, to the victims. The victims, there is a provision in here which will require registration for the victims and, again, provide safety and complete anonymity for them.

This is an agreed-upon amendment, and I would urge everyone to vote for it in order to save so many women and children in our Commonwealth who are needless victims of the acts of some very sick people. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the lady, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

As the previous speaker stated, this is an agreed-to amendment, and I urge everyone to support it. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Philadelphia, Mr. Thomas, on the amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly support Representative Cohen's amendment and to support the author of the bill. Representative Cohen, the author of the amendment, is absolutely correct that domestic violence has reached untold proportions, and as a legislative body, if we cannot do anything else, we should be able to provide protection and provide circumstances under which victims are able to get their lives back together. What the author of this amendment has been able to do is to take the bill and put not only a face but a body on it, which provides a very clear, clear direction as to the circumstances under which government and the private sector would be able to assist victims of domestic violence.

So I strongly support this amendment and ask my colleagues on both sides of the aisle to support the amendment with 100 percent, and let us move on to support the bill and send the bill on to the Senate and on to the Governor's desk.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia County, Mr. Carn.

Mr. CARN. Thank you, Mr. Speaker.

I rise in support of the Cohen amendment.

Clearly, this issue is an issue of serious concern to our society, and I worked very closely with Representative Cohen and Representative True in helping to make this bill worthwhile for our Commonwealth.

So I would like to support the Cohen amendment, for it definitely improves the original bill. I ask for an affirmative vote.

The SPEAKER. Mrs. Cohen, for the second time.

Mrs. COHEN. Thank you, Mr. Speaker.

I neglected in my comments to recognize Representative Carn. Both he and Representative True are the prime sponsors of this bill, and I neglected to mention him in my original remarks, so I just want to acknowledge him now. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Belfanti
Bishop
Corrigan

Dempsey
Evans

Gladeck
LaGrotta

Lederer
Rooney

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?

The SPEAKER. Mr. Curry, you have— Withdrawn. Thank you.

Mr. George, you have amendments to this? Do you have an amendment to this? We will have to talk to you, Mr. George. Would you and your staffperson come up to the rostrum.

Mr. Blaum, you have an amendment for this, and do you intend to offer it?

Mr. BLAUM. Yes.

The SPEAKER. Would you please come to the rostrum.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The Chair returns to HB 1436 and advises the members that the gentleman, Mr. George, and the gentleman, Mr. Blaum, as well as the gentleman, Mr. Curry, have all withdrawn their amendments.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the lady, Mrs. True. Will the lady yield a moment.

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

Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

Just briefly, every now and then you start to work on issues where both sides of the aisle can come together, and I just wanted to, number one, thank my leadership. The majority leader I went and asked if we could consider this, and his answer immediately was yes. Working with Representative Carn was an enjoyable experience. We had a hearing in Lancaster, and all parties came together in order to help some very needy people, and I do appreciate it very much, and I wanted to thank Representative Carn and Representative Cohen. I think we have a very cutting-edge piece of legislation, and I would like to thank all the members for supporting the bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Carn.

Mr. CARN. Thank you, Mr. Speaker.

I do want to thank Representative Cohen and Representative True for a true bipartisan effort at trying to address the issues of domestic violence in Pennsylvania.

Clearly, the address confidentiality act, if passed in Pennsylvania, would be a plus for us here in this State. Presently a person who leaves a spouse has a chance of being assaulted increased by 75 percent at that particular time, so this bill would really help us in terms of cutting down on assaults and murders of domestic violence.

So thank you, and I ask this House for an affirmative vote on final passage.

The SPEAKER. The Chair thanks the gentleman and recognizes the lady, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I would like to thank Representative Carn, Representative True, and Representative Cohen for the excellent job that they have done on this domestic violence confidentiality bill.

I urge every member in the House of Representatives to support this legislation. It is a very important piece of legislation to the women in the Commonwealth of Pennsylvania. Thank you.

The SPEAKER. The Chair thanks the lady.

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—194

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

Dally	Lescovitz	Rohrer	Wogan
DeLuca	Levdansky	Ross	Wojnaroski
Dermody	Lucyk	Rubley	Wright
DeWeese	Lynch	Ruffing	Yewcic
DiGirolamo	Maher	Sainato	Youngblood
Donatucci	Maitland	Samuelson	Yudichak
Druce	Major	Santoni	Zimrnerman
Eachus	Manderino	Sather	Zug
Egolf	Mann	Saylor	
Fairchild	Markosek	Schroder	Ryan,
Fargo	Marsico	Schuler	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Belfanti	Dempsey	Gladeck	Lederer
Bishop	Evans	LaGrotta	Rooney
Corrigan			

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.

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 868, PN 2773**, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Agriculture, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; providing for use of site-specific postclosure funds and for immunity for certain persons who reclaim abandoned lands or abate certain water pollution; making appropriations; and making repeals.

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

Mr. COY. Mr. Speaker?

The SPEAKER. Will the gentleman yield.

Mr. Coy, for what purpose do you rise?

Mr. COY. Point of information. We do not seem to have the calendars, Mr. Speaker.

The SPEAKER. Oh. The chief page— Do the members have House calendar supplemental A? It is on the computer, I know. I am watching some of your members tell me that, and I see some of the members actually holding this up.

Mr. COY. If you could just get some distributed, that would be good.

The SPEAKER. All right.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. George, on the question of concurrence.

Mr. George, do you have an amendment to this?

Mr. GEORGE. Mr. Speaker, I have three amendments.

The SPEAKER. We do not have them at the desk; at least I do not have them. Oh, I am sorry. We just received them.

(Conference held at Speaker's podium.)

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

Mr. GEORGE. My apology. I did not mean to cause the confusion. I thought the amendments were here, but first I would like to be recognized—

The SPEAKER. The gentleman is recognized.

Mr. GEORGE. —to make an inquiry—

The SPEAKER. The gentleman will state it.

Mr. GEORGE. —of a colleague, the gentleman, Mr. Argall, if I may.

The SPEAKER. Is this on the bill?

Mr. GEORGE. I believe so.

The SPEAKER. All right.

The gentleman is in order. The gentleman, Mr. Argall, consents to interrogation. You may begin.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, could you tell me, sir, just in very plain words, if you have ever received proper notification in your position in which you chair the air and water committee of just how much hazardous material is handled and how much money is in that fund at this time?

Mr. ARGALL. Mr. Speaker, that is not information that I am familiar with at this time. It is something I may have received, but just off the top of my head, no, that is not something that I would be able to answer right now.

Mr. GEORGE. Well, to the Speaker of the House and to the gentleman that I have been allowed to interrogate, and I would want to set this very straight in that I am not trying to impugn or neither am I trying to make a colleague or put that colleague in a bad position, but my problem is and the reason I have asked that question is that the law that Mr. Hasay while he was the chairman and I as the minority chairman had passed, Mr. Speaker, stated that we are to receive that information, the House of Representatives, and we are to receive that information annually— And maybe, Mr. Speaker, if I can have your additional, you will tell those gentlemen this is very important, that I am trying to see the gentleman.

The SPEAKER. Conferences on the floor, please break up. Members will please take their seats. The conference in the vicinity of the gentleman, Mr. George, please break up.

Mr. GEORGE. I thank you, Mr. Speaker.

Mr. Speaker, I do not know where I am ever going to get up on this floor and talk about a matter that I think is any more important to you, me, and everybody here, and I apologize if I have to step out, because I know you will move me back.

But, Mr. Speaker, have you read the bill that was put in by the Senate last night? At 8 o'clock last night, there was a 19-page amendment inserted in the Senate. Very quickly, there was a

49-to-1 vote. The supposed sponsors did not have the courage to do that, so they had Mr. Loeper do it. Then they broke for a half hour and came back and voted on the bill. And in no way do I think that you do not have integrity, because I know you do, and so I am saying to you, do you know what this bill does in regard to pulling the site closure moneys out and how it will affect us? That is all I am asking.

Mr. ARGALL. The answer to the first question was, yes, I read the bill. I do not do that often on every single bill. I would make no such claims. And secondly, I think I have a general understanding of the basics of the bill. I will never try to tell you that I am going to be an expert on every line.

Mr. GEORGE. Are you familiar—

The SPEAKER. Mr. George?

Mr. GEORGE. I am sorry. Did I do something?

The SPEAKER. Frequently these reports are turned in to the Speaker. Would you give me again the name of that report so that I can find out whether or not it was turned in here?

Mr. GEORGE. Yes. Well, I guess it is you I have to give heck to, because a thousand days have gone by and we do not have this. Now, mind, you have got more help than I do, Mr. Speaker. You keep that task.

The SPEAKER. Give us the name of the report.

Mr. GEORGE. The Hazardous Sites Cleanup Act, Mr. Speaker.

The SPEAKER. Mr. George, incidentally, we just pass the laws. We have no police powers, no powers of enforcement, other than the budget, I suppose.

While you continue your interrogation, we will try and find out whether or not we have ever received it.

Mr. GEORGE. Mr. Speaker, if I can go on, have you ever been given an honest report that you can accept in your heart and mind in regard to the amount of recycling that has been accomplished since Mr. Hasay so well put an amendment in insisting that we should have 25 percent recycling? Do you know how much money is in the fund? When we take this \$30 million out, do you know what will be left?

I think I did ask a question, Mr. Speaker.

Mr. ARGALL. I did not hear the question, Mr. Speaker.

Mr. GEORGE. If you remember, Mr. Speaker, there was a gentleman here by the name of Mr. Street, who interrogated himself. I was a little bit worried.

But you know, Mr. Speaker, I would have the answer to that question.

The SPEAKER. Then you know the rules of the House. You should not ask a question the answer to which you already have.

Mr. GEORGE. Well, I can play dumb.

The SPEAKER. That would be a difficult play for you.

Mr. GEORGE. Mr. Speaker, again, I am not going to carry this any further. I am going to ask the Speaker to recognize me immediately so I can make a statement.

The SPEAKER. The gentleman is recognized.

Mr. GEORGE. Mr. Speaker, what I am about to say to you and this body in no way would I want you to take offense that I did not mean it from the bottom of my heart, but I will never have a building or a road named after me. And I do not want you to laugh; I want you to listen; I want you to please listen to what I am going to say to you. I want you to listen very carefully, then maybe for the first time in 25 years, you will know what propels me.

The SPEAKER. Will the gentleman yield.

The House will come to order. Members, please take your seats.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, there are six or seven people here that were here when I came, and I came out of Clearfield as an individual that never saw the Capitol before, but I wanted to try to do something, and I ran and fortunately I was elected by 295 votes, and even though I do not have a county that has got a majority Republican, a majority Democrat, I just have a county of hardworking people that have the same problems your people do. But I want to say something to you — and I am so grateful that I have an opportunity and the Speaker allows me to speak my mind — that I am not partisan to the degree that some might be.

You know, what I heard — I can wait on them, Mr. Speaker; I can wait on them, because, Mr. Speaker, they do not know in 1978, under a Democrat Governor and a Democrat House and a Democrat Senate, I passed an amendment — you know, everybody laughs about my amendments — but I passed an amendment to cut government 5 percent, under a Democrat Governor, a Democrat House, and a Democrat Senate, and it passed. And while I was at the task, I passed an amendment to bring the personal income tax back to 2, at 2 or 3 o'clock in the morning, and it passed. And while I was at it, I passed an amendment that would force these medical schools where all of you are being troubled now about either not having any doctors or HMOs (health maintenance organizations) beating us on the head, an amendment saying we are not going to give these medical schools — I think you better listen to this, because someday you might need this — we are not going to give the medical schools any more money unless they agree that 5 percent of their enrollment are going to be individuals from Pennsylvania who are willing to practice medicine in the areas of medical deprivation or medically underserved, and I passed that.

So I am a Democrat, and I am not ashamed of it, but I am not ashamed to make you understand that I do not see much difference between Democrats and Republicans. What makes —

The SPEAKER. Mr. George —

Mr. GEORGE. I think you ought to allow this, because I think it is going to help everybody.

The SPEAKER. I think that is probably right, but I would rather you do that under unanimous consent than on the question of concurrence.

Mr. GEORGE. Well, then I will clean it up. I was just trying to maybe get —

The SPEAKER. Talk on concurrence. I will be happy to recognize you afterwards.

Mr. GEORGE. Well, anyway, let me add that — I do not want to ask for unanimous consent from them. They will probably turn me down.

But I want to say, Mr. Speaker, that I was over when you had that commemoration, and I was proud of you, but I was just as proud — Oh, I am not buttering him up; I do not kiss any fans; I am speaking the truth. And I was in a committee meeting when HB 1200 was brought in, and I offered amendments, and I am so proud, and you can talk about the young Turks or you can talk about those guys that are independent, but every Republican but one voted for that amendment, and every Democrat but one voted for that amendment, and the reason they voted is because HB 1200 was what the Governor wanted; it was not what these people wanted. And then a little later we had what we call a press conference, and I had Republicans that I am very proud to put my

arm around, and they stood there eloquently, with such diverse loquation, saying the bill that we will never, never—

The SPEAKER. Mr. George, concurrence, please. I mean, we are getting a history lesson that maybe we all deserve and we should listen to, but that is not what is before us right now.

Mr. GEORGE. Mr. Speaker—

The SPEAKER. I am your pal. You know that. I let you get away with murder, but sometimes one murder is enough.

Mr. GEORGE. Rodney Dangerfield said, "Nobody ever gives me a dinner." I am trying to get one.

The SPEAKER. You got it. Now go on to concurrence.

Mr. GEORGE. So, Mr. Speaker, I will get in line. I remembered the fact that I have Republicans that are just as honest as me and just as dedicated to the environment as me, and they said that HB 1200 as amended is what they want. And then there has been so much gobbledygook going over the airwaves and the Governor's impression that, boy, we need a Growing Greener, and we do not want to take Act 339 funds, the legislature said; we do not want to play these games; we do not want to hurt the environment; we know that there are 2,500 miles of degraded streams; we know there are 250,000 acres of degraded land, and we are all reasonable people who want to take care of the cities where there is contaminated soil; we want to take care of Pittsburgh, where there is mine subsidence; we want to take care of Bill DeWeese down in Greene County; we want to take care of everybody, because this is what the business we are about, taking care of everybody. And so last night a bill came over here, and I could go into it, and I do not want to take it up, but it is far short of the first proposal, greatly short of what we had insisted upon, and I am relying that Bud George is not the only person in here that has integrity. Those Republicans and many of you over there, if not all of you, along with the Democrats, feel that the bill that has been proposed and before us does not do anything but politicize, it does not do anything but make a problem worse, and we do not know on reclamation, with the fact that there are fewer tons of coal produced in Pennsylvania, that 35 cents a ton that we are used to may not be going in. There are questions about abandoned mine reclamation where that 20 percent goes into the conservation units, and we are not going to remove those blights. We are not going to get anything done in here, and you are going to be sorry if in fact you think and you support it, because it will not.

MOTION TO RECOMMIT

Mr. GEORGE. And so, Mr. Speaker, if I may, I would like to make a motion.

The SPEAKER. The gentleman is in order. What is the gentleman's motion?

Mr. GEORGE. Mr. Speaker, I would like to make a motion that this bill, because this body over here in the House is well deserving, well knowledgeable, and can do the job for the people, I am making a motion, Mr. Speaker, that this bill be returned to the Committee on Conservation in the House of Representatives at this moment.

The SPEAKER. Mr. George, there is no committee by the name "Conservation." It has since been changed.

Mr. GEORGE. I guess I have been here too long. Environmental Resources and Management.

The SPEAKER. The Chair thanks the gentleman. That was close enough.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of the George motion to recommit the bill to the committee he just named, is there any debate on the question?

Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I would respectfully request a "no" vote on the motion to move this back to the Environmental Committee. We worked on this bill a long time. We came a long ways from the beginning. We came from \$400 million to \$653 million. We got a lot of agreements out in the country. I would respectfully request a "no" vote on the motion to move to the Environmental Committee. Thank you.

The SPEAKER. The gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion to recommit, and I would ask that all of us consider recommitting to the Environmental Committee. You know, if you sat in this chamber for the last couple years, we might as well be a unicameral legislature. We do all kinds of good things in the House, and it goes over in the Senate. They will send a bill back on concurrence that we cannot amend, and we all jump in line and vote for it, and what the House voted for in the first place then is meaningless. We had a vote which 23 members of the Environmental Energy Committee supported, Republican and Democrat. We did some good work on this bill. The legislation that has come back from the Senate is very, very weak compared to what we had done.

You know, let us stand up. We are a part of this process. The House of Representatives has a say in the legislation that passes. This is not what our committee voted on. We can do a better job. I know there are a lot of people on the other side of the aisle that want to do a better job. Let us send this back to our committee and make a good piece of legislation out of it, because it has some worthwhile goals and ideals. Let us vote to recommit. Thank you.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The Chair interrupts the proceedings to welcome to the hall of the House the wife and two children of Representative Platts. The youngest child, Kelsey, this is her first outing to the House. T.J. is an old hand at it. Would the Plattses please stand up.

CONSIDERATION OF HB 868 CONTINUED

The SPEAKER. Mr. Thomas, I have you marked to debate. Is that on the final question or on the motion? Concurrence. Thank you.

Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion to recommit this legislation to the House Energy and Environmental Resources Committee.

Mr. Speaker, there has been a lot of work done on this issue, and I first would like to commend the Governor for taking up the

recommendations of his environmental commission's report to address this issue, and it is a very complex issue and has very many facets to it. So I would like to commend the Governor for finally putting this on his agenda.

And I would also like, Mr. Speaker, to commend the work that was done in the House Energy and Environmental Resources Committee. Representative Argall sponsored an amendment in committee and also Senator Mary Jo White in the Senate has taken up this issue, and we on our side of the aisle have taken up the Heritage 21 proposal sort of like as our way of dealing with this issue.

But, Mr. Speaker, there are substantive differences between HB 1200 as it was reported from our committee. There are substantive differences between HB 1200, SB 800, which cleared the Senate just a couple of weeks ago, and this amendment, Mr. Speaker, that was tucked into this piece of legislation late last night and rammed through the legislative process in the Senate. There are substantial differences, Mr. Speaker, between these pieces of legislation, and it is not just the amount of money that we propose to spend on various environmental protection, environmental programs. Mr. Speaker, there is also a substantial difference in how we pay for these investments that we want to make.

In the Senate and in the House, SB 800 and HB 1200 both included language to provide for dedicated funding for these various environmental initiatives, not depending upon the whim of some future legislature to appropriate enough funds for these environmental programs.

I remember, Mr. Speaker, about three decades ago this chamber passed legislation to say that we are going to commit to funding public education at 50 percent, and today we fund public education at less than 35 percent. We make promises all the time and ignore them and break them, and I have no doubt that that is what would happen here as well.

If you really care about the environmental initiatives that are proposed under the Growing Greener banner, Mr. Speaker, we need to provide for dedicated — dedicated — funds that we know will be there year in and year out. This legislation does not provide for that. There are substantial differences again not only in the amounts of money to be invested but also in the source of those funds. There is still a lot of work that needs to be done, Mr. Speaker.

There is no deadline, by the way, on us moving this piece of legislation on dealing with these issues. There are no Federal or State funds that are in jeopardy of being lost if we do not act today. There is no deadline hanging over our heads other than this Governor's Vice Presidential aspirations and his desire to do something. That is why he has an artificial deadline for us to get this done today, but outside of his aspirations, there are no real fiscal or economic deadlines hanging over our heads. We have plenty of time. We have rolled up our sleeves in committee, passed a bipartisan amendment. We can do the same.

Mr. Speaker, I was elected and I think all of you were as well to represent the interests of your constituents, not to look after the political aspirations of somebody's Governor. And essentially, if we just pass this amendment as it stands before us, we will have not exercised our constitutional duty to propose legislation to work it out ourselves. I do not think we are an empty vassal that does simply what we are told to do by some other political or legal

authority. We are elected to do the job as we see fit as elective representatives of the people of this State.

Mr. Speaker, there are a lot of differences in the various proposals on Growing Greener. There are no real deadlines. There are only self-imagined deadlines. We need to recommit this bill back to the Energy and Environmental Resources Committee so that we could truly fashion a real bipartisan agreement between House Democrats and Republicans that will pass muster not only here in the House but in the Senate as well, and we need to begin that work and we can only do so, Mr. Speaker, by recommitting this bill to the committee. Thank you.

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of Representative George's motion to recommit.

Mr. Speaker, we have the opportunity with this bill to do something bold. We have the opportunity to touch the future, to address major environmental problems facing this State — acid mine drainage, abandoned oil and gas wells. We have the obtaining parklands, and then beyond those core issues, we have the opportunity to deal with other issues that will help prevent suburban sprawl by dealing with core issues that affect the quality of lives in our cities such as downtown revitalization, historic preservation, libraries, agricultural preservation. We have a real opportunity at this moment in time. We have the opportunity as a legislature to make a mark for ourselves in the environmental field, but, Mr. Speaker, unless we commit that bill back to committee, we are going to muff that opportunity. We are going to let it slip through our fingertips, Mr. Speaker, because, Mr. Speaker, this bill before us on concurrence or nonconcurrence, this choice of up or down is really no choice at all, Mr. Speaker. Mr. Speaker, it requires careful study in that committee, because as I review this bill, some of the language is illusory. That is why we need the study of a committee.

There is language in here that was entered just last night that talks about funding figures, Mr. Speaker, but these funding figures, while they appear and claims are made that this will result in \$600,000, a careful reading shows that they are just a bill of goods, that in fact they are just promises but empty promises, Mr. Speaker.

The SPEAKER. Mr. Vitali, perhaps I should have said this earlier when I saw the direction the debate was going. If this bill would be recommitted to any committee other than Rules, it could not be amended. Now, I would be glad to read the prior history on that, but all of a sudden it occurred to me that most of this debate talked about amendments that would be put in in committee, and that would be against the rules. The bill is back on concurrence, unless, of course, the rules were suspended.

PARLIAMENTARY INQUIRY

Mr. VITALI. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. VITALI. The procedure for amending a bill in committee under these circumstances, what motions would need to be made to allow the Environmental Committee to do that?

The SPEAKER. It would be necessary for you or any advocate to move for a temporary rule that would permit the amending of a bill or resolution on concurrence, whatever it might be, in the

committee that it was sent to when it is back on concurrence, when it has come back from the Senate.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, because we received this bill, the text of it, simply last night, because this bill does not adequately address the important issues facing us today, I support the Representative from Clearfield County's motion to recommit, and I would ask for an affirmative vote.

The SPEAKER. The gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I have worked in a bipartisan manner on this issue all year with House members and Senate members, and I sympathize with the motion to recommit or to in some way open this legislation up, but I seriously believe that that would be, quite honestly, a mistake.

In the academic literature in the last few years in looking at the law-making process, there have been authors that compare it to, if you will believe it or not, in the words of the previous minority whip, rocket science, and sending a bill through the legislature is a lot like setting off a rocket. You need to make sure that the planets are all in the right alignment so that when it gets there, it is the right time.

I believe this is the right time to pass this bill. I believe that we have a unique window of opportunity, and I fear that if we send this back to a committee— Let us face it, this issue has been on the front burner of this legislature or its House and Senate Environmental Committees for the better part of a year. It was announced early on. It was discussed in the Governor's budget message. It was the subject of considerable work in both House and Senate committees, a couple of public hearings, a lot of forums across the State.

Last night — I do not often listen to Senate debates, but I did listen to that one, and it was a very strong bipartisan message that I heard coming through the speaker last night — the Senate approved this on a 49-to-1 vote. In many cases, the Democratic leaders of the Senate were even more outspoken in their praise of this piece of legislation that is now before us than the Senate Republican leaders were. It was called extraordinary. I was told it was time to put our money where our rhetoric is, and that is a direct quote from one of our Democrat Senators.

I share some of the concerns, just talking with Representative Geist, that I believe we should do more for our older towns and cities. I believe that we can do that in the next budget cycle. I think that sending this bill anywhere than the Governor's desk today would be a serious mistake in judgment, and with all that in mind, I would encourage a "no" vote on this motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

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

Mr. Speaker, I also rise in opposition to this motion to recommit.

Clearly, a motion to recommit this bill, if it is recommitted, would kill this piece of legislation, and I think that that would be a grave mistake.

To those that believe that this bill just kind of popped out of the blue and that there was not enough work, there was not enough study on it, I think they are seeking out some kind of phony rhetoric looking for an excuse to vote against this.

Pennsylvania's history in dealing with many of the problems, but I am probably more interested in the problem of acid mine drainage and mine reclamation cleanup because it is a big problem in my district but it is a big problem in Pennsylvania. For those of you that live down here in the central part of Pennsylvania, a lot of the pollution in the Susquehanna River comes from mines from up in the north and clear out in the western part of the State. Indiana and Jefferson Counties are where part of that river starts. So it is an issue that affects the whole State clearly. If this bill is recommitted, it means there will be no new money going into treating acid mine drainage and mine reclamation cleanup, among other things, and I think that is a major mistake.

For those that want it recommitted because they want to talk about a bond issue, well, let us just look a minute about what the history of Pennsylvania's bond issues was in Pennsylvania. About a generation ago Pennsylvanians stepped up to the plate to try to deal with this problem and passed something that was known as Operation Scarlift. That money lingered around for a long time. It takes you 20 or 30 years, I do not know, to pay it off, and in that period of time, the Commonwealth built some treatment plants, but we very barely dented the problem. Along at that same period of time, the Federal government enacted a tax on underground mine coal and surface mine coal. That tax went into a Federal Abandoned Mine Lands Fund, which some of it comes back to Pennsylvania, and it has been the basis of our Bureau of Abandoned Mine Reclamation work and our abandoned mine cleanup. Do we need more money in that program to deal with this problem? Absolutely.

But something else happened in this period of time. The technology involved in cleaning up and treating these acid mine drainage-type discharges has changed. It has improved. We have got work. We have got groups of people all across Pennsylvania, watershed association-type folks, and I bet you most of you from the rural Pennsylvania area have at least one watershed group in your legislative district if not more. I am a member of a couple myself. The technology has changed. These groups are energized. We have conservation districts that are involved in cleaning up these problems and in dealing with it.

This money, if we pass this bill and put it on the Governor's desk today, this money is on the street January 1 virtually. It is on the street immediately. You say we want to do more? No problem; I understand that. I live in an area where we have lots of these problems and I would like to see more, but the fact is, this money is capable of being on the street almost immediately, and in fact, each year when we do the budget, we are going to have an opportunity to focus that money, to make sure it is doing the job that we want it to do, where we want to do it.

If you want to kill this bill, recommit it. If you want to talk about bonds, then you are pushing this whole process. Every day you do that, you are pushing it back at least a year until we would come back, until a bond issue would be approved by the legislature, and assuming the people of Pennsylvania vote for it in the next election. You have just pushed it back farther and farther, and each day you do that, that is just a little more pollution running down the stream that we could be dealing with today.

I think it would be ludicrous to put this bill back into committee, to kill it, when we have the opportunity to address a significant amount of problem, more than we have ever done before in this Commonwealth in terms of an actual, hard-core cash appropriation. This is the best chance we have had in 10 years to

deal with this problem, and it would be a crime for us to recommit this bill and to not put it on the Governor's desk.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the Democratic whip, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise, of course, to strongly urge for a vote to recommit this bill to committee.

Many of the members on the Democratic side, I think, have already made the key substantive points, but I want to assure members on the Republican side, certainly members on the Democratic side, that this is no effort to kill this bill; this is no effort to kill Growing Greener legislation in Pennsylvania. In fact, I think you can make a very good case, Mr. Speaker, that it is this House, Republicans and Democrats, who are the ones that brought life to Growing Greener, because when the Governor put that bill and his Growing Greener proposal in front of this legislature, it was dead on arrival — dead on arrival. We brought life to that package.

Mr. Speaker, this is not an effort to kill the bill. There is no question that this bill is better than it was when it got to this House in the beginning of this year, and we all know that this effort is a vote to say, Mr. Speaker, that we can in fact do better. There is no question that we can do better than the bill that is in front of us in HB 868, and we ought to send it back to committee, and that committee, Mr. Speaker, has already done a tremendous job the first time they passed the bill out of committee that was much, much better than anything we are dealing with here today in HB 868.

Mr. Speaker, to the point that you raised, the parliamentary point and the point on the rule of the House, a good point for us to remember, but we all understand that we can amend this bill in committee. We could amend it to another bill. We could use another bill to bring the points in Growing Greener back to the floor of this House. It does not have to be HB 868.

So, Mr. Speaker, the message here is we can do better for Pennsylvania; we can do better for the environment. Let us take this opportunity to do just that and recommit this bill to committee. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I also come from a district that has been seriously affected by the aftermath of mining, and I appreciate what my colleague from Jefferson County says about the importance of making money available for remediation of mining problems, our most serious cause of water pollution in Pennsylvania. I agree with him on that. I disagree with him, unfortunately, on almost everything else he said.

I believe that we should recommit HB 868 to committee, and I believe that we should take steps to bring to the floor of the House HB 1200. We voted that bill out of committee bipartisanly back in June. If this issue is on the front burner, why has that bill not come to the floor of the House? We can move a better bill.

Furthermore, if we bring HB 1200 to the floor of the House, we could remove the referendum requirement for the bond issue; we could have that money available much more rapidly through a bond issue than we could by taking it out of the Recycling Fund, and the only way that we could have money available immediately through the passage of the current bill is by taking it from the Recycling Fund and the landfill cleanup fund, because those are

the only sources that would be available until next year's budget is passed.

So in terms of the quality of the legislation, HB 1200 is superior. In terms of the speed with which we could access significant amounts of money, HB 1200 is superior; and in terms of what our watershed associations want us to vote for, it is not what is in front of us today.

Please vote for recommitment.

The SPEAKER. The Chair thanks the lady.

Does the gentleman, Mr. George, desire recognition on this point? Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

I thought there were three or four more; I am sorry.

Mr. Speaker, I just heard a couple of my colleagues on the other side and one of them saying, well, you know, we need this to take care of these contaminated streams and these acid mine discharges, and I am amazed because it was his bill that they gutted over in the Senate and took out the immunity for those volunteers that were going to do the same job he just says is needed. And I am troubled about a fellow saying, well, you know what? It is more than what we had. It is more than what you have, but this will be the only State that has ever passed cleanup where the money is taken out of programs that are already workable.

Mr. Speaker, I have been a chairman since 1983. I have had the pleasure of working with Mr. Hasay and Mr. Reber as my counterparts, both in the minority, both in the majority, and we passed Act 101 in '97. We never thought there would be a day — and you could ask them privately — that we would have to stand up here and be concerned about what we had passed, whether or not it would continue.

Mr. Speaker, they are going to put a quarter a ton into this hazardous waste fund and they are going to take it out and give it into the State somewhere. It is not going to go into the fund like it was. In exactly 5 years there is going to be no money going into the fund at all. So if I daresay without being difficult, the administration is going to allow bonds to cover the needs that will be hopefully around to clean up these sites once you get a burst or a bust-out.

And, you know, Mr. Speaker, there is not anybody here that does not know more about the law than I do, and they know that if this bill goes into the committee, it does not kill it. I just thought it would be better going into the committee where these House members could bring any other bill out and amend it like they did HB 868. In fact, Mr. Speaker, if this HB 868 was offered again in your House and the bill that is in it now was offered, you would find that it would not be germane because it just cleaned out that title.

I just have a lot of faith in that committee even though my good friend that is the majority chairman naturally is beholden to the administration. There are different people who have different philosophies. No, I do not mean that to say anything mean. I love the guy, but the truth of the matter is, he voted against HB 1200 in the committee, and that is his right, and that is his right.

The SPEAKER. Mr. George.

Mr. GEORGE. I am sorry.

The SPEAKER. Restrain yourself.

Mr. GEORGE. I will. I am not trying to kill a bill; I am trying to help it.

That gentleman that I just mentioned can bring any other bill that is germane out and we can amend it in the same way that it

was amended by the Republicans and Democrats, and we can bring it out on the 4th day of January or whenever we are coming back, and then we do not have to go home and say, well, we are sorry we cannot clean that up because there is no money, and we do not have to come down and say, well, even though the bust-out is in Tioga County, we are going to have to have all of the people in Pennsylvania pay for it, and this is what it is all about.

The Governor knows that this is a very political issue, and rightfully so, but it cannot be handled by merely bringing out a figment of what is needed. The majority of the 21, the Sierra Club, all of these individuals will tell you publicly and they have insisted it is a far cry from what we felt would be before us. We should not accept anything less than HB 1200. This indeed is much less than HB 1200, a far greater amount less than what is needed, and I believe the responsible thing to do is to recommit it. Let the members of that committee use their abilities, use what is in their heart and their minds. Let us forget about the politics and let us do what is right. Let us do what you wanted to do when you amended HB 1200 and the Governor would not let us bring it out. Let you show your leaders what you want and your leaders will back you, because your leaders are more interested in what they think about you back home than the Governor is. Your leaders are more interested in your welfare and your being and will support you when you are right, and if you vote to commit this, you will be right. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Jefferson, Mr. Smith. Mr. S. H. SMITH. Thank you, Mr. Speaker.

Although the previous speaker just was expanding on his knowledge and clairvoyance relative to what this is all about, I would like to correct one thing. This bill, if you look to the latter half of the bill, does contain the original content of HB 868. It does provide the good-samaritan protection for those individuals that are out there working to help clean up our streams, and I really believe this bill is what they are looking for. Do they want more? Sure. Everybody wants more. We all want more for things that we like and we support.

This bill should not be recommitted. It should be put on the Governor's desk, and I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Schuylkill, Mr. Allen. Mr. ALLEN. Thank you, Mr. Speaker.

I ask for a "no" vote on recommitment.

The U.S. Congress for the past 30 years has used the money collected off the miners in northeastern Pennsylvania to balance the budget. They have never sent money back, the money that should go back to clean the acid mine drainage up. It is very obvious to me that if this bill goes back to committee, we in northeastern Pennsylvania are going to suffer greatly, because it is not going to come out of committee, and if it does come out of committee, it is not going to pass.

The people in northeastern Pennsylvania, the Republicans and Democrats sitting in this House, have the opportunity to do something that the Congress of the United States has never done for Pennsylvania, and that is the opportunity to help clean up acid mine drainage and the reclamation problems that we have in our home area. I do not direct this comment to the whole body. I direct it to the members of this Assembly from northeastern

Pennsylvania. Do not blow this chance of helping clean up the environment. Vote "no" on recommitment.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Chester County, Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I worked in the environmental field for many years before coming to the legislature, and I have a deep appreciation for the wide array of environmental problems that face us throughout Pennsylvania. An enormous amount of work has been done by many members on this whole issue of Growing Greener for many, many months.

As a member of the 21st Century Environment Commission, I am particularly proud of the report that was issued to the Governor a year ago September and especially pleased to see so many of the report's recommendations included in HB 868. Obviously, there are many items other than what is included that I would like to have seen there, but as so often happens in the legislature, we do have to accept compromise. HB 868 is a great beginning. We are dedicating \$646 million to very needed environmental projects throughout this Commonwealth.

I urge you to defeat the motion to recommit this bill to committee. Thank you.

The SPEAKER. On the question, Mr. Hershey, do you seek recognition?

Mr. HERSHEY. Thank you, Mr. Speaker.

The previous two speakers were right on the money. This bill we have before us is a great compromise between our original bill that came out of the committee that got buried in Appropriations and the one the Senate sent over. Please, please vote "no" on recommitment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—85

Battisto	Freeman	Mayernik	Shaner
Bebko-Jones	George	McCall	Solobay
Belardi	Gigliotti	Melio	Staback
Blaum	Gordner	Michlovic	Steelman
Butkovitz	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Myers	Sturla
Cappabianca	Haluska	Pesci	Surra
Carn	Hanna	Petrarca	Tangretti
Casorio	Harhai	Pistella	Tigue
Cohen, M.	Horse	Preston	Travaglio
Colafella	James	Ramos	Trello
Costa	Josephs	Readshaw	Trich
Coy	Kaiser	Rieger	Van Home
Curry	Kirkland	Roberts	Veon
Daley	Laughlin	Robinson	Vitali
DeLuca	Lescovitz	Roebuck	Walko
Dermody	Levdansky	Ruffing	Washington
DeWeese	Lucyk	Sainato	Williams
Donatucci	Manderino	Samuelson	Wojnaroski
Eachus	Mann	Santoni	Yewcic
Fairchild	Markosek	Scrimenti	Yudichak
Frankel			

NAYS—105

Adolph	Feese	Masland	Schuler
Allen	Fichter	McGeehan	Semmel
Argall	Fleagle	McGill	Serafini
Armstrong	Flick	McIlhattan	Seyfert
Baker	Forcier	McIlhinney	Smith, B.
Bard	Gannon	McNaughton	Smith, S. H.
Barley	Geist	Metcalfe	Snyder
Barrar	Godshall	Micozzie	Stairs
Bastian	Habay	Miller, R.	Steil
Benninghoff	Harhart	Miller, S.	Stern
Birmelin	Hasay	Nailor	Stevenson
Boyes	Hennessey	Nickol	Strittmatter
Browne	Herman	O'Brien	Taylor, E. Z.
Bunt	Hershey	Orie	Taylor, J.
Buxton	Hess	Perzel	True
Chadwick	Hutchinson	Petrone	Tulli
Civera	Jadlowiec	Phillips	Vance
Clark	Keller	Pippy	Wilt
Clymer	Kenney	Platts	Wogan
Cohen, L. I.	Krebs	Raymond	Wright
Cornell	Lawless	Reinard	Youngblood
Dailey	Leh	Rohrer	Zimmerman
Dally	Lynch	Ross	Zug
DiGirolamo	Maher	Rubley	
Druce	Maitland	Sather	Ryan,
Egolf	Major	Saylor	Speaker
Fargo	Marsico	Schroder	

NOT VOTING—4

Cawley	Oliver	Thomas	Waters
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EXCUSED—9

Belfanti	Dempsey	Gladeck	Lederer
Bishop	Evans	LaGrotta	Rooney
Corrigan			

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

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

VOTE CORRECTION

The SPEAKER. On that question of concurrence, the gentleman, Mr. Thomas, do you still desire recognition on concurrence?

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, first I want to acknowledge that my button malfunctioned on this last vote, and I would like for the record to reflect an affirmative vote for recommittal.

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

CONSIDERATION OF HB 868 CONTINUED

The SPEAKER. Mr. Thomas.

Mr. THOMAS. Secondly, Mr. Speaker, on concurrence, I remember when this whole debate started around Growing Greener, and I recall standing with my chairman at a

press conference and I labeled the Growing Greener proposal as growing meaner. I labeled it as growing meaner because at the time it had effectively repealed Act 339, water treatment and sewage reimbursement funds. I labeled it growing meaner rather than Growing Greener because of other parts of the bill that would effectively adversely affect counties like Philadelphia County.

Mr. Speaker, I remember one of the first opportunities I had as a member of the committee, and that is to make sure that Philadelphia County received the full reimbursements under Act 339, because there was at least a 7-year period where Philadelphia County received no Act 339 dollars, no help from the Commonwealth of Pennsylvania with projects that were on the drawing board. And I moved very aggressively to make sure that Philadelphia County got at the table, and I believe the first, the first reimbursement totaled almost \$10 million to \$15 million to Philadelphia County, and I am proud of that.

I am also proud of the fact that the Industrial Reuse Grant Program is a program that has been beneficial to the 181st Legislative District and to districts all across the Commonwealth of Pennsylvania. So I was very concerned that Act 339 would have effectively been eliminated under the original Growing Greener proposal. I was very much affected by some of the other provisions.

But, Mr. Speaker, I rise today to say that while the original bill instead of Growing Greener was growing meaner, I rise today to say that HB 868 is no longer meaner but leaner, and by being leaner, Act 339 dollars will remain in place at least for the duration of projects that are currently in the pipeline. That is going to be good for Philadelphia County. It is my understanding that once those projects have been completed or projects have been abandoned, then Philadelphia County along with other counties will be able to make applications to the PENNVEST program for new projects that might come on line, and I believe the authors have said to me that PENNVEST will be available once projects have been abandoned or replaced.

So, Mr. Speaker, while Act 339 is not all that I wanted it to be, it is still in this HB 868. The Industrial Reuse Program, while it is not all that I want it to be, it is still in HB 868 and will continue to provide dollars to counties like Philadelphia County and the southeastern region to deal with projects that desperately need the help of the Commonwealth of Pennsylvania.

So I rise to concur on HB 868, not because it is growing meaner but because it has grown leaner, and leaner will provide some help to counties all across the Commonwealth of Pennsylvania. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Surra, on concurrence.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, is there someone on the other side that I can interrogate as to Senate amendments, briefly?

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding or is it true that section 6112 repeals the 25-cents-per-ton landfill postclosure moneys?

Mr. S. H. SMITH. May I have just a minute, Mr. Speaker?

What section was that again, Mr. Speaker?

Mr. SURRA. Section 6112.

Mr. S. H. SMITH. It is my understanding, Mr. Speaker, that it does not repeal it but redirects it.

Mr. SURRA. So I guess you are saying then that that money will no longer be collected for postclosure of landfills.

Mr. S. H. SMITH. That would be correct, Mr. Speaker.

Mr. SURRA. Thank you, Mr. Speaker.

What would happen to that 25 cents per ton that is now being collected for future problems with landfills?

Mr. S. H. SMITH. First of all, the Landfill Closure Fund is a fund that was originally established, however, in order to protect against the eventuality of a landfill having a problem upon closure. In the interim, since that fund was originally established, the bond amount that any landfill puts up is more than adequate to handle the closure of a landfill. Therefore, the moneys that are in that fund are almost double the amount of money that is necessary to deal with that potential negative problem that might occur with a landfill closure problem. The answer to your question then being that the moneys that are being diverted from that fund would be going into the Environmental Stewardship Fund, which makes up the overall fund of moneys that go to DEP (Department of Environmental Protection), DCNR (Department of Conservation and Natural Resources) PENNVEST, and who am I forgetting?

Mr. SURRA. So the short answer then is that you believe that the 25-cents-per-ton money that is now collected to take care of future problems with landfills will be going into the Environmental Stewardship Fund.

Mr. S. H. SMITH. Correct.

Mr. SURRA. Thank you.

Any landfills that are cited now or in the future then, will there be a fund there to help them with future environmental problems should there be any?

Mr. S. H. SMITH. The landfill bonds that are required to be posted upon the permitting and existence of the landfill.

Mr. SURRA. It was always my understanding, Mr. Speaker, that the bonds for the landfill were more or less for perpetual care of the liners and the maintenance around the landfill but not necessarily for any future environmental catastrophes or problems associated with the landfill.

Mr. S. H. SMITH. That is not my understanding, Mr. Speaker. It is my understanding that those bonds are put in place at the time that the landfill would cease to operate. Those bonds would be held until that landfill is completely closed up, and of course, the final release of that bond is subject to certification that the landfill is secure, that it does not pose any threat to the environment or the local host community.

Mr. SURRA. Thank you, Mr. Speaker.

And my final question is, do the Senate amendments take \$30 million a year and transfer it from the Recycling Fund and/or the hazardous waste cleanup fund and put that in the Environmental Stewardship Fund?

Mr. S. H. SMITH. Mr. Speaker, yes. The legislation would transfer some money from the Recycling Fund and the Hazardous Sites Cleanup Fund.

Basically, over the 5-year period that this bill is projected, there would remain large balances in both of those funds in spite of that transfer, both in the Hazardous Sites Cleanup Fund and in the Recycling Fund, and as a matter of fact, the Recycling Fund is guaranteed a hold-harmless as of the 1999-2000 funding. So those funds, while some money being diverted away from them, are not being depleted nor are they being put in jeopardy.

Mr. SURRA. Thank you, Mr. Speaker.

If I may comment on the concurrence now?

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SURRA. Madam Speaker, if you took the time to listen to some of the good answers that my colleague gave, we are assuming that there is going to be no greater need in the future for the hazardous waste cleanup fund. Did we decrease the number of sites significantly in Pennsylvania where there are problems with hazardous waste? We are not going to need any more number in the Recycling Fund when the Governor's goal is to recycle at 35 percent and we are stranded at 26 percent.

Oh, but of course, the 25 cents a ton, maybe they are banking on bringing in more out-of-State trash. I know that the administration has talked the talk about stopping out-of-State waste, but this graph, Mr. Speaker, under the Ridge administration we are taking in almost double the amount of out-of-State waste than we were in 1994 in Pennsylvania. Maybe we want to fund our Environmental Stewardship Fund by taking trash from out of State. I do not think that is a good idea.

You know, the thing about this Growing Greener proposal is we all — we all — support the idea of cleaning up abandoned mines, restoring watersheds, protecting open space, and eliminating the backlog of maintenance in our State parks, but we can do much more, and in the work in the House Environmental Committee, we were doing much more.

I think it is important that you know that there is no dedicated funding in this legislation; there is no dedicated funding. This is basically dealing with commitments on future budgets in the legislature. Now, Madam Speaker, we have all been here long enough to know how serious those commitments are, commitments to fund programs in the future. A lot of that depends on the financial stability of the Commonwealth and the economy.

Let me tell you a little bit about commitments on these issues. In my questioning we talked about the bonds and the postclosure funds. I was involved very, very much in the siting of a number of landfills or trying to stop them from being sited in the Elk and Clearfield County area back in the 1980s, and I remember specifically the Department of Environmental Resources at that time explaining to the citizens of the area not to worry; that the bonds will be there to help with the maintenance of the landfill, and that should there be any environmental catastrophe in the future, that the 25-cents-per-ton postclosure money will be there. It will be there so the environmental disaster that is going to occur when the problems happen with the millions of tons of trash that we are taking in Pennsylvania, that cleanup will not be on the backs of the citizens of Elk County or Somerset County or Lackawanna County, that we will have that postclosure money there to help out with that. Well, that was a commitment back in the eighties, the late eighties, and here we are in 1999; so much for that commitment. The post landfill closure money will cease to exist, and the bonds do not cover any future environmental problems. That is gobbledygook. I do not think that we should try to fund the Growing Greener proposal by increasing the amount of out-of-State waste that we take in Pennsylvania.

We can do a much better job, Madam Speaker. I am asking that this House stand up and be a working partner in what is supposed

to be the legislative bodies. We always give in to the Senate. Tell me one time when this Republican-controlled House stood tall against the Senate and the administration. I cannot think of one time.

We all want to do these things. We can do a better job. If this is such a great environmental proposal, sweeping environmental change — you have heard all the comments — then why does every major environmental organization from the Sierra Club, to Clean Water Action, to Penn Future, the League of Conservation Voters oppose concurring on HB 868? If it is such a good environmental bill, how can you support it?

We need to nonconcur with the Senate amendments. And if you have a landfill in your district, you explain to them why that 25 cents a ton is going to go away and the future cleanup is going to be on the back of your taxpayers. And if you have a landfill pending in your district, you tell them that, well, we are not going to have a 25-cents-a-ton landfill closure fee anymore; do not worry about it. That was a commitment that we made in the last decade.

Let us stand tall and do the right thing. We still can do this. There is no rush to get this done. Let us nonconcur, go back to the Environmental Resources Committee, and come out with a piece of legislation that does some real good. Thank you.

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

Mr. VITALI. Thank you, Madam Speaker.

I would ask that members of the House and anyone else who is going to take a position on this bill pro or con, anyone who is going to report about it or act on it in any way, do one thing before they do that, which is read the thing, and after they read it, Madam Speaker, I challenge anyone to show me where there is a dollar of new money guaranteed in this bill. I challenge anyone to show me where it says \$1 is hereby appropriated for these purposes.

Madam Speaker, let us take a look at this bill. Let us take a look at page 22, because that is where it talks about funding sources. Madam Speaker, it talks about in section — now, I am at line 15; I am at line 20 — it is the intent of the legislature; it is the intent in this year and future years. Madam Speaker, you do not need to be a lawyer to know that that does not guarantee anything; that the composition of the legislature changes from year to year; that the political fortunes change from year to year; that the environmental sentiments change from year to year. There are simply no guarantees in this bill.

Madam Speaker, it also talks about the Governor and what the Governor is going to do. We are going to require that the Governor in his annual budget report put this in. Well, what does that mean, him putting it in his report? That means nothing; bubkes, Madam Speaker. Nothing in this bill is guaranteed, Madam Speaker. There is nothing guaranteed in this bill other than the stealing of this money from other environmental programs, like the Recycling Fund, like the Hazardous Sites Cleanup Fund, like the landfill closure act, Madam Speaker. There is no guarantee of a dime of new money, and we are not in a position to guarantee any money for any years beyond our term nor is the Governor, and he will be out of here, be it next year or in a couple more years.

Madam Speaker, the right thing for us to do would be to guarantee this money for our children, and we could have done that in a number of ways, and we did in fact do that in HB 1200; we in fact did do that in one version of SB 800. We did it by the realty transfer tax that would have guaranteed it for years into the future.

Madam Speaker, we did it through a bond issue, a \$675-million bond issue in HB 1200 as we amended it on June 8. Madam Speaker, in other efforts we did the right thing, but this bill is illusory; it is a bill of goods, Madam Speaker. It does not guarantee anything. It is a fraud, Madam Speaker. It is a feel-good, do-nothing bill, and before we congratulate and pat ourselves on the back too hard for this, remember this: Eventually, people will see this for what it is, just like they have seen other so-called dramatic reform measures we have passed.

Madam Speaker, you look at what other States have done compared to what we are about to do. Madam Speaker, Florida has just passed a 10-billion — “b” as in billion — dollar bond issue, Madam Speaker, to protect their environment, to conserve open space; \$10 billion over 10 years compared to what we are going to do today, Madam Speaker. You look at our neighboring State of New York. In 1996 a \$1.75-billion bond issue. They did the right thing, Madam Speaker. The same with New Jersey — \$1.8 billion, Madam Speaker. All these States have met the challenge, have risen up as a legislature to meet the challenge of their future, to meet the challenge to conserve open space and protect the environment, Madam Speaker. Compare that to what we are about to do today, Madam Speaker. This is a bill that should not be supported.

Madam Speaker, you have to compare what this bill is doing — and arguably it is only about \$200 million, and even if you have the most rosy estimates of all the promises that are made, it is only about \$600 million — you have to compare that to what the actual needs are, the actual environmental needs are of this State, Madam Speaker, in really evaluating whether we should support this bill.

Fifteen billion dollars is the price tag for abandoned mine cleanup; \$15 billion, Madam Speaker, and we are doing very little in this bill for that. Madam Speaker, with regard to farmland preservation, the price tag for that, up to \$375 million. We are not doing anywhere near that in this bill, Madam Speaker. The price tag for the backlog of State park and forest maintenance is \$110 million, Madam Speaker. We are not doing anywhere near approaching that, Madam Speaker. Capping of oil and gas wells, perhaps another \$85 million. We are just not providing any sort of money to even scratch the surface of these major environmental problems, Madam Speaker.

And in addition to these core environmental programs we are underfunding, Madam Speaker, there is no money for downtown revitalization; there is no money for historic preservation. The Fish and Game Commission ends up holding the bag, Madam Speaker. Nothing for libraries and museums.

Madam Speaker, there is so much we can do, so much we need to do, Madam Speaker, but we are just, if we pass this, we are dropping the ball, because there are political realities.

And the gentleman from Schuylkill and Berks Counties talked, well, we are going to revisit it. Well, we all know what political realities are. If we pass this bill today, if we concur in these amendments and it is signed into law, we will consider this a job done and we will walk along to the next project, and we are not going to revisit these important issues, Madam Speaker. We have to deal with them now.

Madam Speaker, in addition to what this does not do, Madam Speaker, this bill also does very damaging things. It takes money from the Recycling Fund. There are no guarantees that we will be able to meet our recycling goals of 35 percent. We are now

at 26 percent. We have been at that percent for 2 years. There is no indication that we are going to go any higher on that, but this bill does not give us any guarantees. In fact, it uses that valuable, proven program, moneys from that valuable program.

Madam Speaker, this bill is a turkey, Madam Speaker, and I am going to ask the gentleman from Tamaqua, who also has a background in turkey farming, to join us in trying to kill this turkey. Madam Speaker, this bill, it is gobbling a lot and it is making a lot of noise, but it is not flying and it never will.

MOTION TO SUSPEND RULES

Mr. VITALI. Madam Speaker, because this bill takes money from the Recycling Fund without guaranteeing us reaching its 35-percent rate, I would now move to suspend the rules, Madam Speaker. I would now move to suspend the rules for immediate consideration of amendment 4829, which would require that no moneys be removed from the Recycling Fund until a 35-percent recycling rate is achieved. I so move.

The SPEAKER pro tempore. The gentleman from Delaware County, Mr. Vitali, moves that the rules be suspended in order to offer amendment 4829. Is there a copy available?

The Chair recognizes the gentleman from Chester County, Mr. Hershey, on the issue of suspension. If the gentleman would just hold, please, until we receive a copy of the proposed amendment.

Mr. HERSHEY. Thank you, Madam Speaker.

The SPEAKER pro tempore. Would the gentleman, Mr. Hershey, just hold for a moment and allow the gentleman, Mr. Vitali, to explain the purpose of his amendment very briefly.

Mr. VITALI. Am I recognized, Madam Speaker?

The SPEAKER pro tempore. Not just at this moment. Just a second, please.

Does the gentleman, Mr. Vitali, want to make one motion that covers all of his amendments to suspend the rules or individually?

Mr. VITALI. Individually, Madam Speaker.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the question of suspension, the Chair recognizes the gentleman, Mr. Vitali, for a very brief description and for the purpose of the motion.

Mr. VITALI. Thank you, Madam Speaker.

This is a very brief amendment, and it simply says that unless the Department of Environmental Protection's Secretary determines that the recycling rate is below 35 percent, as long as he determines that it is below 35 percent, no funds may be transferred from the Recycling Fund. It is simply to protect the Recycling Fund so we can meet our goals.

The SPEAKER pro tempore. On the motion to suspend, the Chair recognizes the gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Madam Speaker.

I ask for a "no" vote on suspension.

This Recycling Fund has over \$100 million, and it is hold-harmless. We will not take that below a certain level, and that is in the legislation, and we are conscious about that but we have our bases covered.

I ask a "no" vote on suspension.

The SPEAKER pro tempore. Those wishing to suspend will vote "aye"; those wishing to not suspend will vote "nay."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—79

Battisto	Frankel	Markosek	Shaner
Bebko-Jones	Freeman	Mayernik	Solobay
Belardi	George	McCall	Staback
Blaum	Gordner	Melio	Steelman
Butkovitz	Grucela	Michlovic	Stetler
Caltagirone	Gruitza	Mundy	Sturla
Cappabianca	Haluska	Myers	Surra
Carn	Hanna	Pesci	Tangretti
Casorio	Harhai	Petrarca	Tigue
Cawley	Horsey	Petrone	Trello
Cohen, M.	James	Pistella	Trich
Colafella	Josephs	Preston	Van Horne
Costa	Kaiser	Ramos	Veon
Coy	Kirkland	Roberts	Vitali
Curry	Laughlin	Roebuck	Walko
Daley	Lescovitz	Ruffing	Washington
DeLuca	Levdansky	Sainato	Waters
Dermody	Lucyk	Samuelson	Williams
DeWeese	Manderino	Santoni	Wojnaroski
Eachus	Mann	Scrimenti	

NAYS—108

Adolph	Feese	McGeehan	Semmel
Allen	Fichter	McGill	Serafini
Argall	Fleagle	McIlhattan	Seyfert
Armstrong	Flick	McIlhinney	Smith, B.
Baker	Forcier	McNaughton	Smith, S. H.
Bard	Gannon	Metcalfe	Snyder
Barley	Geist	Micozzie	Stairs
Barrar	Godshall	Miller, R.	Steil
Bastian	Habay	Miller, S.	Stern
Benninghoff	Harhart	Nailor	Stevenson
Birmelin	Hasay	O'Brien	Strittmatter
Boyes	Hennessey	Oliver	Taylor, E. Z.
Browne	Herman	Orie	Taylor, J.
Bunt	Hershey	Perzel	Thomas
Buxton	Hess	Phillips	True
Chadwick	Hutchinson	Pippy	Tulli
Civera	Jadlowiec	Platts	Vance
Clark	Keller	Raymond	Wilt
Clymer	Kenney	Readshaw	Wogan
Cohen, L. I.	Krebs	Reinard	Wright
Cornell	Lawless	Rohrer	Yewcic
Dailey	Leh	Ross	Youngblood
Dally	Lynch	Rubley	Zimmerman
DiGirolamo	Maher	Sather	Zug
Druce	Maitland	Saylor	
Egolf	Major	Schroder	Ryan,
Fairchild	Marsico	Schuler	Speaker
Fargo	Masland		

NOT VOTING—7

Donatucci	Nickol	Robinson	Yudichak
Gigliotti	Rieger	Travaglio	

EXCUSED—9

Belfanti	Dempsey	Gladeck	Lederer
Bishop	Evans	LaGrotta	Rooney
Corrigan			

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

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

Mr. VITALI. Thank you, Madam Speaker.

Madam Speaker, the House on June 8, after much deliberation and careful study, passed a very good Growing Greener piece of legislation, HB 1200. Madam Speaker, this bill provided about \$845 million in new moneys for environmental protection, and in a recent survey, 73 percent of Pennsylvanians supported this spending level.

The SPEAKER pro tempore. Would the gentleman, Mr. Vitali, cease. Have you risen to make a motion?

Mr. VITALI. Yes, Madam Speaker.

The SPEAKER pro tempore. Would you please like to do that?

MOTION TO SUSPEND RULES

Mr. VITALI. Madam Speaker, I would move to suspend the rules for the immediate consideration of amendment 4820, and amendment 4820 is in a sense, in essence, HB 1200 as amended by the Environmental Committee with two changes which improve the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. On the issue of suspension, the Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Madam Speaker, as was mentioned earlier, that was an amendment that I was very instrumental in, and I believe that it has considerable merit. I believe, however, that the best time to fight that fight will be on another day.

I had attempted, for instance, to include Representative Tangretti's legislation in this bill to do more for historic properties within our existing boroughs and cities, but I was told that statutorily that was bending our rules beyond all recognition. I also understand, however, after a series of meetings with the Governor's staff, Representative Barley, and many others, that that is certainly something that we can consider as part of the budget process. We need to do more for our existing boroughs and towns.

This bill does a lot for farmland; it does a lot for acid mine drainage communities such as many of those that I represent, but as I had mentioned in my earlier comments, we have a window of opportunity now. If we adopt this amendment, we adopt other amendments, we are placing a gaping hole in this bill that will not be repaired for at least 2 months and maybe never, and so I believe that our best opportunity is to accept this bill the way it has been negotiated and to move on and see what we can do in the next round.

I sympathize with the previous speaker's concerns. I happen to agree with his end result, but we have a difference over means, and I simply have to ask that we would oppose this motion at this time.

The SPEAKER pro tempore. On the motion to suspend, those wishing to suspend the rules will vote "aye"—

The gentleman from Delaware County is recognized, on suspension.

Mr. VITALI. Thank you, Madam Speaker.

Madam Speaker, today is the day — I disagree with the gentleman from Schuylkill County — today is the day, and this amendment is the opportunity to do what 73 percent of Pennsylvanians, editorial boards throughout the State, the majority of the House Environmental Committee, and many others are calling upon us to do. This is a good, solid environmental bill which will deal with all the problems we have talked about. If we want to deal with this issue in a way that is going to be remembered by our children and will affect them in a positive way, this is the amendment. It is not for another day.

The whole point of the Heritage 21 people gathering together, the whole point of packaging the core environmental issues with these periphery issues like downtown revitalization, like libraries, like historic preservation, the whole point in gathering them together was the recognition of the fact that these would not stand alone. One by one they would be picked off. That is why they needed to be grouped together, and I think the gentleman from Schuylkill County knows that.

So, Madam Speaker, unless we deal with this comprehensively, these issues will not be dealt with. So if we want to do the right thing, if we want to go home tonight feeling, yes, we have taken a positive step, yes, we have sent the right message, then I think we need to suspend the rules to get HB 1200 in play. Thank you, Madam Speaker.

The SPEAKER pro tempore. Those wishing to suspend to offer amendment 4820 will vote "aye"; those opposed, vote "nay."

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

The following roll call was recorded:

YEAS—83

Battisto	Frankel	Mayemik	Shaner
Bebko-Jones	Freeman	McCall	Solobay
Belardi	George	Melio	Staback
Blaum	Gigliotti	Michlovic	Steelman
Butkovitz	Gordner	Mundy	Stetler
Caltagirone	Gruela	Myers	Sturla
Cappabianca	Gruitza	Pesci	Surra
Carn	Haluska	Petrarca	Tangretti
Casorio	Hanna	Petrone	Tigue
Cawley	Harhai	Pistella	Travaglio
Cohen, M.	Horsey	Preston	Trello
Colafella	James	Ramos	Trich
Costa	Josephs	Readshaw	Van Horne
Coy	Kaiser	Roberts	Vitali
Curry	Kirkland	Robinson	Walko
Daley	Lescovitz	Roebuck	Washington
DeLuca	Levdansky	Ruffing	Williams
Dermody	Lucyk	Sainato	Wojnaroski
DeWeese	Manderino	Samuelson	Yewcic
Eachus	Mann	Santoni	Yudichak
Fairchild	Markosek	Scrimenti	

NAYS—106

Allen	Feese	Masland	Schuler
Argall	Fichter	McGeehan	Semmel
Armstrong	Fleagle	McGill	Serafini
Baker	Flick	McIlhattan	Seyfert

Bard	Forcier	McIlhinney	Smith, B.
Barley	Gannon	McNaughton	Smith, S. H.
Barrar	Geist	Metcalfe	Snyder
Bastian	Godshall	Miller, R.	Stairs
Benninghoff	Habay	Miller, S.	Steil
Birmelin	Harhart	Nailor	Stern
Boyes	Hasay	Nickol	Stevenson
Browne	Hennessey	O'Brien	Strittmatter
Bunt	Herman	Oliver	Taylor, E. Z.
Buxton	Hershey	Orie	Taylor, J.
Chadwick	Hess	Perzel	Thomas
Civera	Hutchinson	Phillips	True
Clark	Jadlowiec	Pippy	Tulli
Clymer	Keller	Platts	Vance
Cohen, L. I.	Kenney	Raymond	Wilt
Cornell	Krebs	Reinard	Wogan
Dailey	Lawless	Rieger	Wright
Dally	Leh	Rohrer	Youngblood
DiGirolamo	Lynch	Ross	Zimmerman
Donatucci	Maher	Rubley	Zug
Druce	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Fargo	Marsico	Schroder	Speaker

NOT VOTING—5

Adolph	Micozzie	Veon	Waters
Laughlin			

EXCUSED—9

Belfanti	Dempsey	Gladeck	Lederer
Bishop	Evans	LaGrotta	Rooney
Corrigan			

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

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

Mr. VITALI. Thank you, Madam Speaker.

The recycling tipping fee, the \$2-a-ton fee on trash that goes to landfills, has been a source of revenue for all of our municipalities. We use them to purchase trucks and recycling bins. The incentives have been a source of revenue for the counties and townships—

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali—Would you cease, please?

Do you have a motion to make, please?

Mr. VITALI. Yes, I do, Madam Speaker.

The SPEAKER pro tempore. Would you proceed to do that.

MOTION TO SUSPEND RULES

Mr. VITALI. I would move that the rules of the House be suspended for the immediate consideration of amendment A4833, which would extend the Recycling Fund tipping fee from 2003 to the year 2009.

The SPEAKER pro tempore. Would the gentleman repeat that number again, please?

Mr. VITALI. That would be amendment 4833.

The SPEAKER pro tempore. The Chair is not in possession of that amendment.

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

The SPEAKER pro tempore. On the motion to suspend, would the gentleman briefly describe it.

Mr. VITALI. Thank you, Madam Speaker.

Madam Speaker, this bill, HB 868, would, by taking \$25 million a year out of the Recycling Fund, would in a sense drain it by its final year, 2004. We do not want the Recycling Fund to be left in a totally drained position when the fee expires. Therefore, we are extending this fee for another 5 years.

This has the full support and endorsement of the Pennsylvania recycling coordinators, those people in our counties who administer the various county recycling programs, and no opposition from any constituent group out there. This is a fee that has driven many dollars over the past several years into our communities for many good purposes, and we do not want this fee to end, because it encourages recycling and it is a program that is well respected by not only officials but by the citizens of Pennsylvania.

Thank you, Madam Speaker.

The SPEAKER pro tempore. On the question of suspension, the Chair recognizes the gentleman from Chester County, Mr. Hershey.

Mr. HERSHEY. Thank you.

Again I ask a "no" vote on suspension of the rules. We have this well covered, and the Recycling Fund now is up to \$124 million, and we are not going to let that get below the 1999-2000 level.

This is well covered. We covered this ground before. We are not going to deplete this fund. Please vote "no" on suspension.

The SPEAKER pro tempore. On the question of suspension of the rules in order to offer amendment 4833, those voting to suspend will vote "aye"; those voting not to suspend will vote "nay."

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

The following roll call was recorded:

YEAS—85

Bebko-Jones	George	McCall	Solobay
Belardi	Gigliotti	Melio	Staback
Blaum	Gordner	Michlovic	Steelman
Butkovitz	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Myers	Sturla
Cappabianca	Haiuska	Oliver	Surra
Cam	Hanna	Pesci	Tangretti
Casorio	Harhai	Petrarca	Tigue
Cawley	Horse	Petrone	Travaglio
Cohen, M.	James	Pistella	Trello
Colafella	Josephs	Preston	Trich
Costa	Kaiser	Ramos	Van Horne
Coy	Kirkland	Readshaw	Veon
Curry	Laughlin	Roberts	Vitali
Daley	Lescovitz	Robinson	Walko
DeLuca	Levdansky	Roebuck	Washington
Dermody	Lucyk	Ruffing	Waters
DeWeese	Manderino	Sainato	Williams
Eachus	Mann	Samuelson	Wojnarowski

Fairchild	Markosek	Santoni	Wright
Frankel	Mayernik	Shaner	Yudichak
Freeman			

NAYS—105

Adolph	Fargo	Marsico	Schuler
Allen	Feese	Masland	Semmel
Argall	Fichter	McGeehan	Serafini
Armstrong	Fleagle	McGill	Seyfert
Baker	Flick	McIlhatten	Smith, B.
Bard	Forcier	McIlhinney	Smith, S. H.
Barley	Gannon	McNaughton	Snyder
Barrar	Geist	Metcalfe	Stairs
Bastian	Godshall	Micozzie	Steil
Battisto	Habay	Miller, R.	Stern
Benninghoff	Harhart	Miller, S.	Stevenson
Birmelin	Hasay	Nailor	Strittmatter
Boyes	Hennessey	Nickol	Taylor, E. Z.
Browne	Herman	O'Brien	Taylor, J.
Bunt	Hershey	Orie	True
Buxton	Hess	Perzel	Tulli
Chadwick	Hutchinson	Phillips	Vance
Civera	Jadlowiec	Pippy	Wilt
Clark	Keller	Platts	Wogan
Clymer	Kenney	Raymond	Yewcic
Cohen, L. I.	Krebs	Reinard	Youngblood
Cornell	Lawless	Rohrer	Zimmerman
Dailey	Leh	Ross	Zug
Dally	Lynch	Rubley	
DiGirolamo	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Egolf	Major	Schroder	

NOT VOTING—4

Donatucci	Rieger	Scrimenti	Thomas
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EXCUSED—9

Belfanti	Dempsey	Gladeck	Lederer
Bishop	Evans	LaGrotta	Rooney
Corrigan			

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali, for the purpose of making a motion.

Mr. VITALI. Thank you, Madam Speaker.

I would move that the rules of the House be suspended for the immediate consideration of amendment 4819, which is an amendment which allows moneys from this program to be used to clean up State lands that are not being used by the Commonwealth for the purpose of converting those lands to open space. I have to say that my district would be a beneficiary of this, because we have a State hospital not being used which has some cleanup problems. So as an advocate for my district, I would like to be able to use some of this money to clean up the Haverford State Hospital grounds for open space.

The SPEAKER pro tempore. The gentleman from Delaware County, Mr. Vitali, moves that the rules of the House be suspended in order to offer amendment 4819.

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

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Chester County, Mr. Hershey.

Mr. HERSHEY. Thank you, Madam Speaker.

This is a little different issue than we dealt with in the committee. I ask a "no" vote on suspension. This would just delay the bill on and on and on, and this— Vote "no," exactly. Thank you.

The SPEAKER pro tempore. Those wishing to suspend the rules will vote "aye"; those wishing to not suspend the rules will vote "no."

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

The following roll call was recorded:

YEAS—84

Battisto	George	McCall	Shaner
Bebko-Jones	Gigliotti	Melio	Solobay
Belardi	Gordner	Michlovic	Staback
Butkovitz	Grucela	Mundy	Steelman
Caltagirone	Gruitza	Myers	Stetler
Cappabianca	Haluska	Oliver	Sturla
Carn	Hanna	Pesci	Surra
Casorio	Harhai	Petrarca	Tangretti
Cawley	Horsey	Petrone	Thomas
Cohen, M.	James	Pistella	Tigue
Colafella	Josephs	Preston	Travaglio
Costa	Kaiser	Ramos	Trello
Coy	Kirkland	Readshaw	Trich
Curry	Laughlin	Roberts	Van Horne
Daley	Lescovitz	Robinson	Veon
DeLuca	Levdansky	Roebuck	Vitali
Dermody	Lucyk	Ruffing	Walko
DeWeese	Manderino	Sainato	Washington
Eachus	Mann	Samuelson	Williams
Frankel	Markosek	Santoni	Wojnaroski
Freeman	Mayernik	Scrimenti	Yudichak

NAYS—106

Adolph	Fargo	Marsico	Schuler
Allen	Feese	Masland	Semmel
Argall	Fichter	McGeehan	Serafini
Armstrong	Fleagle	McGill	Seyfert
Baker	Flick	McIlhatten	Smith, B.
Bard	Forcier	McIlhinney	Smith, S. H.
Barley	Gannon	McNaughton	Snyder
Barrar	Geist	Metcalfe	Stairs
Bastian	Godshall	Micozzie	Steil
Benninghoff	Habay	Miller, R.	Stern
Birmelin	Harhart	Miller, S.	Stevenson
Boyes	Hasay	Nailor	Strittmatter
Browne	Hennessey	Nickol	Taylor, E. Z.
Bunt	Herman	O'Brien	Taylor, J.
Buxton	Hershey	Orie	True
Chadwick	Hess	Perzel	Tulli
Civera	Hutchinson	Phillips	Vance
Clark	Jadlowiec	Pippy	Wilt
Clymer	Keller	Platts	Wogan
Cohen, L. I.	Kenney	Raymond	Wright
Cornell	Krebs	Reinard	Yewcic

Dailey	Lawless	Rohrer	Youngblood
Dally	Leh	Ross	Zimmerman
DiGirolamo	Lynch	Rubley	Zug
Druce	Maher	Sather	
Egolf	Maitland	Saylor	Ryan,
Fairchild	Major	Schroder	Speaker

NOT VOTING—4

Blaum	Donatucci	Rieger	Waters
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EXCUSED—9

Belfanti	Dempsey	Gladeck	Lederer
Bishop	Evans	LaGrotta	Rooney
Corrigan			

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County for the purpose of making a motion.

Mr. VITALI. Madam Speaker, although I have two more amendments, maybe I will just pass at this point in a spirit of goodwill and conviviality towards my fellow members. That would be all, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Jefferson County, Mr. Smith.

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

Let me just conclude real quick. I appreciate the indulgence of the members.

I firmly believe this bill does what we set out to do. Could we do more? As I said before, yes, we can. Do we have problems out there? Yes, we do, and this will get at it. Put the money on the street. It will be out there right after Christmas.

Vote for the bill. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. McIlhinney.

Mr. McILHINNEY. Thank you, Madam Speaker.

Madam Speaker, last spring I had an amendment in committee that kept intact the Recycling Fund. Now, that amendment narrowly passed. That was the bill back last spring when there was merely \$300 million in Growing Greener. It was nothing more than a shell game of taking some money and moving it around.

The bill has dramatically changed since that time. Yes, it could do more, and if you want to say we want to have a billion dollars, I would like to see a billion dollars. But this puts money on the street now, this year. This is \$650 million. Key 93, which at the time was the largest investment in Pennsylvania's Commonwealth, was a little bit more than \$300 million. Six years later we are now talking about \$650 million.

On the issue of the dedicated funding, in this bill it will take a legislative act for us to remove this funding in future years, just the same as we could remove any kind of a dedicated-funding provision in future budgets. This is not the United States Congress

where we can actually expend money 5 years in advance and dedicate money for years in the future. Each year we need to approve a balanced budget, and I think sometimes we lose sight of what we have to do and our obligations in that balanced budget. All we can do is put forth a good-faith effort, say that we are going to expend this money in the future, in coming years, and then it is up to us, each and every one of us in this chamber, to make sure that it gets done when it comes budget time.

So I am asking for an affirmative vote on the concurrence of HB 868. Thank you, Madam Speaker.

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

Mrs. MILLER. Thank you, Madam Speaker.

Would the sponsor of this legislation stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mrs. MILLER. Madam Speaker, in the amendments placed in your legislation by the Senate, one of the provisions is a program to provide through the Department of Conservation and Natural Resources grants to counties, municipalities, conservation districts for the acquisition, development, and rehabilitation of open space, natural areas, river corridors, watersheds, and other open space. My question to you is, is there an opportunity here for municipalities to perhaps go beyond the intent of this legislation in applying eminent domain in securing private lands? Madam Speaker, my concern, of course, is for the rights of private property owners.

Mr. S. H. SMITH. Madam Speaker, I was having a little trouble hearing. Could she just repeat the very last part of the question? I was having trouble hearing.

Mrs. MILLER. Okay. I will do my best, Madam Speaker.

My question, Madam Speaker, is in providing for this opportunity, are we increasing the opportunity for municipalities to exercise eminent domain in taking over private lands for public use?

Mr. S. H. SMITH. Madam Speaker, I believe that the bill adequately addresses the concerns of private property owners' rights in that in order for those moneys to be released, there must be approval through the municipalities as well as informally through others that are interested in the process. It is my interpretation that this legislation will allow for acquisition of such lands, as you cited, but that it will not be at the expense of private property rights.

Mrs. MILLER. Okay. Thank you, Madam Speaker.

And one followup question, if I may: This also provides for a program, additional moneys to flow to a program that already exists in the Department of Agriculture for the purchase of conservation easements to preserve farmland. When will those funds be available for counties, and are you aware of an opportunity for counties to, I guess the question I am trying to raise is, to plan for that in their year 2000 budget, which most of the counties are doing as we speak?

Mr. S. H. SMITH. Madam Speaker, it is my understanding that those moneys would be available more or less immediately. However, probably in the practical circumstances of a county putting their application process, you know, in place, it may be difficult for them to access those moneys in the course of this last half of this fiscal year. However, the moneys will be available. A county would really have to hustle, in all fairness, to do it in this

half the year. However, those moneys will be available in the ensuing year.

Mrs. MILLER. Thank you, Madam Speaker.

On the legislation.

The SPEAKER pro tempore. You may proceed.

Mrs. MILLER. Madam Speaker, I also rise to encourage my colleagues to vote in support of this legislation. I feel especially that the program that provides for additional funding for farmland preservation is critical in southeastern Pennsylvania and the rest of the Commonwealth that is feeling development pressure. And again, I feel that the counties that are interested in this program should be aware of this, and I encourage the Department of Agriculture to make sure that this information is communicated as soon as this legislation becomes law.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Indiana County, Ms. Steelman.

Ms. STEELMAN. Thank you, Madam Speaker.

I think it is very important that as we cast our votes on concurrence in the Senate amendments to this bill we recognize that it does not guarantee anything like \$645 million for environmental improvements. It does not; it barely guarantees one-tenth of that amount. And contrary to what we were hearing earlier about how this money, some of which would be taken from the Recycling Fund, would be available immediately, already we are starting to hear a receding from that position and a suggestion that, well, even this money that is available immediately is not available immediately; it might be available sometime later in the year 2000; we are not absolutely certain. So if your counties are thinking about how they might use all this money, I would suggest that you not encourage them to be overwhelmingly optimistic at this point and I would suggest that you encourage them not to be overwhelmingly optimistic about their prospects in the far future, because unlike the programs that are proposed in HB 1200, the programs that are proposed in the legislation we are about to vote on have no guaranteed appropriation that would support them at anything like the financial level necessary to have a significant impact, and that is the single worst thing about this bill.

There are some other very peculiar things about this legislation as you look at it closely, and it has been impossible, as we have seen, to remedy some of those mysterious peculiarities. But the worst thing is that by concurring in these Senate amendments, we are passing a piece of legislation that offers the citizens of the Commonwealth of Pennsylvania an empty promise as to what we intend to do for them if we ever get around to appropriating the money.

I would encourage my colleagues to fail to concur, to refuse to concur in this, to insist for once that we, the people's House, are going to speak for the people of Pennsylvania who have told us what they want, and it is not a mess of empty promises. It is real legislation with real money behind it. As my colleague said earlier, this is the time that we can stand up and point out to the Senate and point out to the Governor that we are not the least of the elements of government, that we are the people who are closest to the constituents and that we understand what is needed and that we are prepared to take a leadership role in this, and the first step is in voting down this bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Madam Speaker.

There are two points that I would like to address. One is, I keep hearing it is not enough money, it is not enough money, it is not enough money, and I would sympathize with those remarks, but I have to tell you that in the district that I represent, I think if you asked any of the people in northern Berks and eastern Schuylkill Counties, is \$645 million a lot of money, I do not think you would find too many people in my district who would tell you that that is, in the words perhaps to paraphrase Representative Vitali, turkey feed. One hundred million dollars for agricultural preservation, \$154 million over 5 years for conservation and natural resources, \$240 million for environmental protection, including those efforts in my district so important to take that orange stuff out of the water once and for all and to fill those strip mines that have plagued my communities for 100 years, those attractive nuisances where too many young people have played and fallen and in some tragic occasions been killed, as well as \$152 million much needed for water and sewage projects all across Pennsylvania. And so, yes, I would like to see more; yes, I will be working for more for our existing older communities in upcoming budgets, but I think that \$646 million is a number that we can be very much proud of today.

The second point that I keep hearing is, where is the guarantee, where is the commitment, where is the earmark, even in our best efforts this year at putting together a document that we could all be proud of looking for those earmarks, looking for those guarantees. Now, Madam Speaker, we never dealt with any constitutional amendments this year in dealing with this bill, so despite our very best efforts, no matter how strong the language would have been, at no point would we have ever been more than one vote of this General Assembly away from removing that guarantee.

So I believe that the language in the legislation has already been read into the record as to what that guarantee is, but I also received a letter from the Governor 2 days ago, a copy of which I would like to enter into the record today and just one paragraph which I would like to share with you. It says — and this is, once again, from the Governor — “I am committed to including this amount in each budget for the remainder of my term as Governor of Pennsylvania. In addition, my staff has worked with Senator Loeper’s office to develop language that statutorily mandates the inclusion of the appropriate amount of funding in the next four budgets, covering the duration of the ‘Growing Greener’ proposal. This language will make ‘Growing Greener’ a shared commitment of the Governor and the General Assembly,” and, Madam Speaker, that is where this ought to be. It is going to be up to each one of us as members of this General Assembly to ensure that this commitment of the Governor and this commitment of this General Assembly, which I believe we will vote today, lives and survives in the years to come.

I have also been hearing that, well, we do not really need to do this today; we could do it next month; we could do it in February; we could do it in March, but I already saw this year how February turned into December, and I am not anxious to go again. And if you are looking for a deadline, I would just encourage you to look back in the history of Pennsylvania. The first oracles came off of some boat from Cornwall to leave one mining village to come to another in Schuylkill County, and so for 170 years in Schuylkill County, members of my family have had to put up with sulfuric acid in water, dead fish in many cases, fish and streams that will not see life for a long time unless we take drastic action. I am hopeful that today, with this deadline in front of us, we are

about to appropriate major new funding for cleaning up streams and filling those holes and doing a lot of important environmental projects all across the State.

And so, yes, there may not be any immediate deadline today, but in my mind, we are already 50 or 60 years behind where we ought to be, and I hope that we do not wait 50 or 60 more minutes to do this. So I would encourage all of you for a vote for concurrence. Thank you.

LETTER SUBMITTED FOR THE RECORD

Mr. ARGALL submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Madam Speaker.

Madam Speaker, at the outset, let me make this clear: A vote against concurring with these amendments is not a vote saying that you want to delay cleaning up your acid mine drainage or you want to delay taking care of the environmental needs of your legislative district or your county or your region of Pennsylvania. Madam Speaker, essentially this bill is flawed in two major areas.

First off, what this bill does is it emasculates proven, effective environmental protection programs. It emasculates them by taking their funding and earmarking that money for the worthy programs of Growing Greener. Under this amendment, under the changes in this legislation, Act 339 will essentially be bled to death slowly. It will be a slow death. The existing programs that are funded will remain funded, but as they come off line, no new projects are going to be funded. So it is a slow bleed to death for Act 339.

On Act 101. On Act 101 there is a lot of talk about what we need to do in Pennsylvania is develop markets for recycling. We need to move beyond just providing assistance to our municipalities to implement recycling programs. We need to move to the next level to help develop recyclable markets in Pennsylvania. We are going to need a lot of money to be able to do that, and under this amendment we are not going to have that money available to develop those recycling markets.

On the hazardous sites cleanup funds, Madam Speaker. These funds are used to leverage. They are used to leverage and to force voluntary cleanups where otherwise hazardous waste cleanups would not occur. It is an effective lever that DEP has, and they have chosen instead to let go of this. We will become totally dependent on the voluntary cleanups of business and industry rather than having, you know, a fund available to force compliance and cleanup to happen in the first place.

One other thing, Madam Speaker, and I have heard a lot of discussion about this and I think people are being a little misleading about this. In terms of the redirection of the landfill closure accounts, the bonds that are presently posted for landfills cover the cost of closure and the cost of maintenance and monitoring. Those bonds do not, do not cover the cost of remediation. There are 52 landfills in this State that are closed, that are going to be closed, and they are dependent upon these bonds to make sure that any problems that arise are taken care of, okay? But, Madam Speaker, what the bonds do not cover is if you have a ruptured liner and groundwater gets contaminated, or the side of a dike bursts and leachate leaks into a stream or creek. Those

remediation costs are not covered by the bonds, and in this legislation there is no requirement to increase the bonding requirements to include the cost of these remediations. That is a promise and a commitment that we made to our communities in hosting these landfills, and this legislation essentially turns our back on promising them the necessary funds to cover those. And if you are just looking for the track record of the Commonwealth on bonds, just look at what we have done on oil and gas and coal bonds. We have permitted operators to walk away, to walk away and forfeit the minuscule bonds to cover the costs of those reclamations. We have not done the job on bonding on oil and gas and coal, and with this amendment we are going to turn our backs on landfills as well.

Madam Speaker, the second reason why I oppose this legislation is because it in fact does not appropriate enough funding. It is not dedicated funding. It is a raid on proven environmental protection programs. We are robbing an environmental Peter to pay another environmental Paul. That is the wrong way to do that, Madam Speaker. And maybe I could be a little sympathetic with that approach if we were dealing with tough fiscal and economic times in Pennsylvania, but such is not the case today. We are sitting on a \$400-million budget surplus today. There are plenty of funds available in our budget surplus to help pay for these funds.

Madam Speaker, when you look at other States, other States with Republican Governors, look what they have done to enhance their environment. New York State: Governor Pataki signed into law legislation to appropriate \$1 3/4 billion of a clean water and clean air bond act. In Florida, Governor Jeb Bush signed legislation authorizing a \$3-billion 10-year bond program for land and water preservation. And in neighboring New Jersey, Governor Whitman signed legislation authorizing \$98 million, almost \$100 million a year dedicated from their sales tax revenues for the next 10 years to clean up their environment. Madam Speaker, these are Republican Governors who understand that the people of their States want to make investments in environmental programs to clean up their environment, to promote preservation, and to stop suburban sprawl. I happen to think that our Governor compared to these Republican Governors is going to come out of this fight with the moniker of "Timid Tom" for not making the necessary investments that these other States and these other Republican Governors have made. Madam Speaker, there are other better ways that we can finance these proposals, and a lot of us in the House are willing to roll up our sleeves and sponsor some legislation to do that.

Just one other item I want to compare to. HB 1200, amended by Representative Argall in committee, would have dedicated a portion of the realty transfer tax and would have provided for a bond issue for a grand total of about \$850 million of investments in these programs, Madam Speaker. Madam Speaker, our State's bond and credit rating has never been better. The way to pay for these kinds of investments is not to steal money from other worthy environmental programs but rather to make the necessary investments, you know, perhaps by coming up with fees or by passing a bond issue.

And I heard a lot, Madam Speaker, about, well, you know, we have got to take what we can get now and we will come back next year for another bite of the apple. Madam Speaker, when this Governor was looking to preserve what he considers to be the natural assets of Pennsylvania — the Steelers, the Phillies, the

Eagles, and the sports teams of this State — he was not Timid Tom then. He did not say, well, we can only take care of Pittsburgh, and we are going to have to come back next year or next session to take care of getting State bond financing to help the Philadelphia sports teams. No, this was bold Governor Ridge when it came to raising the bond financing to pay for stadium construction. This Governor thinks that its sports teams are Pennsylvania's real assets. I submit to you, Madam Speaker, that it is our streams, our lakes, our forests, our rivers, our waterways, our parks, our forests. That is our best and most valuable resource in Pennsylvania. Our people and our land are our most important resources, and if we really had any vision and any integrity, that is where we would be making the investments.

Madam Speaker, this is the wrong way to finance these worthy programs in Growing Greener, and this is a very timid approach, and for all those reasons, Madam Speaker, let us nonconcur with this legislation, send this bill to its demise, and bring up instead either HB 1200 or SB 800, which I think does a better job of reflecting the interests of the people of the Commonwealth of Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Thank you, Madam Speaker.

Madam Speaker, this has been debated long enough. I think the die has been cast. I would just like to mention that I listened very intently to those who insist that this is the best thing that we could come up with, and I still insist, as I did earlier, that they are taking \$30 million out of the Hazardous Waste Fund. We do not know because we never had a report, but it is reported, Madam Speaker, there are thousands of these sites, many of them in Philadelphia, many of them in many cities. We do not know, but there is \$30 million gone.

Number two, those that insist that the 339 has not been touched, please go back to the index, read well, and you will be reading the same thing we read, that those older facilities may not be in trouble. Anything new proposed, any new equipment, anything that advances will no longer be covered by the 339 advances, which means your citizens and your ratepayers will be paying the bill. The lady from the western part of the State a moment ago wanted to know whether or not buying these open-land spaces is a matter where they can be taken without any consideration, and the truth is, Madam Speaker, that the counties can buy that land, and if they buy that land, and just the other day we tried to pass a bill to say the way to stop urban sprawl is to continue to put offices downtown. That is the best way to stop urban sprawl.

Number three, now, those that had mentioned about, oh, they know that we are not going to have any problem with landfill closure, then please read again where 25 cents a ton is going to be taken away from your counties and go into this fund for the number of years designated, and when closure is needed, you might have a bond only a tenth as large as it ought to be to remediate that degradation.

So, you know, we can talk all there is, and yet there are two things that no one is going to argue down, and that is that there are no dedicated funds in this bill. Oh, there will be a lot of WAMs (walking-around moneys) for some of you that might want to vote for it.

Madam Speaker, I think I ought to be heard, even though they do not like what they are hearing.

The SPEAKER pro tempore. The gentleman is correct. Could we have the attention of the members? This has been a long list. We are getting almost to the end of it.

Mr. GEORGE. Thank you, Madam Speaker.

The Auditor General came out with a study that seemingly nobody read that says that the Recycling Fund, in many cases 80 percent have been underattended to and many of them have been turned down, so we will never get to the 25 percent, and now taking \$30 million away, you can be assured that we will never reach. That will hurt Pittsburgh, that will hurt Philadelphia just as bad as it will hurt Clearfield.

I just read the other day where the north branch of the Susquehanna under a new hydrology review is going to be in bad trouble. Then somebody is going to tell me if there is dedicated money to take care of that, and just see where a waste site is going to be maybe opened up in an area that could ruin a dam and hurt the west branch of the Susquehanna. If anybody thinks because you got the Governor to agree to \$100 million for 4 years that you are going to be able to take care of all the ills and provide the cures necessary, you are not that foolish. You might want to believe what you want to believe because that is the political advantage you might have at the moment, but the truth of the matter is, this is not the right way to do it.

Now, for those of you who want to argue that that \$132 million is something we should be grateful for, it is not guaranteed in years to come. The Governor does not want bonds. He just wants bonds to build stadiums and ballparks and highways, but no bonds to protect the environment. What can I say, Mr. Speaker, to my colleagues? The call is yours. I am going to do the right thing. I am going to vote "no."

The SPEAKER pro tempore. The Chair recognizes the lady from Chester County, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Madam Speaker.

Well, I am going to vote "yes," because I think we have two choices. At this moment we have two choices. We can go back to our constituents and say, I voted "no" because it just was not enough, but trust me, I will probably be able to get you a little bit more money in the future, but right now, you know, I am aiming high; I want to get you all the money that I can get you. Or you can go back to your constituents and you can say, I voted "yes," and I voted "yes" so we could get a little closer to the goal of Growing Greener.

As for me, I would like to go back to my constituents and say, maybe I did not get everything, but believe me, we are on the right track; we are moving forward. Today is the day to do it. You have a choice, and I recommend that you vote "yes."

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

Mr. HERSHEY. Thank you very much, Madam Speaker.

I urge concurrence in HB 868. This is a good bipartisan effort, the largest infusion of cash for the environment in recent memory — over a half a billion dollars, real money. We are not going into debt, asking our children to pay it back. Bonds have to be paid back by future generations.

At this time I want to thank you for your indulgence, thank my committee staff for all their help, the committee on both sides of the aisle. The minority chairman from Clearfield County, thank you for your kind words. I am a friend of the Governor, but I tell you, this is my 40th year in agriculture, and I care about the environment. The soil and the water is the lifeblood of our

communities, and we are off to a great start. These other States you talked about, they are just starting what we have been doing for several years. They have serious, serious problems. We are going to start on a delivered basis. The Governor said that his administration, we will start immediately and we will proceed at a nice pace; we are not going to rush out there and waste a lot of money.

But anyway, thank you very much, and I urge concurrence in HB 868.

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—166

Adolph	Fairchild	Markosek	Sather
Allen	Fargo	Marsico	Saylor
Argall	Feese	Masland	Schroder
Armstrong	Fichter	Mayernik	Schuler
Baker	Fleagle	McCall	Semmel
Bard	Flick	McGeehan	Serafini
Barley	Forcier	McGill	Seyfert
Barrar	Frankel	McIlhattan	Shaner
Bastian	Freeman	McIlhinney	Smith, B.
Battisto	Gannon	McNaughton	Smith, S. H.
Benninghoff	Geist	Melio	Snyder
Birmelin	Gigliotti	Metcalfe	Solobay
Blaum	Godshall	Micozzie	Staback
Boyes	Grucela	Miller, R.	Stairs
Browne	Habay	Miller, S.	Steil
Bunt	Hanna	Myers	Stern
Butkovitz	Harhart	Nailor	Stevenson
Buxton	Hasay	Nickol	Strittmatter
Caltagirone	Hennessey	O'Brien	Sturla
Carn	Herman	Oliver	Tangretti
Casorio	Hershey	Orie	Taylor, E. Z.
Cawley	Hess	Perzel	Taylor, J.
Chadwick	Horsey	Pesci	Thomas
Civera	Hutchinson	Petrone	Tigue
Clark	Jadlowiec	Phillips	Trello
Clymer	James	Pippy	Trich
Cohen, L. I.	Kaiser	Pistella	True
Colafella	Keller	Platts	Tulli
Cornell	Kenney	Preston	Vance
Costa	Kirkland	Ramos	Washington
Coy	Krebs	Raymond	Waters
Dailey	Laughlin	Readshaw	Williams
Daley	Lawless	Reinard	Wilt
Dally	Leh	Rieger	Wogan
DeLuca	Lescovitz	Roberts	Wright
Dermody	Lucyk	Roebuck	Youngblood
DeWeese	Lynch	Rohrer	Yudichak
DiGirolamo	Maher	Ross	Zimmerman
Donatucci	Maitland	Rubley	Zug
Druce	Major	Sainato	
Eachus	Manderino	Samuelson	Ryan,
Egolf	Mann	Santoni	Speaker

NAYS—28

Bebko-Jones	Gruitza	Petrarca	Travaglio
Belardi	Haluska	Robinson	Van Horne
Cappabianca	Harhai	Ruffing	Veon
Cohen, M.	Josephs	Scrimenti	Vitali
Curry	Levdansky	Stetler	Walko
George	Michlovic	Surra	Wojnarowski
Gordner	Mundy		Yewcic

NOT VOTING—0

EXCUSED—9

Belfanti
Bishop
Corrigan

Dempsey
Evans

Gladeck
LaGrotta

Lederer
Rooney

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1986**, **PN 2734**, entitled:

An Act providing for abatement by political subdivisions of 1999 real estate taxes on properties damaged by Hurricane Floyd and Hurricane Dennis.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

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

Costa	Kirkland	Reinard	Walko
Coy	Krebs	Rieger	Washington
Curry	Laughlin	Roberts	Waters
Dailey	Lawless	Robinson	Williams
Daley	Leh	Roebuck	Wilt
Dally	Lescovitz	Rohrer	Wogan
DeLuca	Levdansky	Ross	Wojnaroski
Dermody	Lucyk	Rublely	Wright
DeWeese	Lynch	Ruffing	Yewcic
DiGirolamo	Maher	Sainato	Youngblood
Donatucci	Maitland	Samuelson	Yudichak
Druce	Major	Santoni	Zimmerman
Eachus	Manderino	Sather	Zug
Egolf	Mann	Saylor	
Fairchild	Markosek	Schroder	Ryan,
Fargo	Marsico	Schuler	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Belfanti	Dempsey	Gladeck	Lederer
Bishop	Evans	LaGrotta	Rooney
Corrigan			

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.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority leader, returning to leaves of absence, who requests that the gentleman from Allegheny County, Mr. RUFFING, be placed on leave of absence for the day.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1423, PN 1677**, 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 changing assessed valuation when a property is improved.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—4

Blaum	Dermody	Oliver	Saylor
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EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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 1097**, **PN 1524**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Transitional Housing and Care Center of Columbia and Montour Counties certain land and a building, referred to as the Gatehouse, situate on Danville State Hospital, Montour County; and authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Public Auditorium Authority of Allegheny County certain land situate in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania.

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

Mr. **EGOLF** offered the following amendment No. **A4612**:

Amend Title, page 1, line 5, by striking out "AND"

Amend Title, page 1, line 10, by removing the period after "PENNSYLVANIA" and inserting

; and authorizing the transfer and retransfer of a certain bridge in Metal Township, Franklin County.

Amend Bill, page 6, by inserting between lines 16 and 17

Section 3. Transfer of bridge.

(a) Temporary transfer.—Except as provided in subsection (b), the Department of Transportation shall assume jurisdiction of and responsibility for maintenance of County Bridge No. 116 on State Route 4004 in Metal Township, Franklin County and shall restore that bridge to sound condition.

(b) Retransfer of bridge.—Upon completion of repairs to County Bridge No. 116, the Department of Transportation shall transfer jurisdiction of and responsibility for maintenance of that bridge to Franklin County.

Amend Sec. 3, page 6, line 17, by striking out "3" and inserting
4

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

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman from Perry County, Mr. Egolf.

Mr. **EGOLF**. Thank you, Madam Speaker.

This is an agreed-to amendment, and it is agreed to by PennDOT, a bridge that will be transferred to PennDOT to be improved and turned back to the county. It is agreed to by all parties concerned.

Thank you.

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

The following roll call was recorded:

YEAS—189

Adolph	Feese	Marsico	Scrimenti
Allen	Fichter	Masland	Semmel
Argall	Fleagle	Mayernik	Serafini
Armstrong	Flick	McCall	Seyfert
Baker	Forcier	McGeehan	Smith, B.
Bard	Frankel	McGill	Smith, S. H.
Barley	Freeman	McIlhattan	Snyder
Barrar	Gannon	McIlhinney	Solobay

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

NAYS—0

NOT VOTING—4

Blaum	Oliver	Shaner	Travaglio
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EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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. **BROWNE** offered the following amendment No. **A4666**:

Amend Title, page 1, line 5, by striking out "AND"

Amend Title, page 1, lines 9 and 10, by striking out "COMMONWEALTH" in line 9, all of line 10 and inserting ; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Community Services for Children, Inc., certain lands situate in the City of Allentown, Lehigh County.

Amend Bill, page 6, by inserting between lines 16 and 17

Section 3. Conveyance at Allentown State Hospital, Lehigh County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Community Services for Children, Inc., certain land and buildings situate on the grounds of Allentown State Hospital described in subsection (b) for \$225,000.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 8.9395 acres and three buildings bounded and more particularly described as follows:

Beginning at a concrete monument on the southerly right-of-way of East Gordon Street, said point also being South 83 degrees 33 minutes 0 seconds West 319.50 feet from the easterly right-of-way of North Oswego Street.

Thence South 0 degrees 26 minutes 0 seconds East 251.70 feet along the line of a previously leased lot to Lehigh County Housing Authority to a point. Said point is the new place of beginning for this subdivided lot.

Thence along a line in the lease agreement with Lehigh County Housing Authority North 84 degrees 50 minutes 18 seconds East 275.59 feet to a point. Said point is along the western edge of an interior road in the lands of Allentown State Hospital.

Thence the following courses and distances along the interior road: South 5 degrees 57 minutes 6 seconds East 258.86 feet to a point, South 77 degrees 23 minutes 2 seconds West 49.78 feet to a point, South 12 degrees 8 minutes 20 seconds East 35.10 feet to a point, North 77 degrees 14 minutes 47 seconds East 45.76 feet to a point, South 5 degrees 57 minutes 6 seconds East 78.53 feet to a point, North 84 degrees 20 minutes 45 seconds East 6.68 feet to a point, South 4 degrees 49 minutes 4 seconds East 223.37 feet to a point, South 85 degrees 12 minutes 45 seconds West 56.41 feet to a point, South 4 degrees 50 minutes 24 seconds East 35.42 feet to a point, North 84 degrees 52 minutes 44 seconds East 56.39 feet to a point, South 4 degrees 50 minutes 36 seconds East 41.34 feet to a point, South 35 degrees 19 minutes 13 seconds West 77.17 feet to a point, South 11 degrees 35 minutes 22 seconds West 18.41 feet to a point, South 6 degrees 6 minutes 13 seconds East 48.78 feet to a point. Said point is also a corner in the parking lot that abuts the aforementioned road.

Thence the following two courses and distances along the remaining lands of the Allentown State Hospital:

South 84 degrees 4 minutes 12 seconds West 264.92 feet to a point, South 78 degrees 56 minutes 1 second West 333.01 feet to a point.

Said point also being on the easterly right-of-way of North Maxwell Street.

Thence along the easterly right-of-way of North Maxwell Street North 6 degrees 9 minutes 0 seconds West 452.15 feet to a point.

Thence along a line in the property of Badev Sharma, North 83 degrees 3 minutes 0 seconds East 342.34 feet to a point,

Thence still along the lands of Badev Sharma, North 0 degrees 26 minutes 0 seconds West 373.75 feet to a point, the aforementioned new place of beginning.

Less and excepting to the Grantor all above ground or subterranean utilities which serve Allentown State Hospital and ingress, egress and regress to said utilities.

Containing 8.9395 acres, more or less.

(c) Easements.—

(1) The Department of General Services is authorized to grant any necessary access/utility easements to the Grantee for the efficient operation and maintenance of the facilities being conveyed.

(2) The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as

well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Execution.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

(f) Conditions of conveyance.—

(1) In the event that this conveyance is not executed within 18 months of the effective date of this act, the property may be disposed of in accordance with Article 2405-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(2) The conveyance shall be conditioned on the Grantee's meeting and insuring that the requirements of the Commonwealth are met as described in an agreement of sale to be executed by the Department of General Services.

Amend Sec. 3, page 6, line 17, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Browne.

Mr. BROWNE. Thank you, Madam Speaker.

This amendment involves the transfer of surplus property in Lehigh County to Community Services for Children, which is the Head Start provider in the Lehigh Valley. It is an agreed-to amendment by the Department of General Services.

Thank you very much.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

Cohen, M.	Kaiser	Raymond	Veon
Colafella	Keller	Readshaw	Vitali
Cornell	Kenney	Reinard	Walko
Costa	Kirkland	Rieger	Washington
Coy	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Williams
Dailey	Lawless	Roebuck	Wilt
Daley	Leh	Rohrer	Wogan
Dally	Lescovitz	Ross	Wojnaroski
DeLuca	Levdansky	Rubley	Wright
Dermoddy	Lucyk	Sainato	Yewcic
DeWeese	Lynch	Samuelson	Youngblood
DiGirolamo	Maher	Santoni	Yudichak
Donatucci	Maitland	Sather	Zimmerman
Druce	Major	Saylor	Zug
Eachus	Manderino	Schroder	
Egolf	Mann	Schuler	Ryan,
Fairchild	Markosek	Scrimenti	Speaker
Fargo	Marsico		

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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 pro tempore. Is the gentleman, Mr. Robinson, offering an amendment? The Chair will go over that amendment temporarily.

On the question recurring,

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

Mr. KENNEY offered the following amendment No. A4726:

Amend Title, page 1, line 5, by striking out "AND"

Amend Title, page 1, line 10, by removing the period after "PENNSYLVANIA" and inserting
; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain tracts of land situate in the City of Philadelphia, Pennsylvania.

Amend Bill, page 6, by inserting between lines 16 and 17

Section 3. Conveyance of certain tracts in City of Philadelphia.

(a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey the following tracts of land situate in the City of Philadelphia, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1

Beginning at a point of intersection of the northeasterly side of Southampton Road (60 feet wide) and the northwesterly side of Roosevelt Boulevard (254 feet wide - S.R. 0001); thence along the northeasterly side of Southampton Road North 42 degrees 54 minutes

40 seconds West, a distance of 200.031 feet to a point; thence by a line being 200.00 feet northwest and parallel with Roosevelt Boulevard along lands of the Philadelphia State Hospital North 48 degrees 05 minutes 49 seconds East a distance of 2370.634 feet to a point common to lands of the Philadelphia State Hospital and other lands of Benjamin Rush State Park; thence along other lands of Benjamin Rush State Park South 86 degrees 45 minutes 07 seconds East a distance of 282.100 feet to the northwesterly side of Roosevelt Boulevard; thence by the same South 48 degrees 05 minutes 49 seconds West a distance of 2566.065 feet to a point at the intersection of the northeasterly side of Southampton Road with the northwesterly side of Roosevelt Boulevard place of beginning.

Containing 11.3331 acres of land.

TRACT NO. 2

Beginning at a point on the southeasterly side of Carter Road (46.5 feet wide), said corner being further defined as being North 41 degrees 04 minutes 22 seconds East a distance of 1142.357 feet from the intersection of the Southeasterly side of Carter Road with the northeasterly side of Southampton Road; thence from said point of beginning along the Southeasterly side of said Carter Road North 41 degrees 04 minutes 22 seconds East, a distance of 261.028 feet to a point; thence by same North 46 degrees 06 minutes 32 seconds East, a distance of 929.351 feet to a point on the southeasterly side of Carter Road and being a corner of other lands of Benjamin Rush State Park; thence by said other lands of Benjamin Rush State Park South 43 degrees 39 minutes 11 seconds East, a distance of 201.605 feet to a point common to other lands of Benjamin Rush State Park and lands of the Philadelphia State Hospital; thence by lands of said Philadelphia State Hospital South 46 degrees 06 minutes 32 seconds West 919.647 feet to a point; thence by same South 41 degrees 04 minutes 22 seconds West, a distance of 277.530 feet to a point; thence by same North 41 degrees 41 minutes 49 seconds West a distance of 201.603 feet to a point on the southeasterly side of Carter Road, place of beginning.

Containing 5.5199 acres of land.

TRACT NO. 3

Beginning at a point on the Southeasterly side of an access road between the West units and North units of the Philadelphia State Hospital Complex being a common corner of lands of said Philadelphia State Hospital and lands of Benjamin Rush State Park, said point of beginning also being the following two (2) courses and distances from the Northeast corner of Tract No. 1 previously described herein: (1) North 86 degrees 54 minutes 11 seconds West, a distance of 159.687 feet to a point and (2) North 41 degrees 54 minutes 11 seconds West, a distance of 382.747 feet to place of beginning; thence by lands of the Philadelphia State Hospital North 41 degrees 54 minutes 11 seconds West 141.421 feet to a point; thence by the same North 03 degrees 05 minutes 49 seconds East, a distance of 159.687 feet to a point; thence by the same North 48 degrees 05 minutes 49 seconds East, a distance of 141.421 feet to a point common to lands of the Philadelphia State Hospital and other lands of Benjamin Rush State Park; thence by other lands of Benjamin Rush State Park South 03 degrees 05 minutes 49 seconds West, a distance of 359.687 feet to a point, the place of beginning.

Containing 0.5961 acre of land.

(b) The three tracts or parts thereof may be offered together or separately.

(c) Notwithstanding the provisions of Article XXIV-A of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, the Department of General Services shall, through sealed bids, auction or request for proposal, select the purchaser of the tracts and sell the property. Acceptance of an offer shall be subject to a minimum price requirement as established by the Department of General Services which shall be within a range of fair market value as established through independent appraisal. Proposals submitted in response to a request for proposal must demonstrate a value to the Commonwealth equivalent to the fair market value range as established by the Department of General Services through independent appraisal. In establishing the value equivalent, the Department of General Services shall consider the following factors: actual monetary consideration, creation of construction

jobs, creation of permanent jobs, expansion of local tax base, economic growth, community development, highest and best use and public purpose.

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

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

(f) Prior to execution of a deed of conveyance the Department of General Services shall demolish all buildings located on the following tract of land situate in the Fifty-eighth Ward of the City of Philadelphia, more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly side of Southampton road (sixty feet wide) the two following courses and distances from the northwesterly side of The Roosevelt boulevard (two hundred fifty-four feet wide): (1) north forty-two degrees fifty-four minutes forty seconds west along the southwesterly side of said Southampton road the distance of eight hundred seventy-three and three hundred thirty-five feet to an angle point; and (2) north forty-five degrees six minutes forty seconds west along the southwesterly side of said Southampton road the distance of two hundred six and one hundred sixty-eight one-thousandths feet to said beginning point; thence extending south forty-eight degrees forty-six minutes fifty seconds west the distance of nine hundred seventy-one and sixty-nine one-thousandths feet to a point; thence extending north forty-four degrees forty-six minutes fifty-four seconds west the distance of nine hundred fifty-seven and four hundred seventy-four one-thousandths feet to a point; thence extending north forty-three degrees nine minutes one second east the distance of nine hundred fifty-nine and seven hundred sixty-seven one-thousandths feet to a point on the southwesterly side of said Southampton road; thence extending south fifty-four degrees ten minutes eight seconds east along the southwesterly side of said Southampton road the distance of twenty-five and four hundred one-thousandths feet to an angle point; thence extending south forty-five degrees six minutes forty seconds east along the southwesterly side of said Southampton road the distance of one thousand twenty-seven and four hundred one one-thousandths feet to a point, being the first mentioned point and place of beginning.

CONTAINING in area nine hundred seventy thousand nine hundred thirty-eight square feet or twenty-two and two thousand eight hundred seventy-four ten-thousandths acres.

(g) The cost and fees incurred by the Department of General Services for preparing the property for sale, including, but not limited to, environmental assessments, marketing services, title searches, advertising, appraisals, auctioneer fees and surveys, shall be deducted from the purchase price, and that amount shall be an executively authorized augmentation to the appropriation from which the costs and fees were paid by the department.

(h) The tracts and parcels of land described in this act and the jurisdiction and control over the same herein authorized to be transferred shall be transferred free and clear of any limitations or rights of reversion more particularly set forth in section 1 of the act of September 29, 1938 (Sp.Sess., P.L.53, No.21), entitled "An act relating to institutions of counties, cities, wards, boroughs, townships, institution districts and other political subdivisions, for the care, maintenance, and treatment of mental patients; providing for the transfer to the Commonwealth for the care, maintenance and treatment of mental patients of such institutions, and all grounds, lands, buildings and personal property of such political subdivisions used for the care and maintenance of indigent persons connected with such mental institutions; providing for the management and operation or closing and abandonment thereof; and the maintenance of mental patients therein; including the collection of maintenance in certain cases; providing for the retransfer of certain property to counties, cities, wards, boroughs, townships, institution districts and other political

subdivisions under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities, wards, boroughs, townships, institution districts and other political subdivisions certain powers and duties; prohibiting cities, counties, wards, boroughs, townships, institution districts and other political subdivisions from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws."

Amend Sec. 3, page 6, line 17, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Kenney.

Mr. KENNEY. Thank you, Madam Speaker.

Madam Speaker, this amendment authorizes the Department of General Services with the approval of the Governor to grant and convey three tracts of land in the city of Philadelphia. It is the land that was the former Philadelphia State Hospital.

I believe it is agreed to, Madam Speaker. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

DiGirolamo	Maher	Santoni	Yudichak
Donatucci	Maitland	Sather	Zimmerman
Druce	Major	Saylor	Zug
Eachus	Manderino	Schroder	
Egolf	Mann	Schuler	Ryan,
Fairchild	Markosek	Scrimenti	Speaker
Fargo	Marsico		

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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 pro tempore. Is the understanding of the Chair that the gentleman, Mr. Robinson, is not going to offer his amendment? It is our information now the gentleman is not offering the amendment.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage of the bill, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

Will someone stand for brief interrogation on this bill?

The SPEAKER pro tempore. It is a Senate bill.

Mr. VITALI. The chairman of whatever committee it came out of?

The SPEAKER pro tempore. There does not appear to be anyone ready to answer the questions.

Mr. VITALI. I am sorry?

The SPEAKER pro tempore. There is no one here to answer the questions.

Mr. VITALI. Let me, Madam Speaker, then just raise a point which concerns me.

We considered this bill at the back of the House on Monday and the issue of stadiums was raised, and just with an overabundance of caution I want to clarify that, because I believe that part of this transfer involves Commonwealth lands which will be used by a Pittsburgh sports team, be it the Steelers or what have you. Maybe someone from the Allegheny delegation could clarify this, because the word "stadiums" was used in the description of

the State Government Committee, and I do not want to be taking a vote which would be construed as giving Commonwealth assets to a professional sports team. That is the question I raise and that issue was out there, and I do not know the relationship between the Public Auditorium Authority and the Steelers. I do not have the background for that, but I know potentially there are some questions here. I also know in this transfer there is not a dollar figure. It is not that the authority is going to pay X amount of money to get this land.

So I have these concerns about this bill. I do not want to vote against it needlessly, but there is that issue that needs to be resolved about having your vote construed as supporting public moneys for sports teams. Thank you, Madam Speaker.

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—185

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

NAYS-5

Casorio	Josephs	Scrimanti	Vitali
Curry			

NOT VOTING-3

Argall	Freeman	Oliver
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EXCUSED-10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

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

* * *

The House proceeded to third consideration of **SB 19, PN 1164**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, empowering the Governor to create an Aviation Advisory Committee to provide guidance to the Governor, the General Assembly, the Secretary of Transportation and the State Transportation Commission on aviation matters; and providing for the committee's powers and duties.

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

Mr. GEORGE offered the following amendment No. **A4724**:

Amend Title, page 1, line 2, by inserting after "Statutes,"
imposing limitations on construction of landfills;

Amend Bill, page 1, lines 10 and 11, by striking out all of said lines and inserting

Section 1. Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 5303. Limitation on construction of landfills.

(a) General rule.—Except as provided in subsection (b), no person shall construct or establish a landfill within six miles of an airport primarily served by general aviation aircraft or aircraft designed for 60 passengers or less unless the department determines that the landfill would not have an adverse impact on aviation safety.

(b) Applicability.—Subsection (a) shall not apply to the construction or establishment of a landfill if a permit relating to construction or establishment of such landfill was issued on or before June 1, 1999.

Section 2. Title 74 is amended by adding a chapter to read:

Amend Sec. 2, page 6, line 19, 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 Clearfield, Mr. George.

Mr. GEORGE. Madam Speaker, this amendment mirrors the language inserted into recent Federal legislation by the chairman of the U.S. House Transportation Committee. It prohibits new landfills within 6 miles of an airport unless the Department of Transportation determines that the landfill will not have an adverse impact on airplane safety. I am now told that unfortunately what has transpired in the Federal government has not been completed; it is now a State obligation, and I would ask that we would support this amendment.

GERMANENESS QUESTIONED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Blair County, Mr. Geist.

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

I would like to question germaneness on this amendment.

The SPEAKER pro tempore. The gentleman from Blair County, Mr. Geist, has raised the question of germaneness. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House itself.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Madam Speaker, it is beside me to wonder why he would want to question the germaneness. It does not mention anybody but the Department of Transportation, and they attempted to do that—Mr. Shuster—and if that would have gone through, we would not have to be here asking that it be done. I am willing to defer if that gentleman would promise that he would honestly look it over, and when he realizes that it is germane, that we bring it out on a bill and bring it out very quickly, and I would be glad to get it together and offer it to the gentleman and to the gentleman, Mr. Battisto, because I think it is necessary. Now, I will defer and decline it if in fact I can get a guarantee that we will get an honest count on it.

Now, to go about it on germaneness, I would just hope, sir, you would vote against it and let the people make a decision as to whether we are doing right or whether we are doing wrong.

The SPEAKER pro tempore. On the question of germaneness, the Chair recognizes the gentleman from Blair County, Mr. Geist.

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

Nowhere in Title 74 does it mention "landfill" anywhere. This amendment is clearly not germane to that title. If he wanted to amend something else about landfills, another vehicle may be appropriate but not a Title 74 bill, and I would ask for support on the nongermaneness. Thank you.

The SPEAKER pro tempore. Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

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

The following roll call was recorded:

YEAS—90

Bebko-Jones	George	McGeehan	Staback
Belardi	Gigliotti	Melio	Steelman
Blaum	Gordner	Michlovic	Stetler
Butkovitz	Grucela	Mundy	Sturla
Buxton	Gruitza	Myers	Surra
Caltagirone	Haluska	Pesci	Tangretti
Cappabianca	Hanna	Petrarca	Thomas
Carn	Harhai	Petrone	Tigue
Casorio	Horsey	Pistella	Travaglio
Cawley	James	Preston	Trello
Cohen, M.	Josephs	Ramos	Trich
Colafella	Kaiser	Readshaw	Van Home
Costa	Keller	Rieger	Veon
Coy	Kirkland	Roberts	Vitali
Curry	Laughlin	Robinson	Walko
Daley	Lescovitz	Roebuck	Washington
DeLuca	Levdansky	Sainato	Waters
Dermody	Lucyk	Samuelson	Williams
DeWeese	Manderino	Santoni	Wojnaroski
Donatucci	Mann	Scrimenti	Yewcic
Eachus	Markosek	Shaner	Youngblood
Frankel	Mayernik	Solobay	Yudichak
Freeman	McCall		

NAYS—102

Adolph	Fairchild	Major	Schroder
Allen	Fargo	Marsico	Schuler
Argall	Feese	Masland	Semmel
Armstrong	Fichter	McGill	Serafini
Baker	Fleagle	McIlhatten	Seyfert
Bard	Flick	McIlhinney	Smith, B.
Barley	Forcier	McNaughton	Smith, S. H.
Barrar	Gannon	Metcalfe	Snyder
Bastian	Geist	Micozzie	Stairs
Battisto	Godshall	Miller, R.	Steil
Benninghoff	Habay	Miller, S.	Stern
Birmelin	Harhart	Nailor	Stevenson
Boyes	Hasay	Nickol	Strittmatter
Browne	Hennessey	O'Brien	Taylor, E. Z.
Bunt	Herman	Orie	Taylor, J.
Chadwick	Hershey	Perzel	True
Civera	Hess	Phillips	Tulli
Clark	Hutchinson	Pippy	Vance
Clymer	Jadlowiec	Platts	Wilt
Cohen, L. I.	Kenney	Raymond	Wogan
Cornell	Krebs	Reinard	Wright
Dailey	Lawless	Rohrer	Zimmerman
Dally	Leh	Ross	Zug
DiGirolamo	Lynch	Rubley	
Druce	Maher	Sather	Ryan,
Egolf	Maitland	Saylor	Speaker

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

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

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise all the members that permission has been granted to Jeremy Diller from WGAL to videotape proceedings on the floor of general legislation.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2088, PN 2690**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant a water line right-of-way in Penn Township, Snyder County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Mr. **KENNEY** offered the following amendment No. **A4727**:

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

; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain tracts of land situate in the City of Philadelphia, Pennsylvania.

Amend Sec. 1, page 1, line 6, by striking out all of said line and inserting

Section 1. Water line right-of-way in Penn Township, Snyder County.

(a) The Department of General Services with the

Amend Sec. 2, page 4, line 1, by striking out "Section 2. The" and inserting

(b) The

Amend Sec. 3, page 4, line 7, by striking out "Section 3. The" and inserting

(c) The

Amend Sec. 4, page 4, line 11, by striking out "Section 4. Costs" and inserting

(d) Costs

Amend Sec. 5, page 4, line 13, by striking out "Section 5. This act" and inserting

(e) This grant

Amend Bill, page 4, by inserting between lines 17 and 18

Section 2. Conveyance of certain tracts in City of Philadelphia.

(a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey the following tracts of land situate in the City of Philadelphia, Pennsylvania, more particularly bounded and described as follows:

TRACT NO. 1

Beginning at a point of intersection of the northeasterly side of Southampton Road (60 feet wide) and the northwesterly side of Roosevelt Boulevard (254 feet wide - S.R. 0001); thence along the northeasterly side of Southampton Road North 42 degrees 54 minutes 40 seconds West, a distance of 200.031 feet to a point; thence by a line being 200.00 feet northwest and parallel with Roosevelt Boulevard along

lands of the Philadelphia State Hospital North 48 degrees 05 minutes 49 seconds East a distance of 2370.634 feet to a point common to lands of the Philadelphia State Hospital and other lands of Benjamin Rush State Park; thence along other lands of Benjamin Rush State Park South 86 degrees 45 minutes 07 seconds East a distance of 282.100 feet to the northwesterly side of Roosevelt Boulevard; thence by the same South 48 degrees 05 minutes 49 seconds West a distance of 2566.065 feet to a point at the intersection of the northeasterly side of Southampton Road with the northwesterly side of Roosevelt Boulevard place of beginning.

Containing 11.3331 acres of land.

TRACT NO. 2

Beginning at a point on the southeasterly side of Carter Road (46.5 feet wide), said corner being further defined as being North 41 degrees 04 minutes 22 seconds East a distance of 1142.357 feet from the intersection of the Southeasterly side of Carter Road with the northeasterly side of Southampton Road; thence from said point of beginning along the Southeasterly side of said Carter Road North 41 degrees 04 minutes 22 seconds East, a distance of 261.028 feet to a point; thence by same North 46 degrees 06 minutes 32 seconds East, a distance of 929.351 feet to a point on the southeasterly side of Carter Road and being a corner of other lands of Benjamin Rush State Park; thence by said other lands of Benjamin Rush State Park South 43 degrees 39 minutes 11 seconds East, a distance of 201.605 feet to a point common to other lands of Benjamin Rush State Park and lands of the Philadelphia State Hospital; thence by lands of said Philadelphia State Hospital South 46 degrees 06 minutes 32 seconds West 919.647 feet to a point; thence by same South 41 degrees 04 minutes 22 seconds West, a distance of 277.530 feet to a point; thence by same North 41 degrees 41 minutes 49 seconds West a distance of 201.603 feet to a point on the southeasterly side of Carter Road, place of beginning.

Containing 5.5199 acres of land.

TRACT NO. 3

Beginning at a point on the Southeasterly side of an access road between the West units and North units of the Philadelphia State Hospital Complex being a common corner of lands of said Philadelphia State Hospital and lands of Benjamin Rush State Park, said point of beginning also being the following two (2) courses and distances from the Northeast corner of Tract No. 1 previously described herein: (1) North 86 degrees 54 minutes 11 seconds West, a distance of 159.687 feet to a point and (2) North 41 degrees 54 minutes 11 seconds West, a distance of 382.747 feet to place of beginning; thence by lands of the Philadelphia State Hospital North 41 degrees 54 minutes 11 seconds West 141.421 feet to a point; thence by the same North 03 degrees 05 minutes 49 seconds East, a distance of 159.687 feet to a point; thence by the same North 48 degrees 05 minutes 49 seconds East, a distance of 141.421 feet to a point common to lands of the Philadelphia State Hospital and other lands of Benjamin Rush State Park; thence by other lands of Benjamin Rush State Park South 03 degrees 05 minutes 49 seconds West, a distance of 359.687 feet to a point, the place of beginning.

Containing 0.5961 acre of land.

(b) The three tracts or parts thereof may be offered together or separately.

(c) Notwithstanding the provisions of Article XXIV-A of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, the Department of General Services shall, through sealed bids, auction or request for proposal, select the purchaser of the tracts and sell the property. Acceptance of an offer shall be subject to a minimum price requirement as established by the Department of General Services which shall be within a range of fair market value as established through independent appraisal. Proposals submitted in response to a request for proposal must demonstrate a value to the Commonwealth equivalent to the fair market value range as established by the Department of General Services through independent appraisal. In establishing the value equivalent, the Department of General Services shall consider the following factors: actual monetary consideration, creation of construction jobs, creation of permanent jobs, expansion of local tax base, economic

growth, community development, highest and best use and public purpose.

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

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

(f) Prior to execution of a deed of conveyance the Department of General Services shall demolish all buildings located on the following tract of land situate in the Fifty-eighth Ward of the City of Philadelphia, more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly side of Southampton road (sixty feet wide) the two following courses and distances from the northwesterly side of The Roosevelt boulevard (two hundred fifty-four feet wide): (1) north forty-two degrees fifty-four minutes forty seconds west along the southwesterly side of said Southampton road the distance of eight hundred seventy-three and three hundred thirty-five feet to an angle point; and (2) north forty-five degrees six minutes forty seconds west along the southwesterly side of said Southampton road the distance of two hundred six and one hundred sixty-eight one-thousandths feet to said beginning point; thence extending south forty-eight degrees forty-six minutes fifty seconds west the distance of nine hundred seventy-one and sixty-nine one-thousandths feet to a point; thence extending north forty-four degrees forty-six minutes fifty-four seconds west the distance of nine hundred fifty-seven and four hundred seventy-four one-thousandths feet to a point; thence extending north forty-three degrees nine minutes one second east the distance of nine hundred fifty-nine and seven hundred sixty-seven one-thousandths feet to a point on the southwesterly side of said Southampton road; thence extending south fifty-four degrees ten minutes eight seconds east along the southwesterly side of said Southampton road the distance of twenty-five and four hundred one-thousandths feet to an angle point; thence extending south forty-five degrees six minutes forty seconds east along the southwesterly side of said Southampton road the distance of one thousand twenty-seven and four hundred one one-thousandths feet to a point, being the first mentioned point and place of beginning.

CONTAINING in area nine hundred seventy thousand nine hundred thirty-eight square feet or twenty-two and two thousand eight hundred seventy-four ten-thousandths acres.

(g) The cost and fees incurred by the Department of General Services for preparing the property for sale, including, but not limited to, environmental assessments, marketing services, title searches, advertising, appraisals, auctioneer fees and surveys, shall be deducted from the purchase price, and that amount shall be an executively authorized augmentation to the appropriation from which the costs and fees were paid by the department.

(h) The tracts and parcels of land described in this act and the jurisdiction and control over the same herein authorized to be transferred shall be transferred free and clear of any limitations or rights of reversion more particularly set forth in section 1 of the act of September 29, 1938 (Sp.Sess., P.L.53, No.21), entitled "An act relating to institutions of counties, cities, wards, boroughs, townships, institution districts and other political subdivisions, for the care, maintenance, and treatment of mental patients; providing for the transfer to the Commonwealth for the care, maintenance and treatment of mental patients of such institutions, and all grounds, lands, buildings and personal property of such political subdivisions used for the care and maintenance of indigent persons connected with such mental institutions; providing for the management and operation or closing and abandonment thereof; and the maintenance of mental patients therein; including the collection of maintenance in certain cases; providing for the retransfer of certain property to counties, cities, wards, boroughs, townships, institution districts and other political subdivisions under certain circumstances; conferring and imposing upon

the Governor, the Department of Welfare, the courts of common pleas and counties, cities, wards, boroughs, townships, institution districts and other political subdivisions certain powers and duties; prohibiting cities, counties, wards, boroughs, townships, institution districts and other political subdivisions from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws."

Amend Sec. 6, page 4, line 18, by striking out all of said line and inserting

Section 3. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Kenney.

Mr. KENNEY. Thank you, Madam Speaker.

The House to SB 1097 approved the same amendment, Madam Speaker, which would allow the Department of General Services to convey three tracts of land on the former Philadelphia State Hospital.

I ask for an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

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

DiGirolamo	Lynch	Samuelson	Yudichak
Donatucci	Maher	Santoni	Zimmerman
Druce	Maitland	Sather	Zug
Eachus	Major	Saylor	
Egolf	Manderino	Schuler	Ryan,
Fairchild	Mann	Scrimenti	Speaker
Fargo	Markosek	Semmel	

NAYS—0

NOT VOTING—4

Clark	Mayernik	Oliver	Schroder
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EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

Costa	Kirkland	Rieger	Washington
Coy	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Williams
Dailey	Lawless	Roebuck	Wilt
Daley	Leh	Rohrer	Wogan
Dally	Lescovitz	Ross	Wojnaroski
DeLuca	Levdansky	Rubley	Wright
Dermody	Lucyk	Sainato	Yewcic
DeWeese	Lynch	Samuelson	Youngblood
DiGirolamo	Maher	Santoni	Yudichak
Donatucci	Maitland	Sather	Zimmerman
Druce	Major	Saylor	Zug
Eachus	Manderino	Schroder	
Egolf	Mann	Schuler	Ryan,
Fairchild	Markosek	Scrimenti	Speaker
Fargo	Marsico		

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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 2037, PN 2605**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for unemployment compensation benefits.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. It is the understanding of the Chair that the gentleman, Mr. Michlovic, has withdrawn his amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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 1584, PN 2688**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the computation of seniority for reduction in force.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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 30, PN 2687**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for halls of fame in veterans' homes.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Madam Speaker.

HB 30 would establish a veterans' hall of fame in each of the five veteran nursing homes throughout the Commonwealth. It would also provide for an advisory commission for each veterans' home that would nominate veterans to be inducted into the hall of fame. It would be necessary for the veterans to meet two criteria. One is to be a native Pennsylvanian, and two is to reside within the geographic area that the home is located.

This legislation is supported by the American Legion and the Department of Military and Veterans Affairs. I would ask for an affirmative vote on this legislation. Thank you, Madam Speaker.

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—192

Adolph	Feese	Masland	Semmel
Allen	Fichter	Serafini	
Argall	Fleagle	McCall	Seyfert
Armstrong	Flick	McGeehan	Shaner
Baker	Forcier	McGill	Smith, B.

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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.

REMARKS SUBMITTED FOR THE RECORD

The **SPEAKER** pro tempore. For what reason does the gentleman, Mr. Mayernik, rise?

Mr. MAYERNIK. In addition to my comments on the floor today, Madam Speaker, I have additional comments I would like to submit for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman. Mr. MAYERNIK. Thank you.

The SPEAKER pro tempore. The comments will be cast upon the record.

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

Yesterday, in the halls of our Capitol as well as throughout our Commonwealth and nation, we commemorated the 58th anniversary of the bombing of Pearl Harbor.

In doing so, we were once again reminded of the selfless sacrifices our veterans have made to ensure liberty's blessings.

All of us are the heirs of a legacy of bravery represented in every community of our Commonwealth.

Through two world wars, through long and costly struggles against aggression in Korea and Vietnam, through conflict in the Persian Gulf, and in several peacekeeping and humanitarian missions, our veterans have risked their lives to keep faith with our fundamental values of freedom, democracy, and human dignity.

That is why I stand before you, proud to have introduced HB 30, which would establish a veterans' hall of fame in each of the five veterans' homes operated by the State of Pennsylvania.

A veterans' hall of fame is a lasting way for the State to recognize the outstanding contributions made by Pennsylvania veterans in service to our Commonwealth and country.

Mr. Speaker, under this legislation, an advisory council for each home would nominate veterans for induction into the halls of fame.

Veterans would have to be native Pennsylvanians and reside in the geographic area served by their regional homes. Medal of Honor winners would automatically be inducted into that regional hall of fame.

Other than the aforementioned guidelines and with others reserved for the State Veterans Commission, each home would set up guidelines for selecting and honoring inductees.

The costs for the halls of fame would be minimal since this legislation would not require veterans' homes to build additional space or set aside. Rather, existing space can be used for the halls of fame and the areas designated for the halls of fame could be used for other purposes.

The State Veterans Commission would be required to keep a centralized list of all inductees into the regional halls of fame.

Mr. Speaker, as we approach a new millennium, we look back on the trials and triumphs of this century – the American Century. Our living veterans encompass the turbulence and progress our nation has experienced.

Veterans' halls of fame would be a valuable source of pride and inspiration for their communities.

But more than that, Mr. Speaker, the halls of each regional veterans' home will serve as a constant reminder to our current and future generations of what our veterans have accomplished.

We cannot expect our younger generations that have not known war to understand fully what those who came before experienced in battle. But we can help educate them and remind them.

The passage of time nor the comforts of peace should drive those memories from our consciousness.

HB 30 has the expressed support of the American Legion and the Pennsylvania Department of Military and Veterans Affairs.

I urge your support and ask my colleagues to vote to have our Commonwealth join Ohio as the only States to recognize our veterans in this unique way.

Thank you!

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 777**, **PN 2732**, entitled:

An Act providing for capital projects for the fiscal year 1999-2000, itemizing public highway projects to be constructed by the Department of Transportation, together with the estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed by the Department of Transportation; stating the estimated useful life of the projects; and making appropriations.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The gentleman from Delaware County, Mr. Vitali, offers the following amendment, which the clerk will read. The gentleman withdraws the amendment. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GEIST offered the following amendment No. **A4788**:

Amend Sec. 3, page 27, by inserting between lines 20 and 21
(vi) S.R.0099

(A) Utility relocation from S.C.I.	
Rockview, Benner Township	550,000
(Base Construction Allocation	
- \$500,000)	
(Land Allocation - \$50,000)	

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Blair County, Mr. Geist.

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

This amendment is being offered by the committee. In this instance, the committee would be wearing a black and white jersey with a whistle and becoming much of a referee between two State agencies. This amendment will correct a longstanding problem that we are very familiar with, and I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Adolph	Feese	Masland	Semmel
Allen	Fichter	Mayermik	Serafini
Argall	Fleagle	McCall	Seyfert
Armstrong	Flick	McGeehan	Shaner
Baker	Forcier	McGill	Smith, B.
Bard	Frankel	McIlhattan	Smith, S. H.
Barley	Freeman	McIlhinney	Snyder
Barrar	Gannon	McNaughton	Solobay
Bastian	Geist	Melio	Staback
Battisto	George	Metcalfe	Stairs
Bebko-Jones	Gigliotti	Michlovic	Steelman
Belardi	Godshall	Micozzie	Steil
Benninghoff	Gordner	Miller, R.	Stern

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

Adolph	Feese	Masland	Semmel
Allen	Fichter	Mayernik	Serafini
Argall	Fleagle	McCall	Seyfert
Armstrong	Flick	McGeehan	Shaner

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1569, PN 2772**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, adding provisions relating to labeling and packaging; and further providing for penalties for certain sales or transfers of cigarettes and for report of property subject to custody and control of the Commonwealth.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Fargo, 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 the question, the Chair recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Madam Speaker, could we have a brief explanation of the changes in the Senate to HB 1569.

The SPEAKER pro tempore. The gentleman, Mr. Fargo, will give the explanation.

Mr. FARGO. The amendment that the Senate inserted in this bill had to do with funds that are escheated to the State and the recovery of those funds, and what it does is require the Treasurer, after they have had their 2-year period of attempting to find the owners, to include on the list the amount of the money. In addition to that, it permits the people who hire themselves out as tracers to find these funds for the ultimate owners of those funds to charge an additional 5 percent in commission.

That amendment was put in by Senator Conti, and that is the major amendment on the bill.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

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

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

The following roll call was recorded:

YEAS—193

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

Cawley	Hess	Petrone	Trello
Chadwick	Horsey	Phillips	Trich
Civera	Hutchinson	Pippy	True
Clark	Jadlowiec	Pistella	Tulli
Clymer	James	Platts	Vance
Cohen, L. I.	Josephs	Preston	Van Horne
Cohen, M.	Kaiser	Ramos	Veon
Colafella	Keller	Raymond	Vitali
Cornell	Kenney	Readshaw	Walko
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Waters
Curry	Laughlin	Roberts	Williams
Dailey	Lawless	Robinson	Wilt
Daley	Leh	Roebuck	Wogan
Dally	Lescovitz	Rohrer	Wojnarowski
DeLuca	Levdansk	Ross	Wright
Dermody	Lucyk	Rubley	Yewcic
DeWeese	Lynch	Sainato	Youngblood
DiGirolamo	Maher	Samuelson	Yudichak
Donatucci	Maitland	Santoni	Zimmerman
Druce	Major	Sather	Zug
Eachus	Manderino	Saylor	
Egolf	Mann	Schroder	Ryan,
Fairchild	Markosek	Schuler	Spencer
Fargo	Marsico	Scrimenti	

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

Ordered, That the clerk inform the Senate accordingly.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1135, PN 1563**, entitled:

An Act providing for emergency drought relief, for commercial orchard and fruit tree nursery indemnity, for grants for flood damage and for powers and duties of the Department of Agriculture; establishing the Supplemental Individual Assistance Program; providing for payment of the Commonwealth's share to secure individual assistance from the Federal Government; and making appropriations.

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

RULES SUSPENDED

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

Mr. CAPPABIANCA. Mr. Speaker, I move to suspend the rules of the House to permit me to offer immediately an amendment numbered 4823.

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

The following roll call was recorded:

YEAS—187

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

NAYS—6

Hanna	Maitland	Steelman	Steil
Krebs	Perzel		

NOT VOTING—0

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

The SPEAKER. On the question, the "yeas" are 187; the "nays"—

The question recurs, shall the House suspend its rule to permit the gentleman, Mr. Cappabianca, to offer an amendment to this bill, being number— Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, if the gentleman on the other side had an amendment to introduce, I will yield.

The SPEAKER. You have been recognized. I have you on my list first.

Mr. CAPPABIANCA. I am prepared to offer my amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is suspension of the rules.

Mr. CAPPABIANCA. There is no number up there.

The SPEAKER. Well, there is no number because you have to suspend the rules to offer it.

Mr. CAPPABIANCA. I thought we won the suspension. The vote was up there, Mr. Speaker. We won the suspension.

The SPEAKER. Just a minute, please.

I am being pushed from both directions. I have checked with the staff that works across the front of the rostrum, and I am advised that I never announced the vote beyond the "yea" votes. I do not know. I am telling you what I am told by the people that work here. That being the case—

PARLIAMENTARY INQUIRY

Mr. COY. Mr. Speaker? Mr. Speaker?

The SPEAKER. Mr. Coy.

Mr. COY. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COY. Were the "yea" votes announced?

The SPEAKER. Yes. I am told they were, and I believe that is true.

Mr. COY. And what was that number, Mr. Speaker?

The SPEAKER. 187 was my announcement.

Mr. COY. And how many votes are necessary to suspend the rules?

The SPEAKER. 112.

Mr. COY. So would the Chair rule that the votes were provided to suspend the rules, having announced 187 in the affirmative?

The SPEAKER. I understand the question; good question.

Mr. COY. Thank you.

The SPEAKER. The Chair apologizes to the members. On the question of suspension, the "yeas" are 187; the "nays," 6.

A majority required to suspend the rules having voted in the affirmative, the rules are suspended.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair at this time goes over SB 1135, PN 1563, temporarily.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the lady from Allegheny County, Miss Orie, who seeks to introduce a resolution at this time requiring a suspension of the rules.

On the question of suspension of the rules—

Mr. DeWEESE. Objection. Objection, Mr. Speaker.

The SPEAKER. On the question of—

Mr. DeWEESE. Objection. I object.

The SPEAKER. —suspension of the rules of the lady, Miss Orie, the Chair recognizes the gentleman, Mr. DeWese. Mr. DeWese, were you seeking recognition?

Mr. DeWEESE. I am not sure of the appropriateness of the question, but I would like to yield to my colleague, Representative Cappabianca, for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. CAPPABIANCA. Mr. Speaker, the House just voted to suspend the rules on a motion that I made so that I could offer an amendment. Where do we stand? There has not been any intervening business, and that should be before the House immediately.

The SPEAKER. I passed over that, without objection, temporarily and moved to a resolution to create intervening business.

Mr. CAPPABIANCA. Say that again. I cannot hear. I have a bad ear. I want to comprehend this.

The SPEAKER. I thought we were trying to work this out. The question as to whether or not there was a full count taken at the time of your original motion was in doubt—

Mr. CAPPABIANCA. Well, the printout will prove that, Mr. Speaker.

The SPEAKER. —pardon me; let me finish—was in doubt. I met with your leaders and others up here to straighten that part of it out and agreed that I would make an announcement that the suspension of the rules was in your favor by 187 to whatever it was, despite the fact that members on the other side were up with staff people and leaders, I believe, explaining what had happened, that they were not aware of what was on the board when your suspension motion was originally made.

I agreed to suspend the rules and announced that you had carried that vote, with the understanding that there would be a reconsideration motion made on the parliamentary question of suspension of the rules. That requires intervening business. I have a resolution here, HR 329, sponsored by the lady, Miss Orie, which is a resolution under the rules that permit just handling it quickly because it is not of paramount importance to the Commonwealth. It is urging a foundation to retain historical papers of Henry Clay Frick.

Mr. CAPPABIANCA. Mr. Speaker, with all due respect, if we follow your plan of action, does that mean that there could be another reconsideration of my consideration that passed?

The SPEAKER. You did not file a reconsideration.

Mr. CAPPABIANCA. No, I did not, because my reconsideration motion passed. I need no—

The SPEAKER. Suspension. I am sorry.

Mr. CAPPABIANCA. My suspension of the rules. I am sorry.

The SPEAKER. There was only one reconsideration.

Mr. CAPPABIANCA. My concern here, Mr. Speaker, is, if we have intervening business—

The SPEAKER. I am advised by the Parliamentarian that what we are doing right now amounts to intervening business. I see Mr. DeWeese laughing at me, but that is what the rules say, and I suspect that is why he is laughing.

But just to put it on the record for sure, I was going to run a resolution to solve a problem that I thought was worked out but apparently was not.

Mr. CAPPABIANCA. Mr. Speaker, let me just add one thing. In the interest of fair partisanship, I am prepared to yield to the

gentleman over there, if he will introduce the same amendment that my intentions are to introduce.

The SPEAKER. Well, I cannot speak for him. You should walk over and see him. I mean, I am not going to ask somebody to do something. You should do that.

Mr. CAPPABIANCA. I will yield to my leader, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Parliamentary inquiry, Mr. Speaker.

I am in favor of Miss Orie's resolution. I am just curious, I was only objecting because I did not want intervening business—

The SPEAKER. I understand that.

Mr. DeWEESE. —to take place, and my question to you, sir, is, since I was shouting — and I have not looked at the rules for a few minutes — but since I was shouting "I object, I object," is it possible for you to go to Miss Orie's resolution with me objecting? I do not know the answer to that question. I am asking you and the Parliamentarian.

The SPEAKER. It is on the board, yes, and for your benefit, Mr. DeWeese, if I may, on the question of the intervening business, I refer you to page 115 of Mason's, section 160, "Debate is considered as intervening business as it may change attitudes and present new reasons for the desired action." I am just taking one sentence out of that section, but that whole section addresses the issue.

Mr. CAPPABIANCA. Mr. Speaker, the matter before the House, is it not my motion, which was to suspend the rules, and therefore, that is the business at hand?

The SPEAKER. That has been concluded.

Mr. CAPPABIANCA. It has not been concluded. It has not been concluded—

The SPEAKER. Well, I announced a vote that you won—

Mr. CAPPABIANCA. All right.

The SPEAKER. —so that suspension is concluded.

Mr. CAPPABIANCA. But then does it not follow that I introduce the amendment?

The SPEAKER. Yes, but after the suspension was resolved, there was intervening business, and that was the business of Miss Orie and all of this debate, so there are two ways of saying there is intervening business.

Mr. CAPPABIANCA. Am I allowed to object to that, Mr. Speaker?

The SPEAKER. Sure.

Mr. CAPPABIANCA. What will it do for me?

The SPEAKER. Pardon me?

Mr. CAPPABIANCA. What will it give me?

The SPEAKER. No more cookies.

Mr. CAPPABIANCA. You are not going to get any more Biscotti either.

I yield.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Daley.

Mr. DALEY. Mr. Speaker, parliamentary inquiry.

It is my understanding now that you announced a vote on the motion to suspend the rules and that you placed that vote temporarily on the postponed calendar or tabled calendar, without

objection. Is that correct? I think that was your announcement from the floor.

The SPEAKER. Yes.

Mr. DALEY. And if I had objected, which I did but you could not hear me, would that have stopped you from then going to intervening business?

The SPEAKER. I do not know if I said "without objection" or whether I just said that it is over temporarily, but I think inherent in that is "without objection."

Mr. DALEY. Mr. Speaker, I did object, but you could not hear me, and I apologize that I could not get to the microphone. Does that now then place this issue back before the House?

The SPEAKER. The intervening business, no matter what we call it, the resolution or this debate, according to the rules of this House, would now permit a reconsideration.

Mr. DeWEESE. With all due respect—

The SPEAKER. Yes, sir.

Mr. DeWEESE. With all due respect—

The SPEAKER. I heard you.

Mr. DeWEESE. —on page 85, section 114, subsection 7, of Mason's — and these words are delectable to me — quote, "Merely asking a question or making a suggestion is not debate. A member is entitled to inquire concerning the meaning or purpose or effect of an undebatable motion."

The SPEAKER. Mr. DeWeese, thank you for that. May I read one to you?

Parliamentary inquiry by Mr. Gerlach: "In light of your ruling, Mr. Speaker, that there has to be intervening business on the House floor before the motion for reconsideration—" The Speaker says, "The Chair would indicate that this is not my ruling; this is Mason's Manual. Mr. Ryan and I agree upon the collective interpretation." Mr. Gerlach: "In light of your statement that that is what is indicated in the Mason's rules, what is the definition of 'intervening business'?" The Speaker: "Any vote or debate on any item of business would be considered intervening business." "Would parliamentary inquiries be considered intervening business, Mr. Speaker?" "No," on that.

The Speaker at the time was the gentleman, Mr. DeWeese, and once again, as you said here that day, you and I agree on the interpretation of that.

Mr. DeWEESE. So two parliamentary inquiries would or would not be considered debate?

The SPEAKER. Well, I think that has got to be debate. I mean, there were three or four people up here debating this.

The Chair thanks the gentleman.

The lady requests the rules of the House be suspended to permit the immediate consideration of HR 329.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—168

Adolph	Fargo	Masland	Semmel
Allen	Feese	Mayernik	Serafini
Argall	Fichter	McCall	Smith, B.
Armstrong	Fleagle	McGeehan	Smith, S. H.
Baker	Flick	McGill	Snyder
Bard	Forcier	McIlhattan	Staback

Barley	Frankel	Mellhinney	Stairs
Barrar	Freeman	McNaughton	Stern
Bastian	Gannon	Metcalfe	Stetler
Battisto	Geist	Michlovic	Stevenson
Bebko-Jones	George	Micozzie	Strittmatter
Belardi	Gigliotti	Miller, R.	Sturla
Benninghoff	Godshall	Miller, S.	Surra
Birmelin	Gordner	Myers	Taylor, E. Z.
Blaum	Gruitza	Nailor	Taylor, J.
Boyes	Habay	Nickol	Thomas
Browne	Haluska	O'Brien	Tigue
Bunt	Harhart	Oliver	Travaglio
Butkovitz	Hasay	Orie	Trello
Caltagirone	Hennessey	Perzel	Trich
Carn	Herman	Pesci	True
Cawley	Hershey	Petrone	Tulli
Chadwick	Hess	Phillips	Vance
Civera	Horsey	Pippy	Van Horne
Clark	Hutchinson	Pistella	Veon
Clymer	Jadlowiec	Platts	Vitali
Cohen, L. I.	James	Preston	Walko
Cohen, M.	Kaiser	Ramos	Washington
Colafella	Keller	Raymond	Waters
Cornell	Kenney	Readshaw	Williams
Costa	Kirkland	Reinard	Wilt
Coy	Lawless	Rieger	Wogan
Dailey	Leh	Roberts	Wojnaroski
Daley	Lescovitz	Robinson	Wright
Dally	Lucyk	Roebuck	Yewcic
DeLuca	Lynch	Rohrer	Youngblood
Dermody	Maher	Ross	Yudichak
DeWeese	Maitland	Rubley	Zimmerman
DiGirolamo	Major	Sather	Zug
Donatucci	Manderino	Saylor	
Druce	Mann	Schroder	Ryan,
Egolf	Markosek	Schuler	Speaker
Fairchild	Marsico		

NAYS—24

Buxton	Hanna	Melio	Scrimenti
Cappabianca	Harhai	Mundy	Shaner
Casorio	Josephs	Petrarca	Solobay
Curry	Krebs	Sainato	Steelman
Eachus	Laughlin	Samuelson	Steil
Grucela	Levdansky	Santoni	Tangretti

NOT VOTING—1

Seyfert

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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.

RESOLUTION

Miss ORIE called up **HR 329, PN 2798**, entitled:

A Resolution urging the Helen Clay Frick Foundation to retain the distinguished historical papers compiled by Henry Clay Frick in western Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the lady, Miss Orie.

Miss ORIE. Mr. Speaker, I would like to submit my remarks for the record for HR 329 as well as HB 868.

The SPEAKER. Will the lady send her remarks to the desk.

Miss ORIE submitted the following remarks for the Legislative Journal:

On Wednesday, December 8, 1999, I intend to propose a resolution to keep the Henry Clay Frick Papers in Pittsburgh. Henry Clay Frick was one of the most prominent figures in Pennsylvania's industrial heritage, from his coal and coke company to his role in making Pittsburgh this country's steel capital. The archives of Henry Clay Frick and the Frick family represent a historically significant record of the business and social aspect of the Industrial Revolution in western Pennsylvania that must be maintained.

This significance was recognized by Helen Clay Frick, the daughter of Henry Clay Frick, who established the Helen Clay Frick Foundation in order to allow for the preservation of her family's physical and intellectual property; and there exists in the Pittsburgh region qualified institutions that can maintain these archives in a manner consistent with the intent expressed by Helen Clay Frick in her will and in the best interests of the public good.

These archives in Pittsburgh along with those of other prominent families and businesses such as Heinz, Westinghouse, Carnegie and Mellon, bolsters Pittsburgh's relevance to researchers and historians. Therefore, I intend to introduce this resolution in an effort to keep the archives in Pittsburgh in accordance with the wishes expressed by the late Helen Clay Frick.

If you wish to cosponsor this resolution please call my secretary, Nancy Banzhoff, at 772-9943, or via Groupwise to nbanzhof@pahousegop.com.

JCO/nsb

A RESOLUTION

Urging the Helen Clay Frick Foundation to retain the distinguished historical papers compiled by Henry Clay Frick in western Pennsylvania.

WHEREAS, Henry Clay Frick was a significant individual in Pennsylvania history who made numerous contributions to the economic and social history of this State, especially in western Pennsylvania; and

WHEREAS, A prominent figure in Pennsylvania's industrial heritage, Henry Clay Frick was instrumental in building Pittsburgh as the steel capital of this country; and

WHEREAS, The Frick Family Archives serves as historically important evidence of business and social events during the Industrial Revolution in western Pennsylvania, and it is imperative that the archives be sustained in that locality; and

WHEREAS, The daughter of Henry Clay Frick, Helen Clay Frick, discerned the significance of the Frick archives and established the Helen Clay Frick Foundation, which provides for the preservation of her family's physical and intellectual property; and

WHEREAS, Helen Clay Frick demonstrated true concern for the welfare of the Frick Family historical records, and numerous qualified institutions exist in the western Pennsylvania region that are capable of maintaining these records; and

WHEREAS, To retain these papers in the Pittsburgh vicinity along with other notable families and businesses, such as Heinz, Westinghouse, Carnegie and Mellon, is consequential to the public good and ensures that Pittsburgh continue to be a major center for historical research; and

WHEREAS, Presently stored at the Frick Art and Historical Center in Point Breeze, Pennsylvania, these archives should be given a safe and permanent home in which they can be catalogued and secured and where access is provided to the public; and

WHEREAS, The House of Representatives has an obligation to uphold the preservation of Pennsylvania history by safeguarding this historical property; therefore be it

RESOLVED, That the House of Representatives urge the Helen Clay Frick Foundation to retain the Frick Family Archives in western Pennsylvania; and be it further

RESOLVED, That the House of Representatives encourage the Pennsylvania Historical and Museum Commission and other archival institutions to work cooperatively with the Helen Clay Frick Foundation in order to maintain the Frick Family Archives in the Pittsburgh region.

Mr. Speaker, today we have the opportunity to vote for the most progressive environmental legislation in years.

This bill simply is not allocating money for an environmental program, but it enables many local municipalities throughout Pennsylvania to complete a massive backlog in projects to clean up our environment.

Mr. Speaker, the bill would directly affect a problem in Allegheny County, which has reached critical proportions.

Allegheny County is required by the Federal Environmental Protection Agency to clean up a wet weather sewage overflow problem at a \$2-billion price tag. This, as you can see, Mr. Speaker, places an enormous burden on the local governments within the county.

Speaking as a member of the Three Rivers Wet Weather Demonstration Program board, it is vital that we enact this legislation because it contains the necessary funding needed to bring Allegheny County's sewage system into compliance with EPA regulations.

The Three Rivers Wet Weather Demonstration Project is a 10-year, \$120-million joint Federal-local partnership established to demonstrate least-cost solutions to the wet weather sewage overflow problems in Allegheny County.

Allegheny County is burdened with an environmental crisis. Each passing day is another day Allegheny County stands to lose Federal matching funds. With this legislation, the county can now secure greater amounts of State funding, thereby enabling them to keep Federal matching funds already disbursed to fix the situation.

Many of us have worked very hard to bring this legislation to the floor of the House. This bill means far more to the local communities than it means to any of us.

Mr. Speaker, this legislation contains the final piece of the puzzle to enable local governments to acquire environmental funding to improve sewer infrastructure projects. Growing Greener will address serious environmental problems in a cost-effective manner. In order to obtain the necessary \$2 billion needed to adequately fix the sewage problems in Allegheny County, we need to draw on all available resources. Growing Greener is a major piece in the puzzle to accomplish tangible solutions.

Pennsylvania is now positioned to tackle many environmental problems, including those in Allegheny County, that have built up over the years. Growing Greener is the most comprehensive environmental legislation the General Assembly has ever enacted. This measure is an investment in our future. It is essential that we preserve and protect our environment for future generations.

Mr. Speaker, I ask my colleagues to vote in favor of this bill.
Thank you.

SUPPLEMENTAL CALENDAR A CONTINUED

CONSIDERATION OF SB 1135 CONTINUED

The SPEAKER. The gentleman, Mr. Cappabianca. For what reason does the gentleman rise?

Mr. CAPPABIANCA. Thank you, Mr. Speaker.
Could we now consider my amendment?

The SPEAKER. There is before the House a reconsideration of the suspension of the rules.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Let me just set the stage.

SUSPENSION OF RULES RECONSIDERED

The SPEAKER. The majority leader calls up SB 1135, PN 1563. There is a motion by the majority leader and majority whip that the votes by which suspension was passed to SB 1135, PN 1563, on this 8th day of December be reconsidered.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, those in favor of reconsideration—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. —will vote "aye"; opposed, "no."

The gentleman, Mr. DeWeese, is recognized on the question.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, I would like to be recognized on a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DeWEESE. And again, I mean this with all due respect, but the Gerlach-DeWeese debate of yesteryear — I believe June 15, 1994, if I might read into the record because it is very short — I believe, with all due respect, the Chair made an error in his commentary.

The Speaker: "For what purpose does Mr. Gerlach rise?" Mr. Gerlach: "A parliamentary inquiry." The Speaker: "The gentleman will please state his point." Mr. Gerlach: "In light of your ruling, Mr. Speaker, that there has to be intervening business on the House floor before the motion for reconsideration—" Then there was an interruption. "The Chair would indicate that this is not my ruling; this is Mason's Manual. Mr. Ryan and I agree upon the collective interpretation." Then Mr. Gerlach — this is very quick, only two or three more sentences — Mr. Gerlach: "In light of your statement that that is what is indicated in the Mason's rules, what is the definition of 'intervening business'?" The Speaker said, "Any vote or debate on any item of business would be considered intervening business." Mr. Gerlach — and here is the clincher — Mr. Gerlach: "Would parliamentary inquiries be considered intervening business, Mr. Speaker?" The Speaker said, "No."

The SPEAKER. Just quickly — and I am not going to debate with you, of course — it is my opinion that we had debate other than parliamentary inquiry on the bill. Now, I am not allowed to debate with you from here, and you know it.

Mr. DeWEESE. I do not want to debate, sir; I do not want to debate. I would just like for the Parliamentarian—

The SPEAKER. Your remarks are placed in the record, and the record speaks for itself.

Mr. DeWEESE. I would just be curious as to what was considered by the Parliamentarian as intervening business.

The SPEAKER. Mr. DeWeese, we would be pleased to meet with you at any time at sidebar, but we are not going to engage in

debate with the Parliamentarian of the House and a member of the House, even though it is a distinguished member and leader of one of the two parties. You would never permit such a thing, and neither will I.

Mr. DeWEESE. Then I would respectfully ask for a momentary sidebar.

(Conference held at Speaker's podium.)

The SPEAKER. On the question of reconsideration, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

Do I get the opportunity, Mr. Speaker, to at least explain why I am opposed to this motion to reconsider so that should it pass and then I do not have an opportunity or I do not get an opportunity—

The SPEAKER. Yes; you may debate the question of reconsideration.

That was your question to me, was it not?

Mr. CAPPABIANCA. Yes.

The SPEAKER. You may debate the question of reconsideration.

Mr. CAPPABIANCA. Well, Mr. Speaker, for the information of the House, the importance of this amendment which I am attempting to put in would only increase the drought portion of this relief bill from \$60 million to \$130 million, and I believe our farmers are waiting for that.

The SPEAKER. Mr. Cappabianca, without bringing Mr. Manderino, former Speaker of this House's opinion out, you can briefly describe your amendment but you are not going to debate it, please.

Mr. CAPPABIANCA. The amendment is a very simple amendment, Mr. Speaker. It changes the \$60 million that the Senate put it and changes it to \$130 million in drought relief — it is that simple — a lot less of the \$200 million that we originally sent over to them.

The SPEAKER. The Chair thanks the gentleman.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I would ask for a negative vote on this motion to reconsider.

The SPEAKER. The Chair thanks the gentleman.

Mr. Snyder, on the question of reconsideration.

Mr. SNYDER. Mr. Speaker, an error was made on the board when the previous vote was taken. We would like our members to have an opportunity to reconsider the vote on suspension, and we ask for a positive vote. Thank you.

The SPEAKER. On the question, those in favor of reconsideration—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese. I am sorry.

Mr. DeWEESE. On the motion to reconsider, there is a wonderful line from "Henry IV" that was uttered by a Welsh general.

The SPEAKER. This is on reconsideration—

Mr. DeWEESE. Yes.

The SPEAKER. —which is what is before us.

Mr. DeWEESE. Yes. He said, "I can call spirits from the vasty deep." Well, anybody can call up spirits from the vasty deep, but it is inconsequential. This is not an inconsequential parliamentary maneuver.

At the very core of this disputation, this motion to suspend, is \$70 million for our farm community. Now, we have 40,000 farm

families in the Commonwealth right now. We have the worst drought in 100 years, and we have a lot of Republican farmers in overalls next to the silo, turning on the cable channel tonight to try to see what is going to happen in this room.

Now, the parsimonious behavior of the State Senate relative to how much cash was going to be available for drought relief is at question here. This is not a parliamentary question. We are reconsidering a suspension of the rules. You all, all you GOP farm fanatic team players, are getting ready, by your vote, to abrogate your connection, your linkage, your natal tether, to the farmers. The ag community will not, will not, take this in a desultory and standoffish fashion. This is the vote of the night, this is the vote of the autumn, this is the vote of the year for the Pennsylvania farm community.

You guys on the Republican side just voted with us to suspend the rules so that we could change the Senate's proposal and inject 70 million more dollars toward our farm community, toward our agricultural community. Most all of these farmers statistically are Republican, but let no one, no one, mistake that tonight the Democratic standard-bearers in this chamber are standing up for the farm community. We are trying to put 70 million additional dollars into this proposal.

In this day and age, it is important that we suspend these rules in order for us to do the right thing. I cannot fathom how anybody who is linked with the farm community could vote in the negative, and I would ask for a suspension of the rules, a "no" vote.

The SPEAKER. The Chair recognizes the lady, Ms. Steelman. Ms. STEELMAN. Thank you, Mr. Speaker.

Ordinarily it is my belief that we are much too ready to suspend the rules around here, and I habitually vote against suspending the rules, but I recognize that most of my colleagues believe that automatic suspension of the rules for an amendment introduced by another member is an act of courtesy, and I respect that belief, and that is why I am particularly surprised and disturbed when I see members of the House preparing to engage in an act of such discourtesy for reasons that I cannot understand.

If you seriously want to vote against adding \$70 million in aid to farmers, then at least have the courage of your convictions and stand up and cast a real vote, and do not pretend that you can get around it by voting not to suspend the rules in one of the few cases in which we would be justified in doing so.

The SPEAKER. The question before the House is reconsideration of the motion of the gentleman, Mr. Cappabianca.

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, Mr. Daley.

Mr. DALEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DALEY. Mr. Speaker, if the House votes not to consider the Cappabianca amendment and another amendment is offered by another member—

The SPEAKER. Pardon me. Would you say that again.

Mr. DALEY. If the House does not consider to vote the Cappabianca amendment this evening, if they do not consider to vote that this evening, if this motion should pass and it is not voted this evening, can another member offer the exact same motion, the same language, if the language is the same?

The SPEAKER. Mr. Daley, at the moment, at the moment, this is not mature, it is not before the House, and we are going to take

that brief bit of time until it may or may not be before the House to do a little research on it. We just have not reached a conclusion as to the answer to your question without checking it a little further.

Mr. DALEY. So, Mr. Speaker, at this time the Speaker does not have a ruling on my question. Is that correct?

The SPEAKER. Yes. I can put the House at ease for a while, or we can continue and see if this motion for reconsideration passes and get some of it behind us while the staff is checking out your question.

Mr. DALEY. So at the time you are saying that the Parliamentarian has not advised you as to—

The SPEAKER. That is correct. We are in the process of discussing it.

Mr. DALEY. Just as a matter of information for the Parliamentarian, if the second amendment is drafted as a completely different amendment number, even though the language may be—

The SPEAKER. Well, it would have an additional number.

Mr. DALEY. That is right, Mr. Speaker.

The SPEAKER. We understand the question, I think.

Mr. DALEY. That is the question, Mr. Speaker.

The SPEAKER. We just do not understand the answer.

Mr. DALEY. Well, Mr. Speaker, maybe some of us out here may be able to help you to interpret that.

The SPEAKER. Cannot tell. Apply for the job.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I consider the gentleman from Erie a friend of mine and a good man, but the options tonight, there are only two. The two options are whether or not the farming community, through what the Commonwealth puts in and the Federal government puts in, gets \$135 million over the course of the next 6 to 8 weeks or we say to them, we hope we will roll the dice and several months from now, when we come back, maybe you will get something more then. They are the two options. There is no other option.

So if you do not vote "yes" on this motion, you are voting not to send the farming community the \$135 million that has been set aside for them. If you vote "no," they are not going to get anything. Mr. Speaker, not for at least 8, 9, 10, no matter how many weeks we are talking about; I do not know at this point in time.

So I am asking the members to support us on this motion.

PARLIAMENTARY INQUIRY

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

Mr. MICHLOVIC. Mr. Speaker, what is the question before the House?

The SPEAKER. The question before the House is the reconsideration of the vote by which the suspension of the rules was passed to SB 1135, PN 1563.

Mr. MICHLOVIC. So if the reconsideration motion passes, in other words, a "yea" vote means that we reconsider that vote by which the motion passed with 187 votes; then that vote will be retaken. Is that correct?

The SPEAKER. That is correct.

Mr. MICHLOVIC. And if we defeat this reconsideration motion with a "no" vote, it means that the immediate order of business is the consideration of the Cappabianca amendment. Is that correct?

The SPEAKER. Yes. The way you have asked the question, the answer would be yes.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

The SPEAKER. On the question of reconsideration of the vote, those in favor—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair apologizes. Mr. DeWeese.

Mr. DeWEESE. A motion to reconsider is not necessary; it is wrong. The Pennsylvania Farm Bureau — we used to call it PFA when we came down here a couple decades ago — but this group representing thousands and thousands and thousands of farmers in the State has asked us to vote "no" on this puny compromise.

We have three-quarters of a billion dollars' worth of problems and the worst drought in the 20th century. The Ridge administration is sitting on a cascade of cash, and we are being parsimonious tonight, because you and your innumerable avenues of parliamentary disputation are trying to countervail a vote that you just made with 187 votes. You are trying to throw it out and start all over again — a vote in favor of the Pennsylvania Farmers Association, the Pennsylvania Farm Bureau, for several tens of millions of dollars of additional State help, for all those Republican farmers out there, out in the field, out in the meadow, out in the cornfield, out in the apple orchard. I cannot figure you people out. I was always told — I think things they are a-changin' though — I was always told that the GOP, the Republicans, were the party of the farmers.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker.

The SPEAKER. Reconsideration.

Mr. DeWEESE. I am against it.

The SPEAKER. I knew you could do that.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—101

Adolph	Fargo	Masland	Schuler
Allen	Fichter	McGill	Semmel
Argall	Fleagle	McIlhattan	Serafini
Armstrong	Flick	McIlhinney	Seyfert
Baker	Forcier	McNaughton	Smith, B.
Bard	Gannon	Metcalfe	Smith, S. H.
Barley	Geist	Micozzie	Snyder
Barrar	Godshall	Miller, R.	Stairs
Bastian	Habay	Miller, S.	Steil
Benninghoff	Harhart	Nailor	Stern
Birmelin	Hasay	Nickol	Stevenson
Boyes	Hennessey	O'Brien	Strittmatter
Browne	Herman	Oliver	Taylor, E. Z.
Bunt	Hershey	Orie	Taylor, J.
Chadwick	Hess	Perzel	True
Civera	Hutchinson	Phillips	Tulli
Clark	Jadlowiec	Pippy	Vance
Clymer	Kenney	Platts	Wilt
Cohen, L. I.	Krebs	Raymond	Wogan
Cornell	Lawless	Reinard	Wright
Dailey	Leh	Rohrer	Zimmerman
Daily	Lynch	Ross	Zug

DiGirolamo	Maier	Rubley	
Druce	Maitland	Sather	Ryan,
Egolf	Major	Saylor	Speaker
Fairchild	Marsico	Schroder	

NAYS—89

Bartisto	George	McCall	Solobay
Bebko-Jones	Gigliotti	McGeehan	Staback
Belardi	Gordner	Melio	Steelman
Blaum	Grucela	Michlovic	Stettler
Butkovitz	Gruitza	Mundy	Sturla
Buxton	Haluska	Myers	Surra
Caltagirone	Hanna	Pesci	Tangretti
Cappabianca	Harhai	Petrarca	Thomas
Carn	Horsey	Petrone	Tigue
Casorio	James	Pistella	Travaglio
Cawley	Josephs	Preston	Trello
Cohen, M.	Kaiser	Ramos	Trich
Colafella	Keller	Readshaw	Van Horne
Costa	Kirkland	Rieger	Vitali
Coy	Laughlin	Roberts	Walko
Curry	Lescovitz	Robinson	Washington
Daley	Levdansky	Roebuck	Waters
DeLuca	Lucyk	Sainato	Williams
Dermoddy	Manderino	Samuelson	Wojnaroski
DeWeese	Mann	Santoni	Yewcic
Donatucci	Markosek	Scrimenti	Youngblood
Frankel	Mayemik	Shaner	Yudichak
Freeman			

NOT VOTING—3

Eachus	Feese	Veon
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EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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 motion?

The SPEAKER. The gentleman, Mr. Cappabianca, is recognized on his question of suspension of the rules of the House to permit him to immediately offer an amendment to SB 1135, PN 1563. The amendment that the clerk will read at this point is A4823.

The Chair recognizes the gentleman, Mr. Cappabianca, if he desires recognition.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I want to thank the House for that vote and giving me the opportunity to defend the farmers of Pennsylvania. I come from an urban area. I do not have one farmer in my district. I am even surprised that on such an important issue as this, this farm relief, that the Senate would go home without realizing what we would do.

The SPEAKER. Mr. Cappabianca—

Mr. CAPPABIANCA. Yes?

The SPEAKER. —I am assuming that the gentleman, Mr. DeWeese, has yielded to you the opportunity to debate, because only the floor leaders or their designees.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Mr. CAPPABIANCA. Thank you, Mr. DeWeese.

The SPEAKER. You may continue.

Mr. CAPPABIANCA. Mr. Speaker, the House majority Republican Ray Bunt, his committee, his staff, our side, my staff, worked very diligently to send to the Senate not one bill but two which would help farmers. We sent one that would give drought relief of \$200 million. And by the way, we have been told by the experts that the drought has cost our farmers anywhere from a half a billion to \$700 million in losses. They cannot wait any longer; you are right. But as Mr. DeWeese pointed out, the largest farm organization in Pennsylvania, the Farm Bureau, has told us not to support this bill the way it is. We are not asking for \$200 million anymore. We are simply saying, bring it up to \$130 million. If you do not want to go to conference with us, send this bill back; put this amendment in, or else do not concur.

I ask for a concurrence on this amendment, Mr. Speaker, for our farmers in Pennsylvania.

The SPEAKER. The gentleman, Mr. Cappabianca, I believe, is urging—

Mr. CAPPABIANCA. I support suspension of the rules so I can offer the amendment that I just spoke about, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of suspension, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, this is a historic night. This would be the first time in the history of the Commonwealth of Pennsylvania that we are giving aid to farmers in Pennsylvania — \$135 million with the State and the Federal money added together. Tonight we have the opportunity to do that. If we do not take that opportunity this evening, I said it a few moments ago, you roll the dice. Maybe 8, 9, 10, 11, 12 weeks from now something can occur.

I do not think that we should ask the farmers to wait like that, Mr. Speaker. The opportunity is now. The bill is before us. We can send them this money, make this that historic moment that I spoke about just a few moments ago.

I am asking the members to respectfully vote “no” on the suspension of the rules. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Daley, for what reason do you seek recognition?

Mr. DALEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DALEY. On my earlier parliamentary inquiry, has that issue now ripened to the point where it should be discussed by the body?

The SPEAKER. I am advised that it is not, and we should get on and take the vote on this and then see what happens next, resulting from this vote.

On the question of suspension of the rules, those in favor of suspension will vote “aye”; opposed, “no.” One hundred and twelve votes are necessary to suspend the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—93

Battisto	Freeman	McCall	Solobay
Bebko-Jones	George	McGeehan	Staback
Belardi	Gigliotti	Melio	Steelman
Benninghoff	Gordner	Michlovic	Stetler
Blaum	Grucela	Mundy	Sturla
Butkovitz	Gruitza	Myers	Surra
Buxton	Haluska	Oliver	Tangretti
Caltagirone	Hanna	Pesci	Thomas
Cappabianca	Harhai	Petrarca	Tigue
Carn	Horsey	Petrone	Travaglio
Casorio	James	Pistella	Trello
Cawley	Josephs	Preston	Trich
Cohen, M.	Kaiser	Ramos	Van Home
Colafella	Keller	Readshaw	Veon
Costa	Kirkland	Rieger	Vitali
Coy	Laughlin	Roberts	Walko
Curry	Lescovitz	Robinson	Washington
Daley	Levdansky	Roebuck	Waters
DeLuca	Lucyk	Sainato	Williams
Dermody	Manderino	Samuelson	Wojnarowski
DeWeese	Mann	Santoni	Yewcic
Donatucci	Markosek	Scrimenti	Youngblood
Eachus	Mayernik	Shaner	Yudichak
Frankel			

NAYS—99

Adolph	Feese	Marsico	Schroder
Allen	Fichter	Masland	Schuler
Argall	Fleagle	McGill	Semmel
Armstrong	Flick	McIlhattan	Seyfert
Baker	Forcier	McIlhinney	Smith, B.
Bard	Gannon	McNaughton	Smith, S. H.
Barley	Geist	Metcalf	Snyder
Barrar	Godshall	Micozzie	Stairs
Bastian	Habay	Miller, R.	Steil
Birmelin	Harhart	Miller, S.	Stern
Boyes	Hasay	Nailor	Stevenson
Browne	Hennessey	Nickol	Srittmatter
Bunt	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	Orie	Taylor, J.
Civera	Hess	Perzel	True
Clark	Hutchinson	Phillips	Tulli
Clymer	Jadlowiec	Pippy	Vance
Cohen, L. I.	Kenney	Platts	Wilt
Cornell	Krebs	Raymond	Wogan
Dailey	Lawless	Reinard	Wright
Dally	Leh	Rohrer	Zimmerman
DiGirolamo	Lynch	Ross	Zug
Druce	Maher	Rubley	
Egolf	Maitland	Sather	Ryan,
Fairchild	Major	Saylor	Speaker
Fargo			

NOT VOTING—1

Serafini

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman, Mr. Benninghoff, is recognized at this time. For what purpose does the gentleman rise?

Mr. BENNINGHOFF. Thank you, Mr. Speaker, and I appreciate the indulgence of everyone.

I would like to offer amendment 4821 also to SB 1135, which would increase the appropriations for the drought from \$60 million to \$130 million. Pardon me. I do need a motion to suspend the rules, if the members would join me.

The SPEAKER. The gentleman, Mr. Benninghoff, moves that the rules of this House be suspended to allow him to immediately introduce and have considered amendment A4821.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension, Mr. DeWeese.

Mr. DeWEESE. I rise to support my Republican colleague, and I do it with esteem and verve and unrelenting enthusiasm.

You remember the 18th century French philosophe Voltaire. Voltaire wrote a wonderful book called "Candide," and in "Candide" there was a character, a worthy soul, who reminds me of not a person but the debate that I have been hearing from the honorable majority leader from Philadelphia tonight. The honorable majority leader from Philadelphia's debate tonight on this farm issue reminds me of Dr. Pangloss in "Candide." Dr. Pangloss was an inveterate optimist, and all he could do was gush these happy, positive, wonderfully enthusiastic observations of how good things were going to be.

Well, notwithstanding the Panglossian perspective of the Honorable Perzel, I am here tonight to endorse my young, sturdy, Republican colleague, and he no longer, to me, will ever be a part of those Republican peonage personalities on the backbenches. He will be a luminary amongst the Republicans. This takes fortitude. He is sticking up for farmers in Pennsylvania. The agriculture community has a heroic young person at its vanguard tonight in the Pennsylvania House of Representatives. This should be a bipartisan moment.

The Senate, the Senate, my young colleague here from Elk County a few moments ago was lamenting the fact that we have been eating crow for 4 or 5 years; when the State Senate sends it over, we gobble it up. We do not ever seem to stand up as sturdy stalwarts of our chamber. We say, oh, the Senate did it; we will go along; we will cave in. Well, we do not have to cave in, Mr. Speaker.

This robust, big, broad-bosomed Pennsylvania was built by our farmers, and I am telling you right now, from this day forward, they will never be considered universally, unilaterally Republican. It is going to be a more heterogeneous farm community. Democrats are supporting farmers tonight. We are with the Republican Kerry Benninghoff. We want more money for the drought. We are for Benninghoff.

The SPEAKER. The Chair would make an observation to the Democratic floor leader that I think he has just written Mr. Benninghoff's political literature for the next year.

Mr. Perzel.

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

Over the generations there have been many droughts in the Commonwealth of Pennsylvania, but I have to reiterate, Mr. Speaker, that this is the first time in the history of the Commonwealth that we are using Commonwealth funds to help farmers in the Commonwealth of Pennsylvania through a drought that they had this past summer. This is \$135 million they have the opportunity of seeing tonight. They can get that money by votes that are cast here this evening.

I wanted to tell the members — I have said this in caucus — that I am more than willing to work with the Governor, with the Senate, to try to get additional money for the farmers because of the drought that they had, but once we get this money out, we will have an idea of how much money is needed, Mr. Speaker.

But tonight I am respectfully asking the members to also vote “no” on this motion to suspend the rules and see that the farmers can get the \$135 million already set aside. Thank you, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. DeWeese. Mr. DeWEESE. Just one more restrained observation.

Notwithstanding the comments of the honorable majority leader, in 1972 \$100 million was appropriated to the farm community after Hurricane Agnes. It was not a drought, but it was a weather disaster. If you extrapolate those figures into 1999 dollars, we are approaching the three-quarters-of-a-billion-dollar problem that has happened in the State.

Again, this is a fundamental line of demarcation between Democrats and Republicans tonight. It just so happens that one of our colleagues has the guts to bring this forward on behalf of his Republican farm constituency, but I want everyone to know tonight that probably in your whole career, the farmer will never be as specifically, directly, and overwhelmingly affected as they will by the next vote. This vote is a barometric reading on our support for the Pennsylvania agriculture community.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—107

Baker	Freeman	Mayernik	Shaner
Battisto	George	McCall	Solobay
Bebko-Jones	Gigliotti	McGeehan	Staback
Belardi	Godshall	Melio	Stairs
Benninghoff	Gordner	Michlovic	Steelman
Blaum	Grucela	Miller, R.	Stetler
Butkovitz	Gruitza	Mundy	Sturla
Buxton	Haluska	Myers	Surra
Caltagirone	Hanna	Oliver	Tangretti
Cappabianca	Harhai	Pesci	Thomas
Cam	Harhart	Petrarca	Tigue
Casorio	Hasay	Petrone	Travaglio
Cawley	Herman	Pistella	Trello
Cohen, M.	Horsey	Platts	Trich
Colafella	James	Preston	Van Horne
Costa	Josephs	Ramos	Veon
Coy	Kaiser	Readshaw	Vitali
Curry	Keller	Rieger	Walko
Daley	Kirkland	Roberts	Washington
DeLuca	Laughlin	Robinson	Waters
Dermody	Lescovitz	Roebuck	Williams
DeWeese	Levdansky	Sainato	Wilt

Donatucci	Lucyk	Samuelson	Wojnaroski
Eachus	Lynch	Santoni	Yewcic
Fairchild	Manderino	Saylor	Youngblood
Forcier	Mann	Scrimenti	Yudichak
Frankel	Markosek	Semmel	

NAYS—85

Adolph	Egolf	Masland	Schuler
Allen	Fargo	McGill	Seyfert
Argall	Feese	McIlhattan	Smith, B.
Armstrong	Fichter	McIlhinney	Smith, S. H.
Bard	Fleagle	McNaughton	Snyder
Barley	Flick	Metcalfe	Steil
Barrar	Gannon	Micozzie	Stern
Bastian	Geist	Miller, S.	Stevenson
Birmelin	Habay	Nailor	Strittmatter
Boyes	Hennessey	Nickol	Taylor, E. Z.
Browne	Hershey	O'Brien	Taylor, J.
Bunt	Hess	Orie	True
Chadwick	Hutchinson	Perzel	Tulli
Civera	Jadlowiec	Phillips	Vance
Clark	Kenney	Pippy	Wogan
Clymer	Krebs	Raymond	Wright
Cohen, L. I.	Lawless	Reinard	Zimmerman
Cornell	Leh	Rohrer	Zug
Dailey	Maher	Ross	
Dally	Maitland	Rubley	Ryan,
DiGirolamo	Major	Sather	Speaker
Druce	Marsico	Schroder	

NOT VOTING—1

Serafini

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

PARLIAMENTARY INQUIRY

The SPEAKER. It is the information of the Chair that the gentleman, Mr. Daley, has amendments to offer, which will require suspension of the rules.

Mr. DALEY. Mr. Speaker, I think a number of our members are rather confused by the last vote. How many votes were necessary to suspend the rules?

The SPEAKER. 112.

MOTION TO SUSPEND RULES

The SPEAKER. Mr. Daley.

Mr. DALEY. Mr. Speaker, I move that we suspend the rules so I may offer amendment 4837, concerning a flood and PENNCrisis that was deleted by the Senate.

The SPEAKER. The Chair thanks the gentleman.

The gentleman asks that the rules of the House be suspended to permit the immediate introduction and consideration of amendment A4837. Is that correct? 4837.

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

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. Perzel.

Mr. PERZEL. I would just urge the members to vote "no," Mr. Speaker.

The SPEAKER. On the question, Mr. DeWeese, I considered that you had yielded to the gentleman, Mr. Daley.

Mr. DeWEESE. Yes, sir.

The SPEAKER. Was that not the case?

On the question, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker, reluctantly.

Mr. Speaker, tonight we are considering some very crucial issues. I think the last amendment was very crucial as well as the previous speaker's introduction.

I have been here for several terms, and I learned an axiom that was very important to me, and that is, no one in this chamber, not one member of this chamber, can vote for you back home. They cannot cast a vote against you or for you. The people that are watching this program tonight, that are watching this debate, they are the people that are going to vote for you, the people that are going to be reading the papers—

The SPEAKER. Mr. Daley, suspension of the rules.

Mr. DALEY. Thank you, Mr. Speaker.

Mr. Speaker, it is imperative that we suspend the rules, because what has happened is that the Senate has taken this bill that we have amended, which we had farm aid in, we had drought aid in, we had flood aid in, and they have cut it down. And I do not believe that the Senate— I do not think there is one Senator sitting over there that is smarter than any of us, that was elected any differently than we are, that their leaders, the majority leaders are any better than ours or the Democrat leaders are any better than any of us. I do not think the Senate had the right to do what they did, and now we have a chance to correct that.

If we amend this bill, if we put an amendment in, be it this one or Benninghoff or Cappabianca, it goes to conference committee, and I do not care if it says there is \$135 million in the bill—

The SPEAKER. Mr. Daley, really, suspension of the rules.

Mr. DALEY. Thank you, Mr. Speaker.

It is imperative that we suspend the rules, that we put an amendment in this bill, so that we can get the Senate to sit down and talk about ways of making this bill better, and I ask for an affirmative vote on suspension of the rules. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—95

Baker	Frankel	Mayernik	Solobay
Battisto	Freeman	McCall	Staback
Bebko-Jones	George	McGeehan	Steelman

Belardi	Gigliotti	Melio	Stetler
Benninghoff	Gordner	Michlovic	Sturla
Blaum	Grucela	Mundy	Surra
Butkovitz	Gruitza	Myers	Tangretti
Buxton	Haluska	Oliver	Thomas
Caltagirone	Hanna	Pesci	Tigue
Cappabianca	Harhai	Petrarca	Travaglio
Carn	Horsey	Petrone	Trello
Casorio	James	Pistella	Trich
Cawley	Josephs	Preston	Van Horne
Cohen, M.	Kaiser	Ramos	Veon
Colafella	Keller	Readshaw	Vitali
Costa	Kirkland	Rieger	Walko
Coy	Laughlin	Roberts	Washington
Curry	Lescovitz	Robinson	Waters
Daley	Levdansky	Roebuck	Williams
DeLuca	Lucyk	Sainato	Wojnarowski
Dermody	Lynch	Samuelson	Yewcic
DeWeese	Manderino	Santoni	Youngblood
Eachus	Mann	Scrimenti	Yudichak
Fairchild	Markosek	Shaner	

NAYS—97

Adolph	Fichter	McGill	Semmel
Allen	Fleagle	McIlhattan	Serafini
Argall	Flick	McIlhinney	Seyfert
Armstrong	Forcier	McNaughton	Smith, B.
Bard	Gannon	Metcalfe	Smith, S. H.
Barley	Geist	Micozzie	Snyder
Barrar	Godshall	Miller, R.	Stairs
Bastian	Habay	Miller, S.	Steil
Bimmelin	Harhart	Nailor	Stern
Boyes	Hasay	Nickol	Stevenson
Browne	Hennessey	O'Brien	Strittmatter
Bunt	Herman	Orie	Taylor, E. Z.
Chadwick	Hershey	Perzel	Taylor, J.
Civera	Hess	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Jadlowiec	Platts	Vance
Cohen, L. I.	Kenney	Raymond	Wilt
Cornell	Krebs	Reinard	Wogan
Dailey	Lawless	Rohrer	Wright
Daily	Leh	Ross	Zimmerman
DiGirolamo	Maher	Rubley	Zug
Druce	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Fargo	Marsico	Schroder	Speaker
Feese	Masland	Schuler	

NOT VOTING—1

Donatucci

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER. On that question, on the question of concurrence, Mr. Grucela, do you seek recognition on the question of concurrence?

Mr. GRUCELA. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, the honorable majority leader said we had two options. I think we had a third, and that third option could well have been to have the Governor and the Senators do the right thing and come back and reevaluate that this is not enough money. If I may use a hackneyed expression, I think we are being penny-wise and pound-foolish in the long run.

This is a much larger issue than simply aid for the farmer during the drought. If agribusiness is the number one industry in the State of Pennsylvania and we cannot do something for the number one industry, what can we do for the others? There is a domino effect here, and that domino effect in agribusiness: it affects farm machinery, it affects fertilizer, and many other related businesses.

There is also a much larger issue which I hope we will address perhaps next year, and that is the land-use issue. Pennsylvania ranks second in the nation in the loss of farmland. Will Rogers once said, land is valuable stuff; they ain't making it anymore.

Thirty-five farmers in my county stand to go out of business and go bankrupt because of the farm economic situation as well as the drought. This land will be turned into, eventually, development, development that will cost more in the long run in infrastructure and schools and other services.

However, in the final analysis, I think of an analogy, if I may, Mr. Speaker. President Kennedy once admired a tree, and he called the White House gardener and he told the White House gardener that he admired this tree. And the White House gardener said, but, Mr. President, it would be 100 years before that tree would look the way it does today, and the President said, well, in that case, sir, you better plant it now.

So I feel the same way. Although I do not think this is enough, and I think we could have done more, I am at least willing to vote to give this amount of money to our farm community.

And finally, Mr. Speaker, I am reminded of a bumper sticker one of my students from the farm community once gave me, a bumper sticker that said, never have so many done so much for so little.

So I will vote on concurrence, but I am disappointed that we did not include more money. And after 1 year here and some other disappointments this week, a rather disappointing week, I do leave on a high note, and I commend the integrity of my colleague on the other side of the aisle. He at least made a highlight in this week that we can rise above some of the political machinations and partisanship that we sometimes show. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington County, Mr. Daley.

Mr. DALEY. Will someone on the majority side stand for a brief interrogation?

The SPEAKER. I see no volunteers.

Mr. DALEY. Be that as it may, then I will raise the question to the chamber. On two separate occasions, the House has voted to add to this bill language that would create PENNCrisis, which was a program to help those individuals throughout Pennsylvania regarding small disasters. And, Mr. Speaker, what has happened is the administration has raised inquiry, and we have provided documentation through FEMA (Federal Emergency Management Agency), information from FEMA, that there would be no spend-down provision in terms of money being spent at a local

level prior to the receipt of Federal disaster assistance. We have gone round and round—

The SPEAKER. Conferences on the side aisles, please break up. Conferences in the center aisles, please break up.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

Conferences on the side aisles, please break up.

Mr. Washington. Mr. Washington — yeah — from the county of Daley.

Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I do not think that is the case, but I appreciate the—

The SPEAKER. Do not tell a lie.

Mr. DALEY. So on two separate occasions, we have done that, Mr. Speaker, and we have provided assurances from Representative Shuster's office, Congressman Shuster's office, as well as Congressman Murtha's office, from the Federal Emergency Management Agency that there would be no need for spending down local moneys first, and that is really what PENNCrisis was all about.

And now we see that in this bill — and I want you to pay particular attention; maybe you might not be aware of this — that only those communities that were declared a Federal disaster in 1999 would be eligible for funding, only those communities. The communities west of the Susquehanna River that had all the problems in Allegheny County, and all those surrounding communities that had problems this year that had millions of dollars' worth of damage, as well as some of the communities and counties to the west are excluded in this bill. Now, I do not think that is fair, Mr. Speaker. We need PENNCrisis. We need small disaster assistance now, and this bill has gutted that plan and has removed this from our consideration. Every county in Pennsylvania is affected by small disasters, by floods.

Mr. Speaker, let me say that I believe the Senate had no right to go home when they had passed this bill, putting it on our lap, and saying, take it or leave it. Now, we in this chamber have to consider that today. If we do not concur, guess what? The Speaker pro tempore of the Senate ought to call back the Senate so he can immediately consider this bill, because the Speaker pro tempore of the Senate has more farms in his district than any of us. The Senate had no right to run out of town and leave this on our plate. I do not believe there is one Senator that puts on his shoes or puts on his dress or her dress, depending on his persuasion, any differently than anyone here.

The SPEAKER. What a straight line.

Mr. DALEY. And, you know, Mr. Speaker, I did get their attention, and I think that was worth it.

The SPEAKER. We needed the laugh. Thank you.

Mr. DALEY. Mr. Speaker, although that may be funny, this is not a funny matter. And we all know that it is time that we really stand up to the Senate and say, these are equal chambers. They have no right to do and expect and dictate and be imperial to us.

Let us nonconcur. Let us bring them back. Let us have them sit down, sit down with our delegation to resolve this issue.

Thank you, Mr. Speaker. I ask for nonconcurrence.

The SPEAKER. The Chair thanks the gentleman.

My list for debate purposes is Fairchild, Bunt — pardon me; Bunt is at the end of the list — Fairchild, Michlovic, Adolph, Cappabianca, Gordner. Oh, Mr. Kaiser, too.

Mr. Fairchild, on the question.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

When the legislation left this body a little while back, it contained provisions that were a lot different than the flood provisions that are coming back now. I can take a look at my counties in my area — Union County, Snyder County, Lycoming County, parts of upper Dauphin County. They were covered or their municipalities had a chance to participate in the small community disaster assistance. This legislation, I find out, as the prior speaker has testified, contains no dollar amount whatsoever for those municipalities that were devastated by the recent disaster and floods this summer.

It seems to me and, you know, the question is, well, there has got to be some other program, some other place you can go. Mr. Speaker, there is not any other place, and I for the life of me cannot get a good reason why that language was stripped out in the Senate and other language was inserted that only pertains to a very small portion and for those that have been approved for Federal disaster assistance. They are already approved for Federal disaster assistance. That is not the problem. The problem is for those municipalities and individuals and small businesses that are not approved.

So on behalf of the constituents in my district — in Union County and Snyder County, and also, hopefully, in the surrounding counties of Northumberland and Lycoming and Dauphin — I would hope that you would join me and let us send this to conference committee and maybe perhaps we can work out those issues.

The second issue I would like to make — and I will only be brief — it seems to me that the farm community does not ask for much assistance. They are devastated. Whether we know it or not, farming is becoming a way of the past. They are having a heck of a hard time competing. We are going to see many more go bankrupt, and it seems to me that if aid is offered and so much of the discussion would say, you either take it now or you do not take it at all, well, let those people that are going to be affected make that decision, and they did make that decision. All of you have the letter from the farm organization representing 26,000, 27,000 farmers in this State, and they say, we will take the risk; let us wait and see if we can work this thing out and get some more assistance money.

You know, we give all this money to stadiums in Philadelphia and Pittsburgh. Think about this: There is less money in this farm aid package than there is in the funding of one professional football sports stadium. Now, you tell me who needs the money most — the owners of the professional football and baseball leagues or the players? Let us talk about our family farms and let us get serious and send this to a conference committee.

I urge you a “no” vote on concurrence. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Mr. Cappabianca, who submits remarks for the record. Send the remarks to the desk, chief page.

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

Back in November, the House delivered to the Senate a drought relief package which encompassed aid to farmers that would enable them to begin the long road of recovery from the devastation incurred from the 1999 drought. What we got back is a bill which, not surprisingly, is void of support for our farmers and the agricultural industry as a whole.

The Senate amendments have substantially reduced the amount of aid eligible to farmers to less than 30 percent of what our Pennsylvania farmers have time and time again requested.

As it stands, this bill sends the wrong message — if we concur with the Senate changes, we agree that minimal support is all our farmers deserve. I for one believe our number one industry deserves much more — and we the House have made that same argument by unanimously passing legislation that would provide sufficient help to our farmers — not once but twice we have sent this message to the Senate (HB 1888 and SB 1135). \$60 million dollars is not sufficient help.

Through their amendment the Senate has deemed that the farmers should receive aid equivalent to less than 10 percent of the damages and losses occurred as a result of the drought. Keep in mind, this is a drought they could not avoid and devastation they could not prevent.

One cannot ignore the severity of agricultural losses resulting from this year's drought when USDA (United States Department of Agriculture) estimates show losses exceeding \$500 to \$700 million.

Today, the Senate has returned SB 1135 to us with an amendment that has removed and belittled the meaningful assistance put forth by this House chamber and replaced it with inadequate and insufficient funds for our number one industry.

I along with our farmers have repeatedly stated that we will not settle for anything less than what is deserved. And, what our farmers deserve is adequate drought assistance. The PA Farm Bureau and the Farmers Union have repeatedly echoed the need for substantial assistance to the tune of \$200 million. The House heard their pleas and responded in bipartisan effort by passing a drought package to meet their needs. Unfortunately, it has fallen on deaf ears in the Senate.

As it stands, SB 1135 with the Senate amendments does not accomplish the goal. Time and time again we, the House, have done the right thing for our farmers — we have supported their industry, recognized its importance. Once again I ask you to do what is right. Therefore, I ask you to vote to nonconcur in Senate amendments to SB 1135 and send the message that agriculture is important and deserves the help they have so nobly requested.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Michlovic, on the question of concurrence.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

When the drought relief bill left the House, it had a provision added to it by the overwhelming majority of members on this floor — 160 or so, I recall — to add the small disaster assistance fund. That, as we have heard from the two prior speakers, has been removed. That alone is reason enough for most of us in this chamber to vote against this bill, nonconcur, send it into a conference committee, and send a very strong signal, not only to the conference committee but especially to our Senate colleagues, that we will not stand by idly and let them just remove from this legislation provisions that affect our constituents.

I pointed out in the debate when we dealt with this this past fall that even though the overwhelming majority of the dollars spent in this legislation go to farmers and they represent a very small portion of the overall population, the assistance fund for small disasters, those disasters not federally certified, would affect a wide array of our constituents.

None of us, none of us sitting here on this floor know when our districts are going to suffer a disaster of one sort or another — a major flood, a flash flood, a wildfire, earthquakes, various storms, hurricanes, and even tornadoes. All of those, any of those can hit

your district at any time, and when they do, when they do, you do not have anything to fall back on. There is nothing in our system through PEMA (Pennsylvania Emergency Management Agency) and FEMA. You can call those guys forever. They do not have the statutory authority to provide the help that you need. You have to come up to this legislature and wrangle and work for months and months to try to get something in a piece of legislation to get help for your constituents. That is not the way you and I want a government to work. That is not the way we pride ourselves around here in trying to get things accomplished.

We would like to have the proper tools, and this legislation does not include the tools that we need to address the small disaster problems in this State, and for that reason and that reason alone, we ought to vote "no," but as we heard from the earlier discussions, the other reason and the main reason for the bill is an enormous reason why we ought not vote for this legislation; send it back to the conference committee.

I urge that we vote a nonconcurrency; we vote "no" on SB 1135. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Delaware, Mr. Adolph. Mr. ADOLPH. Thank you, Mr. Speaker.

I rise to support SB 1135 on concurrence, and the reason I do, Mr. Speaker, other than the obvious millions and millions of dollars for the farmers as a result of the drought, there is also money in this Senate bill for flood victims down in the southeast, and our area was hit very, very hard, and there is \$10 million in there for homes that need this money in order to qualify for the Federal Emergency Act.

There are six homes right in my own neighborhood, and I know there are about 22 homes down in Representative Raymond's area, and I believe Representative Baker was talking about 28 homes in his area. So we need to pass this legislation now in order to get those people's homes and money back in order. Their lives have been ruined. They have been living in these homes for 40 or 50 years and they have nothing. The floods came in the southeast, and the little Darby Creek looked like the raging Mississippi River in a matter of hours.

So I urge, I urge my colleagues on both sides of the aisle to put aside some petty politics and let us pass SB 1135 tonight. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

A few days ago I picked up the Harrisburg Patriot to a banner headline announcing that the Governor was giving \$25 million to HERCO (Hershey Entertainment and Resort Company) to build a hockey rink; \$25 million.

Earlier this year, as Representative Fairchild said, Governor Ridge and this General Assembly gave the Pirates \$80 million; the Phillies, \$80 million; the Eagles, \$80 million; and the Steelers, \$80 million, a lot of money to sports teams, and yet we are going to give \$60 million to all the farmers located across the State from the north to the south and from the east to the west.

Yesterday the Budget Secretary gave his midyear briefing, and he indicated that we are awash in cash here in Pennsylvania, and in his conservative estimates, we will have a surplus of over \$400 million come June, and based upon his estimates from a year ago, we can figure that that \$400 million is actually going to be \$700 million or \$800 million when June 30 rolls around. That is

a lot of money, and that is a lot of money that would enable us to give a supplemental appropriation to help our farmers.

Today Governor Ridge and the Republican leadership are asking us to turn our backs on the farm families, to turn our backs on the Pennsylvania Farm Bureau and the Pennsylvania Farmers Union by giving them too little too late.

Almost \$750 million in crop and production loss this year as a result of the drought; \$750 million. Dairy prices that are now the lowest in 20 years. A waiting list of 1,000 or more farmers wanting to sell developmental rights just to help pay the bills. What is it going to take for the farm families across this State to get the attention of the General Assembly and the men and women who are sent here to serve them?

The Senate and those who crafted this so-called compromise would like us to believe that we should anticipate \$75 million or more in funds provided by the Federal government. We have consulted with USDA officials in Washington and Pennsylvania, and they do not have a clue where this number came from. There is no paper trail. There is no document anywhere that assures us of anything even close to \$75 million. There is nothing more than rhetoric on that subject. So if you believe there is \$75 million coming from the Feds, you have another story coming.

In the history of Federal drought assistance, the most that ever came to our State was \$28 million 11 years ago in 1988. It was just \$9.8 million a year ago. The number in SB 1135 has not been affirmed by the experts and is simply not realistic. Again, there is no paper trail. No one can produce a single document confirming that number. So to say that to the farmers, that they can expect \$135 million, is just hogwash and a bad pun.

The Senate amendments represent more than an insult, as described by the Pennsylvania Farm Bureau; they are an outrage, and the Farm Bureau and the Farmers Union should apologize to nobody for opposing this token assistance and asking for more.

We all received a letter from the Pennsylvania Farm Bureau today. The majority leader says that they should not have to wait. But guess what? They are willing to wait, and they put it in writing. They put it in the paper that we all got that said they are willing to wait for a fair amount of money. They are willing to wait 45 days until we come back in January to get what they consider to be a fair share, and they put it in writing and they asked us to do it. We should heed their request and the request of the Pennsylvania Farmers Union and nonconcur in this bill, come back in January, and take it up as our first order of business, or better yet, come back into special session in January to help deal with this problem.

There is no more hardworking individual than a farmer and there is no more hardworking family than a farm family. Those of you who represent city or urban areas, if you have never been to a farm, go to one and see what they go through every day, through January, through December, through July, through August, through drought, through storms; what they go through, the backbreaking efforts that they go through, whether they are 18 years old or 78 years old. We need to help the family farmer. The family farmer in this State has lived on too much rhetoric from politicians for far too long. It is time for the General Assembly and for this House to stand up for what is right and to put our money where our mouths are. Let us take a mere pittance of the surplus that we have and let us give it to the hardest working people, to the number one business and the number one industry that we have in this State, the farmers.

Let us vote "no" on concurrence and do the right thing.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Kaiser, on the question of concurrence.

Mr. KAISER. Thank you, Mr. Speaker.

Mr. Speaker, in my entire life I never spent one day on a farm. I know nothing about what goes on in a farm, but I am trying to learn. A couple years ago one of the staffers here on the Ag Committee explained to me the difference between straw and hay. I thought they were the same, but there is a difference. If you ask me or any of my constituents where does milk come from, we would probably say the supermarket.

Mr. Speaker, many issues that we deal with on the floor of the House affect farmers, and although my constituents realize that milk does come from farmers, we know very little about what they do day in and day out. In my 11 years here, we have dealt with many issues affecting farmers. We have dealt with issues such as the temperature of eggs, which I never thought much of; we dealt with apples, what a farmer does with apples, how he gets it to market. We dealt with farm equipment and the vehicles he uses to take his goods to the market.

I am all in favor of issues affecting farmers because I know they are the number one industry in Pennsylvania, but, Mr. Speaker, this is one time where I ask for a "no" vote, and I agree with my colleague from Union County, vote "no" and kick this in conference committee.

The money for farmers is not enough, plain and simple, and this is coming from a city slicker. This is not enough of money for farmers.

And also, it wiped out the PENNCrisis or the small disaster fund. On July 28 of this year—I represent six communities—we got 4 inches of rain in 40 minutes, and what happened was very simple, Mr. Speaker. The rain hit the ground, the ground did not absorb the water, and we had intense flooding everywhere in my district, and it came from hillsides, and I had people—I lost millions of dollars' worth of property in the 41st Legislative District. I had entire streets wiped out. I learned a lot about insurance, Mr. Speaker, but it is a shame a lot of insurance companies did not cover their losses. I had major highway flooding. I had three communities out of the six declare states of emergency. They just could not handle it. When they went to Allegheny County and asked for help, they said, you had serious problems, but you do not qualify for disaster relief.

This bill has money in it for flooding but it has to be declared a Federal disaster area. The only thing I can say is, if one community has a bad flood, that is a disaster to me, Mr. Speaker.

So I ask that you please vote "no." And again, I agree with my colleague on the other side of the aisle from Union County, put this in committee and we can come out with something better. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of concurrence, the Chair recognizes the gentleman, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make a couple of points. In late summer the House Democratic Policy Committee held some hearings on the drought problem for the number one industry within the Commonwealth. We looked at our neighboring States, and in West Virginia the Republican administration provided somewhere in the neighborhood of about \$13 million for aid for the agricultural community in that particular State. West Virginia

has about one-sixth the amount of agricultural business that Pennsylvania has.

We also looked at the State of New Jersey where Governor Christine Todd Whitman provided about 20 million dollars' worth of financial assistance to their agricultural community. They have about one-fifth the amount of the agricultural business that the Commonwealth of Pennsylvania has. If we just take the percent of what New Jersey and West Virginia provided to their agricultural community, we should be providing at minimum—at minimum—at least \$100 million to \$115 million in this particular piece of legislation.

I also want to question what the majority leader earlier on in his debate on the legislation stated. I am not sure where the majority leader came up with 135 million dollars' worth of aid to our number one industry. If you listened to the member from the 109th District, we found out that after you add in all the money that we are going to receive in Federal aid, the most, the very most that we will probably receive is somewhere in the neighborhood of \$20 million to \$25 million.

When you look at the Federal aid package that was just passed, the \$1.2 billion, that includes assistance for all the States in the East related to weather conditions and the problems that occurred in their particular State. If you just take the one particular situation in North Carolina, the flood that occurred back in early September, the figures for that State were over 800 million dollars' worth of assistance that was needed. How the Senate in SB 1135, on page 21, came up with a figure of \$75 million for Pennsylvania, none of us on this side of the aisle can understand. The true figures are what the gentleman from the 109th District stated. We are probably going to receive somewhere in the neighborhood of 20 million to 25 million dollars' worth of Federal aid and not the \$75 million that is on page 21 of SB 1135.

When you further look at page 21 of SB 1135, there is also a provision in the legislation which states that we cannot spend more than 75 percent of the grant received under the Federal program. To me that means two particular things. One is, any individual who had a drought problem cannot receive any State aid unless they received Federal aid. If you did not receive any Federal aid, you will not receive any State aid underneath this legislation.

Secondly, if the Federal government is only to provide about 25 million dollars' worth of Federal aid, the most that this bill will provide to our farmers within the Commonwealth of Pennsylvania is somewhere in the neighborhood of \$15 million to \$18 million. So when we go back to the remarks by the majority leader that this bill was actually providing about \$135 million, the figures the majority leader is using are completely wrong. The most—the most—that this legislation is going to provide is somewhere in the neighborhood of about \$35 million to \$38 million to the number one industry within the Commonwealth, and that is both Federal and State aid. That is one-fifth, only one-fifth the amount that is needed here in the Commonwealth for this particular problem that occurred in 1999.

If you feel that \$35 million to \$38 million is enough relief to the number one industry in the Commonwealth of Pennsylvania and you think that is a lot of money for our farmers, then I suggest you concur. Mr. Speaker, \$30 million to \$35 million for the drought problem within the Commonwealth in 1999 is not enough. The agricultural community throughout the State recognizes that, and that is why they have asked us to nonconcur on SB 1135. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Clymer, from Bucks County.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I have seen firsthand the devastation of the drought on the farms in Bucks County. As we all note tonight, the Senate has passed through the House an appropriation of \$65 million for our drought-stricken farmers, and we have \$75 million from the Federal government that is going to help our much-needed and hardworking farmers. I have contacted several sources at the Federal level regarding that \$75 million, and that seems to be a very firm figure.

While this assistance is indeed much needed and will be appreciated, these funds will enable many of our farmers to stay in business, to keep their lands open. Suburban sprawl is an ever-growing problem, but more so in southeastern Pennsylvania. Maintaining our family farms helps to control suburban sprawl, but time is not a luxury for many farmers in Pennsylvania and especially in southeastern Pennsylvania. The pressure from developers is severe.

These farmers need to know not in April or May if State funds will be made available, but rather they need to know within a shorter time period if we are going to be giving them the money that they need. Think about it. This past year they worked extremely hard. We recognize that. Many members have said on the floor of this House how hard they work and the long hours they put in and how important they are to Pennsylvania, and I concur, having farms in Bucks County. Not a problem there. But we know many of these farmers are thinking, am I going to reopen my farms? Am I going to do the planting? Am I going to be involved in agriculture if I cannot get any assistance, if I cannot look to the State and see that there are going to be some funds coming in? If they have to wait months until we make up our minds what we are going to do, those farmers are going to be retired and their 40- and 50-acre farms are going to be in the hands of developers.

And we just talked a few hours ago about maintaining open space and how important it is that we have a green belt in Pennsylvania, and I certainly concurred and voted for that bill. Well, here is an opportunity to make sure, to make absolutely certain that we are going to see many of our hardworking Pennsylvania family farmers in business if we concur on this legislation, and so, Mr. Speaker, I rise to support the legislation before us. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. MILLER. Thank you, Mr. Speaker.

I was wondering if I could please interrogate the chairman of the House Appropriations Committee?

The SPEAKER. Will the gentleman, Mr. Barley, stand for interrogation? The gentleman indicates he will. You may proceed.

Mrs. MILLER. Mr. Speaker, as we consider this legislation on the drought and the circumstances that the Senate has adjourned and the House is considering the legislation before us this evening, you have heard a number of times expressed a concern about, is this enough money?

As we consider the 2000-2001 budget next year, do you feel, Mr. Speaker, that this is something that if documentation and need is shown by the agriculture community, that this is something that we could deal with in the upcoming budget process?

Mr. BARLEY. Yes, Mr. Speaker. The inquiry that the gentlelady made was basically one that wanted to know if in the

budget process in the year 2000-2001, if there was a need documented for additional funding because the \$60 million that we are appropriating this evening, if in fact that would not be adequate, I think if you look at the record of the General Assembly in Pennsylvania and this Governor as well, we have been very considerate and very generous to the agriculture community. When there was a need to address the avian flu, we stepped up and we did that. Last year this House of Representatives, the Senate, and the Governor were very generous to the Farmland Preservation Program, and so I am confident in the upcoming budget year, if in fact it is proven that there is an additional need, that will be given due consideration, and I think our record speaks for itself in supporting the agriculture community in the past.

Mrs. MILLER. Thank you, Mr. Speaker. That ends my interrogation.

On the legislation, please?

The SPEAKER. The lady is recognized.

Mrs. MILLER. Thank you, Mr. Speaker.

While we have heard a lot of comment about the Pennsylvania Farm Bureau's request to the General Assembly this evening to delay, I personally have heard from members in Berks County who have asked us to not delay this, that the financial need is in fact so dire that they need this funding immediately.

For us to delay consideration of this legislation and to postpone any action by a nonconurrence vote would seriously and negatively impact the farm community. Therefore, Mr. Speaker, as a member of the Farm Bureau myself and also as a State legislator, I am asking my colleagues to please consider the needs of the Pennsylvania farm community. Let us move forward with the funding that we are considering here this evening, and in the next year as we see any continued need for financial assistance as a result of this year's drought, that we take that into consideration in the budget process. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Luzerne, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise today to say that I will concur on SB 1135 tonight but with great disappointment, great disappointment in the pace with which we dealt with this issue. We had proposals on the table as early as early September, and frankly, I would like to make sure that the record is straight, that it was the majority leader who held up the progress on this bill back in September, and we have to deal with that today at the last moments of the session, in late winter. You know, it is just not a fair assessment of the facts when he says that.

And frankly, you know, we really should have had more involvement with the Farm Bureau in the key issue of raising this amount. You know, I get to go home to my farming community and tell them that, yes, we will be supporting them but we could have done better. Well, if we could have done better, we should have done it tonight. We should not have to wait until we get back in the next session, and it is really objectionable to me, frankly, that the majority leader can stand up and say that we should not wait another 45 days when he has held up action on this legislation since September.

So I would like to say tonight that I will support this bill, but I support it knowing full well that we could have done better and we should have done better. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

I rise to support the bill and seek passage.

What I am very much concerned with is today we have dollars that we have committed that we will help our State farmers. I am concerned about the pleas to hold off to raise the funds, because as we all know, as we get closer to the budget process, there will be many, many worthy groups with their hands out seeking assistance. Many of those groups will offer all types of good policy issues to seek to try to pull some of these funds from our farmers, and I am very much concerned that we have the dollars now; we are committed now. We need to give the farmers the money now, and as we have heard earlier, with support from our leadership in the budget process that comes up, to seek additional funds.

Additionally, this bill contains an issue that is very dear to me and a few members of this House on both parties, and it relates to the flooding victims of Hurricane Floyd. We are drawing down Federal dollars. As most of you know, there has been a lot of talk about drawing those Federal dollars in to buy the homes and to assist those people to put their houses back together again, but what you are not aware of is we need to match those funds. We need to come up with the matching dollars to match those Federal dollars. This bill contains those funding mechanisms. We need this bill to draw down those Federal dollars and we need the money now.

In some of our areas we have people that are still not in their homes. We have people that are living at relatives' houses because they are waiting for the promised money to help assist them. The Federal money will not be used unless we come up with the matching funds. This is another reason why we should not hold this bill up. We need to deliver the money now. We need to make this decision and we need to move forward, and I ask all my colleagues to support the bill. Thank you.

The SPEAKER. The gentleman from Berks, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

I rise to make some comments on concurrence of SB 1135.

The SPEAKER. The gentleman is in order.

Mr. LEH. Thank you, Mr. Speaker.

Many times I have stood here over the years, sat here over the years as we debated other issues, funding other interests, but I do not think there is a time when we have been here when we really intend to fund the people who have done us such a great service in our Commonwealth, and I know there has been much concern today about the amounts of money that we were appropriating. I think I can speak for the majority of this body when I say that we all would have liked to have seen greater funding, greater amounts of money, but reality dictates otherwise. Our other chamber has gone home. They will not return till the end of January. We have \$135 million on the table that if we move this bill tonight, this can be in the hands of our farmers by the time we come back in the end of January.

I had a call today; I had a call tonight, actually, just within the last half hour, from the president of the Berks County Farm Bureau, John Blatt. When I took the call, I was a little hesitant because I know how the State association feels. John told me in no uncertain terms he wants the money that is on the table. His farmers want the money that is on the table now. He said, the drought is over; the grass is getting green; this issue is being put

behind people. He said, get the money. We can get it by the end of January and farmers can begin farming again.

So I ask for your concurrence on SB 1135. Thank you, Mr. Speaker.

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I will keep these comments brief. You are very fortunate I did not have time to write down everything I wanted to say, but I would like to take two moments — one, to thank everyone for their time, their interest. Not a lot of people are sitting around at 5:30 at night, but the House of Representatives is here trying to address a very, very important issue, and I compliment you for that when some others are not — 6:30; I am sorry; I did not change my watch — but I think that is important.

And most importantly, we have had some healthy debate, and whether you agree or disagree on this issue and whether you supported me or not, that is what this process is about. That is why you are here. That is why your people have trusted that you come here and speak for them and hopefully listen to them.

Thanks to the leadership for taking some energy on this issue early on, and our chairman, Representative Bunt; minority chairman, Representative Cappabianca.

Mr. Speaker, I appreciate you extending me the time. Mr. Speaker, I cannot tell you how to vote. I just know what I am going to do. Thank you.

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

At this hour of the day after a long debate, we are faced with making a decision, and certainly as in many a decision, our dilemma is not clear. We can certainly see merits in doing both voting to concur and not to concur, but, Mr. Speaker, I do feel at this time of the day, the Senate has left. We are, by the calendar, we are in December. Winter is approaching us, and I think the farm community is going to be faced with a very critical need with winter approaching and not the assistance that we want to provide them.

The amount of money, I do believe that when we add the State and the Federal moneys, we are talking in the \$135-million range. I question very seriously earlier remarks that the money is much, much less than that. Whether \$135 million is enough or not, I am not prepared at this time to answer that question. Maybe it is not. If it is not, I certainly will be very enthusiastic and I am sure I will have colleagues who will be very enthusiastic in going to our Appropriations Committee and working to have this increased at a later date.

But I think the sad reality we have, that we are faced with, whether we like what we are faced with or not, but what we are faced with, that the farmers need help today as winter is approaching, and I hate to say this, but, you know, I think the check will be in the mail once we vote on this, and being a politician and saying that, I am somewhat maybe suspicious of even my own remarks, but I do think the mechanism is in place through our county agricultural offices that once the ink is dry on this legislation, that the farmers can soon expect, and I say soon expect, to be partly reimbursed for their drought and the losses they had this summer.

So a very difficult position we are in, but I think we have to maybe use a little common sense and help the farmers right now and then come back the first of the year, after a month has expired,

and say we need more help or we have enough help and then act accordingly. So I would hope that we use very, very deep thought and vote to concur with this very important need as winter approaches. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh County, Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

Certainly I want to start my comments by thanking Chairman Bunt for bringing this issue and driving the issue since late September. It was at the end of the harvest season when this issue was looked at very seriously. I guess I would have to say, from that beginning point I was somewhat disappointed in what we are going to be doing here later tonight, but certainly I again want to thank Representative Bunt and those on his committee for driving this issue. It just seems rather ironic that we started late in September and it will be the House of Representatives of this Commonwealth who are winding up on this particular issue. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Mr. Kaiser, do you seek recognition on this? Mr. Kaiser, do you seek recognition?

Mr. KAISER. Yes, Mr. Speaker. Very short.

I ask my colleagues to vote "no" on SB 1135, not to concur, so we can provide more funding for the farmers and also insert the original language for the small disaster fund, the PENNCrisis. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese, on the question of concurrence.

Mr. DEWEESE. Mr. Speaker, I would defer, if practicable, to the gentleman from Washington County, Mr. Daley.

MOTION TO TABLE

The SPEAKER. The gentleman, Mr. Daley, is recognized for the second time on the issue.

Mr. DALEY. Mr. Speaker, I move that we place SB 1135 on the tabled calendar.

The SPEAKER. The gentleman, Mr. Daley, moves that SB 1135 be placed on the tabled calendar.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, which is not debatable, the floor leaders are permitted to debate. Any questions?

Mr. PERZEL. I would ask the members to oppose the motion, Mr. Speaker.

The SPEAKER. Mr. DeWeese.

Mr. DEWEESE. I support my colleague, Mr. Daley.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—88

Battisto.	Frankel	McCall	Shaner
Bebko-Jones	Freeman	McGeehan	Solobay
Belardi	George	Melio	Staback
Benninghoff	Gordner	Michlovic	Steelman
Blaum	Grucela	Mundy	Stetler
Butkovitz	Gruitza	Myers	Surra
Buxton	Haluska	Oliver	Tangretti
Cappabianca	Hanna	Pesci	Thomas
Carn	Harhai	Petrarca	Tigue
Casorio	Horse	Petrone	Travaglio
Cawley	James	Pistella	Trich
Cohen, M.	Josephs	Preston	Van Home
Colafella	Kaiser	Ramos	Veon
Costa	Keller	Readshaw	Vitali
Coy	Kirkland	Rieger	Walko
Curry	Laughlin	Roberts	Washington
Daley	Lescovitz	Robinson	Waters
DeLuca	Levdansky	Roebuck	Williams
Dermody	Lucyk	Sainato	Wojnaroski
DeWeese	Lynch	Samuelson	Yewcic
Donatucci	Manderino	Santoni	Youngblood
Eachus	Mann	Scrimenti	Yudichak

NAYS—102

Adolph	Fargo	Markosek	Saylor
Allen	Feese	Marsico	Schroder
Argall	Fichter	Masland	Schuler
Armstrong	Fleagle	Mayermik	Semmel
Baker	Flick	McGill	Seyfert
Bard	Forcier	McIlhattan	Smith, B.
Barley	Gannon	McIlhinney	Smith, S. H.
Barrar	Geist	McNaughton	Snyder
Bastian	Gigliotti	Metcalfe	Stairs
Birmelin	Godshall	Micozzie	Steil
Boyes	Habay	Miller, R.	Stern
Browne	Harhart	Miller, S.	Stevenson
Bunt	Hasay	Nailor	Strittmatter
Caltagirone	Hennessey	Nickol	Taylor, E. Z.
Chadwick	Herman	O'Brien	Taylor, J.
Civera	Hershey	Orie	True
Clark	Hess	Perzel	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Wilt
Cornell	Kenney	Platts	Wogan
Dailey	Krebs	Raymond	Wright
Dally	Lawless	Reinard	Zimmerman
DiGirolamo	Leh	Rohrer	Zug
Druce	Maher	Ross	
Egolf	Maitland	Rubley	Ryan,
Fairchild	Major	Sather	Speaker

NOT VOTING—3

Serafini	Sturla	Trello
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EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. Other than the floor leaders, anyone else desire recognition?

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Internal fissures already bespeak uncertainty and disarray on the part of the Republican rank and file. And with that spirit in mind, I have at least two questions, Mr. Speaker, for the House Agricultural Committee chairman. Would the gentleman stand for interrogation?

The SPEAKER. The gentleman, Mr. Bunt, indicates he will stand for interrogation.

Mr. DeWeese.

Mr. DeWEESE. My honorable colleague—

Mr. BUNT. Thank you for those kind remarks.

Mr. DeWEESE. You have earned them.

Mr. BUNT. You are a good judge of character.

Mr. DeWEESE. We are both characters.

But anyway, with the 20-year low in the price of milk — and really, that is the context that I want to phrase the question and hopefully elicit an answer — one of the reasons that I am going to vote to nonconcur tonight is because of the trough, the historic trough in milk prices. With that 20-year trough in milk prices, do you believe that this — and the word has been trundled out on innumerable occasions tonight — this paltry sum is enough and why?

Mr. BUNT. Milk prices, from the information that I have current as of today, the milk prices have not dropped. They are at an all-time high today as we speak.

Now, the second question was, sir?

The SPEAKER. The gentleman asked the floor leader to please repeat the second question.

Mr. DeWEESE. No. The gentleman is correct. The second question had not been enunciated.

So we have a basic disagreement. You are saying that milk prices are high. I am saying that the amount of money that farmers are getting for their milk is the lowest in 20 years, and you are countervailing that remark.

Mr. BUNT. They are at an all-time high. They are projected to drop but not in relation to the drought.

Mr. DeWEESE. Well, our observation from our committee staff is that it is an all-time low, and again, that is why we are here in this forensic setting. We are not going to agree on everything.

Anyway, the second question I have for the honorable chairman—

Mr. BUNT. I am sorry, Mr. Speaker.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. The Pennsylvania Farm Bureau — and you and I have both been here for a long time — is the quintessential representative of the farm community, among others, but they are overarching; they are well staffed, very aggressive, and notwithstanding the observations of the gentleman from Berks County a little while ago about one of his constituents who had called in, they represent about 25,000 farm families, and they have been very aggressive lobbying us and sending us mail and phone calls and people getting in touch with us to oppose this measure because they think it is not a half a loaf but maybe a fourth of a loaf. And, again, this is rather subjective, but you are the Ag Committee chairman as well as my friend, and I am curious as to why these farm community representatives are so aggressively lobbying us to postpone this final decision until there

is more money available, and what is your analysis of their view vis-a-vis what we are about to vote on tonight?

Mr. BUNT. Thank you, Mr. Speaker, for the opportunity.

When we started this process, Mr. Speaker, back in August, I solicited the opinion of farmers throughout the Commonwealth; my colleagues on the Ag Committee; fellow members of the General Assembly, both sides of the aisle; the Pennsylvania State Grange; the Pennsylvania Farmers Union, and frankly, anybody that would talk to me about what we thought was needed to assist the farmer. At that time they gave some feedback, Mr. Speaker, but they could not give me numbers on just how bad the drought was, and the reason they could not is because an assessment had not yet been made. The United States Department of Agriculture and the President of the United States had not yet declared Pennsylvania an agricultural disaster area. When that occurred, that put into motion a mechanism whereas the Farm Service Agency sent individuals into every county to take assessments of the types of damage and the percentage of damages. That occurred, and this has been a long process, longer than perhaps maybe you or I would like to see, but when I came out with my initial package that was put together in a bipartisan fashion, we came up and the cornerstone of that proposal was \$100 million in direct cash assistance.

I would like to also let you know, Mr. Speaker, that about the same time on your side of the aisle there was a proposal I believe that was made by Representative Coy as a result of some hearings that were held by the Democratic Policy Committee and came up with a package that was about \$105 million, Mr. Speaker. After that, we worked again in a bipartisan fashion and put together a very comprehensive package that was introduced under my prime sponsorship, with the assistance of many members in this body, and we set a package up of \$171 million, of which \$100 million was the cornerstone. As I stand before you today, Mr. Speaker, when we brought that proposal out, when we brought that proposal out, it was a worst-case scenario. We did not know that the Federal government was going to do anything but give low-interest loans. If anybody can remember back at that point, low-interest loans from the Federal government were the only thing available.

As I stand before you tonight, Mr. Speaker, and you can get your pencil and paper out, I can give you some numbers, Mr. Speaker. There have been a lot of numbers thrown out here tonight, but I believe these to be very accurate and very conservative figures on the low side: \$46 million, Mr. Speaker, coming from the farm bill, the huge \$8½-billion farm bill. Now, there will be members here who will say, well, we would have gotten that money anyway. That may be true, Mr. Speaker; I will concede that, but we did not know that back when we put our proposals together. That is \$46 million. Seventy-five million dollars also from the Federal government, Mr. Speaker, a very conservative figure, and I have gotten that figure from the USDA, from the Deputy Secretary's office, and also everybody who knows anything about this subject matter. In addition, \$60 million that the Senate put in, \$5.6 million for crop-insurance incentives, \$2 million for plum pox. When you add that figure up, Mr. Speaker, we are looking at \$188,600,000 that the farm community did not have nor did they know they were going to receive, which is virtually guaranteed tonight. That is a very huge figure, Mr. Speaker.

The SPEAKER. Do you have further interrogation?

Mr. DeWEESE. I thank the honorable gentleman, and I have some remarks when recognized on concurrence.

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

Mr. DeWEESE. The information that we have regarding the price of milk comes from the United States Department of Agriculture. It says that milk at the 100 weight is \$9.79. It represents a 40-percent drop in the last 2 months, and it is the lowest price in Pennsylvania since 1978. Now, that comes from the United States Department of Agriculture. But then again, that is somewhat collateral.

I am arguing to nonconcur because I believe in the supremacy of our argument and in the small caliber of your argument. No matter how obtuse you collectively want to be, tonight, Mr. Speaker, is a Rubicon night. You are crossing the Rubicon. No longer, no longer will the Republican Party be the champions of farmers in this State. Some of you, of course, will be fighting a guerrilla war trying to stand up for the farmer, but as a broad phalanx when you march out onto the field of battle, from now on you cannot justifiably say, if you vote to concur in this quite sparse proposal tonight, that you are representing the farm community.

What we have asked for in the last year of the millennium with the most massive surpluses this Commonwealth has ever accrued was approximately \$170 million in aid for our farmers who claim, justifiably, that they have three-quarters of a billion dollars' worth of problems from this drought. So you are at \$750 million of problems. We would ask, we would ask for \$170 million in relief, and tonight, if you concur in what the Senate has sent us, we are going to get about \$60 million. The House Democrats will wait for the Senate to return. We should bring the Senate back. We should no longer be subservient to the Senate.

Notwithstanding your implacable hostility against the Pennsylvania farm community, I hope that many of you will vote with us tonight as we vote to nonconcur in what we consider to be a half measure, a half a loaf, a less than splendid effort on behalf of the Republican Party. Your fraternity with the ag community is in dire peril, and the only way I believe it can be revived tonight is for a vote for nonconcurrence, send this back to conference committee, put more money into the proposal. We have the money; the State is not destitute. Our exchequer is bulging, and why can we not share it, why can we not share it with our farmers? You all shared it with the shipbuilders from Europe when Tom Ridge came and asked for that money, you shared it with the stadium builders, but you will not share it with the ag community?

Vote to nonconcur.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, I am going to acknowledge right up front in my comments that SB 1135 as we have it includes less money, as we know. It contains less funding than I initially proposed. We had two occasions to raise it, and we did so here in this General Assembly. We are on record. There are many here today that think perhaps maybe we should continue with this and have attempts to increase it. Perhaps some of you are not aware that even two of the largest statewide farm organizations — the Farm Bureau and the State Grange — are not in agreement. The State Grange does support passage of this legislation tonight. In my opinion, they represent many, many, many small farmers who are in great need of this legislation.

Timeliness is an important factor. To delay this measure until we return in January or February will mean that farmers will not know what funding they can expect as they make decisions for the next spring, and crop-insurance incentives will be irrelevant since the signup deadlines will have been missed. That is very important to note.

If we find that funding is not sufficient, we can address and we have assurances — I have asked them to speak to that tonight, and they have — from our leadership that we will address additional funding in the budget process. I believe we need to agree today to this bill in order to get this relief process started.

When I sponsored the original package, we had no idea how much or if any Federal grant money would be available. I prepared my initial proposals, as I had indicated to you earlier, from an absolutely worst case scenario: no financial relief except for what the State might provide. My package contained several different elements, but the cornerstone was the \$100-million cash assistance — a nearly identical amount, I might add, to that contained for this purpose in proposals from my friends on the other side of the aisle.

We now know that a significant amount of Federal dollars are available to Pennsylvania's farmers. They will come in two basic forms. First, the U.S. Congress included in the agricultural appropriations measure a total of \$1.2 billion for Federal weather-related disaster assistance. USDA has announced a signup period for grants to begin next week, on Tuesday. USDA and the Governor's Office have informed me as late as tonight that they can expect to have checks in 2 to 3 weeks with the State, with the State, with only a 2-week backline. We will piggyback, we will piggyback that Federal process, and that Federal process starts Tuesday. Our best estimate and one that is generally accepted — a minimum of \$75 million.

Secondly, the same Federal legislation included funding, as I had indicated in response to the minority leader, for the existing USDA-FSA (Farm Service Agency) programs that will return an estimated \$46 million. That is a total of \$121 million from the Federal funding. We had no idea of that in September. Sixty million dollars from the Senate for cash assistance grants, \$5.6 million for crop-insurance incentives, \$2 million for the pox problem that they have in York County. In addition, \$15 million, which I did not even give you earlier, that is in this bill for the flood package that this General Assembly through Representative Daley and Representative Michlovic added. Their original appropriation was only \$10 million. The Senate jacked it up \$5 million.

So the Senate bill that came over is over \$82 million in addition to the \$121 million from the Federal government. I can look at Pennsylvania's public in the eye tonight and to you folks that \$200 million is a lot of money where I come from. It may not be in Lower Merion Township, but in my end of Montgomery County, that is a lot of money.

Mr. Speaker, I just pitched a couple pages.

Mr. Speaker, this passed unanimously last night before the Pennsylvania Senate. Each and every one of your Senators voted for this last night. It is unprecedented, Mr. Speaker. It should appear on the front page of every newspaper that this is an unprecedented State program of relief unmatched in our State history and any other State's history in the United States.

I ask for a concurrence.

The SPEAKER. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

YEAS—138

Adolph	Fichter	McGeehan	Schuler
Allen	Fleagle	McGill	Scrimanti
Argall	Flick	McIlhattan	Semmel
Armstrong	Forcier	McIlhinney	Serafini
Baker	Freeman	McNaughton	Seyfert
Bard	Gannon	Melio	Smith, B.
Barley	Geist	Metcalfe	Smith, S. H.
Barrar	Gigliotti	Micozzie	Snyder
Bastian	Grucela	Miller, R.	Stairs
Battisto	Gruitza	Miller, S.	Steelman
Birmelin	Habay	Nailor	Steil
Boyes	Harhart	Nickol	Stern
Browne	Hasay	O'Brien	Stevenson
Bunt	Hennessey	Oliver	Strittmatter
Butkovitz	Herman	Orie	Taylor, E. Z.
Buxton	Hershey	Perzel	Taylor, J.
Caltagirone	Hess	Pesci	Thomas
Casorio	Horsey	Petrone	Trello
Cawley	Hutchinson	Phillips	True
Chadwick	Jadlowiec	Pippy	Tulli
Civera	Keller	Pistella	Vance
Clark	Kenney	Platts	Van Horne
Clymer	Krebs	Ramos	Waters
Cornell	Lawless	Raymond	Williams
Coy	Leh	Readshaw	Wilt
Dailey	Lucyk	Reinard	Wogan
Dally	Lynch	Rohrer	Wright
DeLuca	Maher	Ross	Yewcic
DiGirolamo	Major	Rubley	Youngblood
Donatucci	Mann	Sainato	Yudichak
Druce	Markosek	Samuelson	Zimmerman
Eachus	Marsico	Santoni	Zug
Egolf	Masland	Sather	
Fargo	Mayernik	Saylor	Ryan,
Feese	McCall	Schroder	Speaker

NAYS—54

Bebko-Jones	Frankel	Maitland	Staback
Belardi	George	Manderino	Stetler
Benninghoff	Godshall	Michlovic	Sturia
Blaum	Gordner	Mundy	Surra
Cappabianca	Haluska	Myers	Tangretti
Carn	Hanna	Petrarca	Tigue
Cohen, M.	Harhai	Preston	Travaglio
Colafella	James	Rieger	Trich
Costa	Josephs	Roberts	Veon
Curry	Kaiser	Robinson	Vitali
Daley	Kirkland	Roebuck	Walko
Dermody	Laughlin	Shaner	Washington
DeWeese	Lescovitz	Solobay	Wojnaroski
Fairchild	Levdansky		

NOT VOTING—1

Cohen, L. I.

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

The 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.

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 868, PN 2773

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Agriculture, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; providing for use of site-specific postclosure funds and for immunity for certain persons who reclaim abandoned lands or abate certain water pollution; making appropriations; and making repeals.

HB 1569, PN 2772

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, adding provisions relating to labeling and packaging; and further providing for penalties for certain sales or transfers of cigarettes and for report of property subject to custody and control of the Commonwealth.

SB 19, PN 1164

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, empowering the Governor to create an Aviation Advisory Committee to provide guidance to the Governor, the General Assembly, the Secretary of Transportation and the State Transportation Commission on aviation matters; and providing for the committee's powers and duties.

SB 1135, PN 1563

An Act providing for emergency drought relief, for commercial orchard and fruit tree nursery indemnity, for grants for flood damage and for powers and duties of the Department of Agriculture; establishing the Supplemental Individual Assistance Program; providing for payment of the Commonwealth's share to secure individual assistance from the Federal Government; and making appropriations.

Whereupon, the Speaker, in the presence of the House, signed the same.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members — may I have your attention, please? — for the information of the members, I will be here January 4 for the opening of the session as required by the Constitution. It is a nonvoting day. The next voting session is scheduled for January 24.

The Chair wishes all the members a—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. Let me wish them merry Christmas, please. Scrooge.

At this time the Chair would like to wish all of you a good holiday season and a happy and safe one.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I rise for a privilege of the House, a request, Mr. Speaker?

The SPEAKER. I do not know what you are going to talk about, so I cannot answer that. You are recognized, however.

Mr. DeWEESE. The resolutions on page 4 are scheduled to be voted upon, and I have not heard them passed over. I would object if they were attempted to be passed over. I have amendments for those resolutions.

Mr. PERZEL. Mr. Speaker?

The SPEAKER. Mr. DeWeese, I had been advised that these resolutions were not to run. I am asking the Parliamentarian now for his opinion on what you should do. I believe you should object to it when I suggest that these are over for the day, but I am trying to find that out to see that you are protected as best I can.

Mr. DeWEESE. Obviously, Mr. Speaker, I am going to attempt to call them up, so I will object.

The SPEAKER. I understand that. I am trying to get the motions straightened out.

The Chair recognizes the majority leader in hopes that we can solve at least the parliamentary dilemma.

Mr. DeWeese, with your permission, I am suggesting that the majority leader, if he is the one who is responsible for telling me to pass over these things, move that they be passed over for today. I leave you then the right to object to that, and we will take a vote based on the motion to pass them over. Does that meet with your satisfaction?

Mr. DeWEESE. That meets with my parliamentary agreement and satisfaction, yes, sir.

The SPEAKER. And will the motion encompass all resolutions on the calendar, I mean, or do you want to do it one at a time?

Mr. DeWEESE. I would like to state my reasons.

I am not going to belabor the House on this evening one at a time.

The SPEAKER. All right. The gentleman will yield.

The gentleman, Mr. Perzel, do you agree with what I have laid out as a possible method of solving this problem?

BALANCE OF CALENDAR PASSED OVER

The SPEAKER. The gentleman, Mr. Perzel, moves that the balance of today's calendar, including all resolutions, be passed over.

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

The SPEAKER. The gentleman, Mr. DeWeese, objects, and he is recognized.

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

On each of the resolutions for tonight I was going to add an amendment, and that amendment would have stated: "...Representative Frank Serafini was convicted after trial by a

Federal court and jury in the Middle District of Pennsylvania on August 18, 1999, for violation of..." United States Code 18; "...Representative Frank Serafini was sentenced by..." United States district judge, the Honorable Thomas Vanaskie, "pursuant to the finding of guilt, on November 18, 1999;..." Article II, section 7, of the State Constitution "...provides that no person is eligible to serve in the General Assembly who has been convicted of certain crimes, including perjury or other infamous crimes—"

Mr. PERZEL. Mr. Speaker?

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Is he talking about passing over the resolutions or is he making a speech?

The SPEAKER. I think he is making a speech. However, we have allowed latitude to the two floor leaders over the years, and I would ask that he contain his remarks in the spirit of the holidays.

Mr. DeWEESE. Thank you, Mr. Speaker.

I only have two more sentences relative to my reading and then probably a 1-minute summation relative to my attempt to amend the resolutions that are being potentially passed over tonight.

Pursuant to Article II, section 11, of the Pennsylvania Constitution and the oath that members took to uphold the Constitution, I have moved that Mr. Serafini be expelled in order to uphold the Constitution. We have certified documents from the United States district clerk of courts, and these are available for inspection.

Now, we were prepared to offer these amendments or this amendment to each and every resolution that was forthcoming tonight in order that our guardianship of the Constitution be unyielding. Now, if we are going to vote to bypass this procedure, so be it, but I would urge that we do not vote to move the calendar along at such a speedy rate, that we do indeed deal with this constitutional crisis that is here amongst us tonight.

Once the vote is taken, I would like to be recognized for one final observation at this, the last meeting of our Assembly in this millennium. Thank you.

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

Mr. PERZEL. Thank you, Mr. Speaker.

If Frank Serafini is guilty of anything, Mr. Speaker, it is putting too much faith and trust into people. In his case he trusted someone to manage his checkbook and had faith that that man would be honest, and what happened, Mr. Speaker? The man ended up lying and then getting immunity after lying again, and then changing his story when threatened with prison for a drug charge. Frank Serafini trusted, and now you are trying to kick him out of the House of Representatives.

Here is part of the Frank Serafini that you need to hear a little something about. At his sentencing there were 156 letters, unsolicited, telling of how he helped people with personal acts of kindness. He has personally funded youth groups in his own district and his own area out of his own money. He has used his personal funds to help people who were facing the loss of their homes at tax sales. He paid the taxes so those people could keep their homes. He heard of a young man who had become a paraplegic after an accident. Frank called him up, offered him a job. The young man, depressed, turned him down, and he forced him to take the job. He then made him go to college; then he made the young man go to law school. Now that young man is a district

attorney in Lackawanna County. That is the side of Frank Serafini you all need to know and hear something about.

Mr. Serafini, according to what I was told earlier today, is charged with a check that he did not sign, that was sent to someone, and then asking for that money back. There are people in this place, this House of Representatives, whom he paid to have their kitchens fixed and never asked for a dime back. There are people in this chamber now who took trips at the personal expense of Mr. Serafini who never turned that money back, and he never asked for that money.

Mr. Serafini did not need that money. He was railroaded, and he deserves a chance to clear his name. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. The gentleman made the observation that there were 156 letters to the judge. There should have been 157. It should have been mine, because I do not know anyone with more charm, decency, grace, wit, affability, savoir faire, and special gifts than Frank. But this is not about Frank, and we should not really be debating the facts of the case here; this is a different branch of our government.

A Federal jury, one that Richard Thornburgh would have approved of and I hope that Mike Fisher will approve of, and I wish the Governor in his eminent capacity as superintendent of our Commonwealth would get more involved in, all support law enforcement. It is amazing to me that the law-and-order Republicans, not only were you apostates tonight on farming, you are being apostates on law and order, and tonight of all nights, this does not have anything to do with the gentleman from the 114th District; this has everything to do with the inviability of our constitutional framework. You are dissolving the ligaments of that parchment, every one of you who sustains this artificial construction that you were supporting.

So I happen to, and I know this remark will never be embraced, but that is because of the inherently fractious and scabrous atmosphere that sometimes upwells on this floor. But I have happened to be among a small group, a small group of this 203, that has shared the bonhomie, the company, the fraternity, the excitement, the physicality of climbing mountains and riding bicycles. I know the gentleman. This does not have anything to do— The gentleman's comments about him were accurate. He is a splendid chap, but — but — a Federal grand jury and then a Federal jury and then a Federal judge have at least for the time being said that he is guilty, and the Constitution is inflexible about this guilt.

So as you continue to deny, defame, derogate the Constitution, it is a matter for our contemplation over the yuletide, and when we come back, I am hopeful that there will be another methodology employed by our constitutional officer.

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

If the process were abused, the jury was abused, because they were never given the information about granting that man immunity. As much as I would like to, I will not get into the details of the debacle that happened in our nation's capital the last couple of years but except to say that conviction and impeachment here in this process is like expulsion. It is political death penalty. The President was not deprived of his rights; we should not deprive any member of this House the rights that they are due under full

process. That is what this is about; that is what the Constitution is about. The members of this body will decide who sits here and who does not sit here, no one else, Mr. Speaker.

Mr. DeWEESE. That would— Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. That would resonate eminently more euphoniously if the gentleman at the Speaker's dais had agreed with you historically. But the gentleman at the Speaker's dais aggressively, unequivocally—

The SPEAKER. The gentleman will yield.

You know better than this, Mr. DeWeese.

Mr. DeWEESE. Oh, no, sir. I think you are on shaky ground now, Mr. Speaker.

Mr. PERZEL. You did not send the letter, Bill.

The SPEAKER. Just— Mr. DeWeese. I have recognized you.

Mr. DeWEESE. I am talking about one of two constitutional officerships. Since I will demur when it comes to talking about a constitutional officer, I will respect that parliamentary delineation. But since he does not serve in this chamber, Robert Jubelirer, the other constitutional officer, is not being referred to right now. But in 1975 and 1979, the pronouncements of a preeminent Republican now privileged to serve at the highest level were directly contrary to what Mr. Perzel of Philadelphia has just been urging. Back then, the constitutional perspective of the presiding officer tonight was, Mr. Sweeney, you have been convicted, and notwithstanding the fact that your appeals still linger, you, sir, should not serve, and the vote was taken, and with one exception it was unanimous. Subsequently, Matthew Cianciulli of Philadelphia — indicted, convicted, sentenced — and then within moments of being expelled from office by an expulsion resolution drafted by a constitutional officer in the General Assembly, Mr. Cianciulli did the honorable thing and severed his connection with the Assembly by resignation.

This is constitutionally unassailable argumentation that we are putting forward, and not so many years ago, and as one newspaper said, the gentleman in question was not in knickers at the time, had been practicing before the bar for 10 or 15 years, had been in the leadership for a half a dozen years, and now things have changed. Parliamentary and political advantage seems to inure to your benefit with this kind of behavior. It is wrong; it is corrupt; it should not be tolerated.

The SPEAKER. Mr. DeWeese, I would just like to note for the record that the Cianciulli affair to which you made reference, a form of resolution was introduced by Leroy Irvis asking that he be suspended until his final appeals were heard and concluded. And I am not going to say further; if you care to comment on it, that is fine, but it is in the Journal of past years.

Are there any further statements, comments? No?

On the question of the motion to pass over the balance of the calendar, those in favor will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—97

Adolph	Fairchild	Major	Schroder
Allen	Fargo	Marsico	Schuler
Argall	Feese	McGill	Semmel
Armstrong	Fichter	McIlhatten	Seyfert
Baker	Fleagle	McIlhinney	Smith, B.

Bard	Flick	McNaughton	Smith, S. H.
Barley	Forcier	Metcalfe	Snyder
Barrar	Gannon	Micozzie	Stairs
Bastian	Geist	Miller, R.	Steil
Benninghoff	Godshall	Miller, S.	Stern
Birmelin	Habay	Nailor	Stevenson
Boyes	Harhart	Nickol	Strittmatter
Browne	Hasay	O'Brien	Taylor, E. Z.
Bunt	Hennessey	Orie	Taylor, J.
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Phillips	Tulli
Civera	Hess	Pippy	Vance
Clark	Hutchinson	Preston	Wilt
Clymer	Jadlowiec	Raymond	Wogan
Cohen, L. I.	Kenney	Reinard	Wright
Cornell	Lawless	Rohrer	Zug
Dally	Leh	Ross	
DiGiroilamo	Lynch	Rubley	Ryan,
Druce	Maher	Sather	Speaker
Egolf	Maitland	Saylor	

NAYS—30

Battisto	Freeman	Mayernik	Scrimenti
Bebko-Jones	George	McCall	Shaner
Belardi	Gigliotti	McGeehan	Solobay
Blaum	Gordner	Melio	Staback
Butkovitz	Grucela	Michlovic	Steelman
Buxton	Gruitza	Mundy	Stetler
Caltagirone	Haluska	Myers	Sturla
Cappabianca	Hanna	Oliver	Surra
Carn	Harhai	Pesci	Tangretti
Casorio	James	Petrarca	Thomas
Cohen, M.	Josephs	Petrone	Travaglio
Colafella	Kaiser	Pistella	Trello
Costa	Keller	Platts	Trich
Coy	Kirkland	Ramos	True
Curry	Krebs	Readshaw	Veon
Dailey	Laughlin	Rieger	Vitali
Daley	Lescovitz	Roberts	Walko
DeLuca	Levdansky	Robinson	Washington
Dermody	Lucyk	Roebuck	Wojnaroski
DeWeese	Manderino	Sainato	Yewcic
Donatucci	Mann	Samuelson	Youngblood
Eachus	Markosek	Santoni	Yudichak
Frankel	Masland		

NOT VOTING—6

Horsely	Van Horne	Williams	Zimmerman
Serafini	Waters		

EXCUSED—10

Belfanti	Dempsey	LaGrotta	Rooney
Bishop	Evans	Lederer	Ruffing
Corrigan	Gladeck		

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

The SPEAKER. The majority having voted in favor of the motion, the motion carries, and the balance of the calendar is over.

VOTE CORRECTION

The SPEAKER. Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to correct the record, please, sir.

The SPEAKER. The gentleman is in order.

Mr. EACHUS. Thank you.

On the reconsideration motion on the Cappabianca amendment, sir, my vote did not register. I would like to be registered in the negative.

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

DOCUMENTS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Veon, do you seek recognition?

Mr. VEON. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. VEON. Mr. Speaker, so as not to belabor any points, I would like to submit for the record some official court documents in the case regarding Frank Serafini.

The SPEAKER. The gentleman will send them to the desk.

Mr. VEON submitted the following statement for the Legislative Journal:

Mr. Speaker, on Monday, the gentleman from the 114th District was accorded the opportunity to speak on the floor of the House regarding his conviction. In the interest of fairness, I now rise to submit certain materials for the record. I believe that these materials should be placed before all of the members of this House, but particularly those members of the Rules Committee as they consider releasing HR 325.

The materials I am entering into the record are a copy of the indictment of the Representative, a copy of the jury verdict, and a copy of the judgment and commitment.

In addition, I am submitting a copy of the transcript of the sentencing hearing.

I am also submitting extracts from the House Journal of August 27, 1975, and from the House Journal for November 14, 1979. August 27, 1975, was the date the House expelled Representative Leonard Sweeney. November 14, 1979, was the date Representative Matthew Cianciulli, Jr., resigned in order to avoid expulsion.

I have also prepared copies of the pertinent sections of the Constitution of the Commonwealth of Pennsylvania, but will not submit those for the record at this time.

At this time, I particularly want to call my colleagues' attention to the Journal of November 14, 1979. A member of the House read into the record Representative Cianciulli's letter of resignation. In that letter, Cianciulli said that he was resigning because it had been made clear to him "that many members of this House have no intention of considering my case to determine whether my position is correct but instead will disregard the law and find me guilty before the courts have reviewed the record." Cianciulli was asserting that the appeals in his case should be heard before he was expelled.

Another member, the majority leader at that time, offered the following comments on the Cianciulli resignation letter. "I would remind the House and the press...that we did not pass on the guilt or innocence of Mr. Cianciulli. Twelve members of a jury in Philadelphia in the United States Eastern District Court in Philadelphia passed on his guilt or innocence." That speaker, Mr. Ryan, said that he felt compelled to offer his comments, because he did not want Cianciulli's letter to go unanswered.

The same is true in this instance. It is not for the House to judge guilt or innocence. The jury has done that. But it is for us to uphold the Constitution of our Commonwealth.

I am submitting these materials for the record because these materials must be in the record. The statements made by the Representative from the 11th District and those of the current majority leader cannot go unanswered.

(For documents, see Appendix. Legislative Journal extracts from August 27, 1975, pages 2590 through 2603, and November 14, 1979, pages 2325 through 2327, are included by reference.)

STATEMENT SUBMITTED FOR THE RECORD

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I also have a statement for the record.

The SPEAKER. The gentleman will send it to the desk.

Mr. DeWEESE submitted the following statement for the Legislative Journal:

Today we close this century and these thousand years, having attained the nadir of public disgrace — an unseemly valedictory chapter in the life of the Pennsylvania House of Representatives.

For the first time in the history of our House we have voted to dissolve the ligaments of our framing document — to permit a convicted and sentenced perjurer to continue to serve in the People's House.

This, despite the oath each one of us took to "support, obey and defend the Constitution of the Commonwealth of Pennsylvania."

The custodian of the Pennsylvania Rare Books Collection in the State Library should drape the Pennsylvania Constitution in a black shroud — for, it is dead.

The Commonwealth flag in this Chamber should be displayed at half-staff.

Constitutional rule has been banished from this room.

I regret that the traditional holiday season and decorations of red, green, blue, and silver are now without light or color and have been overtaken by a darkening shade.

Probity must be our polar star and the dawning light of the new millennium. I hope that, at the beginning of our January session, our constitutional officer will yield to his constitutional responsibility.

VOTE CORRECTION

The SPEAKER. Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, on that last vote I pushed the wrong button. I meant to push the "no" button. I pushed the pager button accidentally. I meant to push the "nay" button.

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

Mr. HORSEY. Thank you.

STATEMENT BY MR. HORSEY

Mr. HORSEY. Mr. Speaker, may I?

The SPEAKER. Yes, sir.

Mr. HORSEY. A point of parliamentary procedure.

Mr. Speaker, might I ask for a personal privilege or—

The SPEAKER. I do not know what you want to say.

Mr. HORSEY. Ah. Well, I want to—

The SPEAKER. Speak with unanimous consent.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to quote history, but I want to talk about a State that I believe is failing and falling apart. I think the Governor, the courts, and the legislature have fallen down and fallen apart, Mr. Speaker. I do not want to bring up history, but in this particular situation, Mr. Speaker, I am going to. I am going to

talk about how the Union League was one of the first areas to register soldiers to fight in the Civil War. I am going to talk about how in Gettysburg we have thousands and thousands of people who fought and died at Gettysburg. I want to talk about Chambersburg that was completely burnt down, Mr. Speaker, as a result of this particular war, and it is the Civil War.

Now, Mr. Speaker, the Civil War is over with and we know one side has won and the other side has lost, and we all are Americans now and we all fly the American flag, but there is one State, Mr. Speaker, that apparently does not believe that, and I want to put the House and everyone else on notice that when we return in January, I will be introducing a resolution requiring, requesting, that the State of South Carolina remove their flag from off of their Capitol.

The other name for the State of Pennsylvania, Mr. Speaker, is the Quaker State. The Quakers have made a great contribution to the whole concept and idea of Americanism, Mr. Speaker, and I take that very, very serious. Today, me and my people, we are no longer slaves; we are Americans, Mr. Speaker, and I would like for the people of South Carolina to wake up and realize that they are Americans and that the war is over with and they need to put that particular flag on the shelf.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ADJOURNMENT

The SPEAKER. Any further comments?

The Chair recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. BENNINGHOFF. Mr. Speaker, I move that this House do now adjourn until Tuesday, January 4, 2000, at 12 m., e.s.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:22 p.m., e.s.t., the House adjourned.