

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 5, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 11

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

DR. KIRBY NELSON KELLER, Chaplain of the House of Representatives and president of Evangelical School of Theology, Myerstown, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, in whom we live and move and have our being, we acknowledge that everyone in this chamber is truly blessed to be a Pennsylvanian and an American. We have received so much that we take for granted – our families, our careers, even our freedom. In the horror of September 11, we were painfully reminded that life, liberty, and the pursuit of happiness must not be taken for granted. Forgive us, Lord, when we forget.

Today we celebrate life in this great Commonwealth. We ask Your blessing upon our Governor, his Cabinet, our Speaker and his staff, the majority and minority leadership, and every member of this House. Thank You, Father, for their commitment to serve in this great enterprise called democracy. Help us all to be good stewards of these many gifts You have given us, and above all, teach us to be thankful.

With thanksgiving we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, February 4, 2002, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2336** By Representatives BARD, SAYLOR, MAHER, RUBLEY, THOMAS, ALLEN, BARRAR, BEBKO-JONES, BENNINGHOFF, BUNT, CALTAGIRONE, CAPPELLI, CLYMER, L. I. COHEN, CREIGHTON, FAIRCHILD, FEESE, FRANKEL, FREEMAN, GEIST, GEORGE, GRUCELA,

HALUSKA, HANNA, HARHART, HARPER, HENNESSEY, HERMAN, HERSHEY, HUTCHINSON, JAMES, LEDERER, LEH, McCALL, McGEEHAN, S. MILLER, PALLONE, PETRARCA, READSHAW, ROBERTS, ROSS, SAINATO, SATHER, SCHRODER, SEMMEL, SHANER, SOLOBAY, STABACK, T. STEVENSON, E. Z. TAYLOR, TRELLO, WALKO, WASHINGTON, WILT, YOUNGBLOOD, YUDICHAK and STEELMAN

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 definitions; and providing for taxation of transfers to members of the same family and for taxation of a qualified family-owned business interest.

Referred to Committee on FINANCE, February 5, 2002.

**No. 2337** By Representatives READSHAW, COY, CURRY, DALEY, GEORGE, GRUCELA, HARHAI, HORSEY, JOSEPHS, KELLER, MYERS, PRESTON, E. Z. TAYLOR, THOMAS, WATSON, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD and STEELMAN

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, further providing for penalties and for limitation of certain actions.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 5, 2002.

**No. 2338** By Representatives READSHAW, CORRIGAN, DeWEESE, EACHUS, FRANKEL, GEORGE, HALUSKA, HARHAI, HESS, JOSEPHS, KELLER, KIRKLAND, MAHER, MANDERINO, MARKOSEK, McGEEHAN, McILHATTAN, MYERS, PISTELLA, SAINATO, SHANER, SOLOBAY, STERN, THOMAS, TRICH, WALKO, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD, TURZAI and STEELMAN

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 5, 2002.

**No. 2339** By Representatives PHILLIPS, B. SMITH, GODSHALL, HESS, FAIRCHILD and WILT

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for an additional turkey hunting season for junior hunters.

Referred to Committee on GAME AND FISHERIES,  
February 5, 2002.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 412** By Representatives ZUG, ALLEN, ARGALL, ARMSTRONG, M. BAKER, BOYES, CALTAGIRONE, CAPPELLI, CREIGHTON, DAILEY, D. EVANS, FICHTER, FREEMAN, GEIST, GRUCELA, HARHAL, HERMAN, HERSHEY, HORSEY, JAMES, LAUGHLIN, MELIO, NICKOL, PICKETT, PIPPY, READSHAW, ROBERTS, SHANER, B. SMITH, TIGUE, TRICH, WILT, WOJNAROSKI, M. WRIGHT and STEELMAN

A Resolution extending the time period for a report by the Joint State Government Commission on how to best maximize the capability of the Commonwealth's intermediate units.

Referred to Committee on RULES, February 5, 2002.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1333, PN 3184**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate  
February 4, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, February 11, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, February 11, 2002, unless sooner recalled by the Speaker of the House of Representatives.

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

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 208 be taken from the table.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 208 be returned to the table.

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

### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence for the day.  
The majority whip advises that there are no requests for leaves.  
The Chair recognizes the minority whip, who advises the Chair that he has no requests for additional leaves.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Lescovitz, and requests that he be taken from the weekly leave that was granted yesterday. Without objection, these things will happen. The Chair hears none.

### FILMING PERMISSION

The SPEAKER. The Chair advises the members that permission has been granted to Mike Fernandez of the Harrisburg Patriot-News to take photographs or videotapes of the Governor's message.

The same permission has been granted to the Philadelphia Inquirer's Scott Hamrick.

The Chair advises members that permission has been granted to Martin Ginter of the Governor's Office to take still photographs of today's joint session.

### MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

#### PRESENT—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Serimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner

Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

LEAVES ADDED—1

Curry

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest page of Representative Todd Eachus, Frank Orlander of Hazleton Area High School. He is a junior at the Hazleton Area High School. He is seated at the front of the House as a guest page. Would this gentleman please rise. Mr. Orlander.

The Chair is turning to page 4 of today's calendar. While we are awaiting the beginning of the joint session, we will run some rule 35 resolutions.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. HERMAN called up **HR 400, PN 3203**, entitled:

A Resolution designating February 8, 2002, as "Alpha Community Ambulance Service Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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

\* \* \*

Mr. LEWIS called up **HR 409, PN 3222**, entitled:

A Resolution honoring East Stroudsburg University of Pennsylvania, a member of the State System of Higher Education, for establishing the first undergraduate degree program in computer security in the United States, for establishing the "Business Accelerator - An Affiliate of the Port of Technology" in partnership with the University City Science Center in Philadelphia, and for being the first university in the State System of Higher Education to establish such an affiliation.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsley	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman

DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maier	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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

\* \* \*

Mrs. MILLER called up **HR 410, PN 3223**, entitled:

A Resolution designating February 16 through 23, 2002, as "FFA Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsley	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski

Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yeweic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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

## COMMUNICATION FROM GOVERNOR

### REQUEST FOR JOINT SESSION

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

January 15, 2002

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I would like to address the Members in Joint Session on Tuesday, February 5, 2002, at a time convenient to the General Assembly.

Mark S. Schweiker  
Governor

## RESOLUTION

### COMMITTEE TO ESCORT GOVERNOR

Mr. PERZEL offered the following resolution, which was read, considered, and adopted:

In the House of Representatives  
February 5, 2002

RESOLVED, That the Speaker appoint a committee of three to escort the Governor to the Hall of the House for the purpose of attending a Joint Session of the General Assembly.

## COMMITTEE TO ESCORT GOVERNOR APPOINTED

The SPEAKER. The Chair appoints as a committee to wait upon the Governor, the gentleman from Bucks County, Mr. Reinard; the lady from Bucks County, Mrs. Watson; the gentleman from Butler County, Mr. Travaglio.

The committee will now proceed with the performance of its duties.

## FILMING PERMISSION

The SPEAKER. Members are advised that permission has been granted to Commonwealth Media's Terry Way to take photographs during the joint session.

The Chair advises the members that permission has been granted to Mr. Paul Vathis of AP (Associated Press) to take photographs during the joint session. The Chair appreciates the fact that the gentleman, Mr. Vathis, asked permission today.

## GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Steve Maitland, seated in the balcony, Mr. John Grady. Will the gentleman, Mr. Grady, please rise.

The Chair is pleased to welcome to the hall of the House today, also as the guest of Mr. Maitland, Anna Johnson, who is a guest page from Fairfield High School. She is seated with the pages. Would she please rise.

I am told she is on an errand, so someone should tell her we have introduced her.

The House will be at ease.

## ARRIVAL OF SENATE

The SPEAKER. The House will please come to order; the House will please come to order.

The Senate is now entering the chamber of the House. Members and guests will please rise. Members and guests will please rise; the Senate is entering the House.

The Chair recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, the Senate is now present in the hall of the House.

The SPEAKER. The Chair requests the Lieutenant Governor, the Honorable Robert C. Jubelirer, to preside over the joint session.

The members of the House and Senate will please be seated.

The Chair is pleased to invite the Lieutenant Governor to preside over the joint session of the House, Lt. Gov. Robert Jubelirer – and Senator.

**JOINT SESSION OF THE  
GENERAL ASSEMBLY**

**THE LIEUTENANT GOVERNOR  
(ROBERT C. JUBELIRER) PRESIDING**

The LIEUTENANT GOVERNOR. This being the day and the time agreed upon by the concurrent resolution of the Senate and the House of Representatives to hear an address by His Excellency, the Governor, the Honorable Mark Schweiker, this joint session will come to order.

The General Assembly will be at ease while it awaits the arrival of His Excellency, the Governor of the Commonwealth.

**REPORT OF COMMITTEE  
ESCORTING GOVERNOR**

The LIEUTENANT GOVERNOR. The joint session will please come to order.

The Governor is entering the hall of the House. Please rise.

The Chair is pleased to recognize the chairlady of the committee to escort the Governor, the Senator from Erie, Senator Earll.

Ms. EARLL. Mr. President, Mr. Speaker, members of the General Assembly, as chairperson of the committee to escort the Governor, I wish to report that His Excellency, the Governor, is present and is prepared to address this joint session.

The LIEUTENANT GOVERNOR. Members of the General Assembly, I have the high honor and the privilege of presenting His Excellency, the Governor of the Commonwealth of Pennsylvania, the Honorable Mark Schweiker, who will now address this joint session.

**FISCAL YEAR 2002-2003  
BUDGET ADDRESS OF  
GOV. MARK SCHWEIKER**

The GOVERNOR. Thank you so much. Thank you. Thank you so much. Thank you. Thank you so much. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.

Now, that was a welcome. Thank you so much.

Thank you again, distinguished Pennsylvanians all.

Let me say first that both Kathy and I – and my wife is with me, my bride, Kathy Schweiker – we both appreciate the many wonderful expressions of confidence and good will that you and Pennsylvanians all across the State have given us. You should know that that support, that support makes all the difference in the world, and I stand here a very grateful man.

And let me formally thank you, the members of the Pennsylvania General Assembly. This great and abiding legislative body has acted quickly and has acted decisively to meet the demands of the past 4 months.

And allow me also to acknowledge the determined and resilient people who send us here, the people of Pennsylvania – all 12,281,054 of you.

We have worked together for 7 productive years to build a new Pennsylvania, and we have succeeded.

My friends, this is my first and final budget address. I stand before you today as the only Governor in America who holds this office as a direct result of September 11, and this budget I present

you today is in large measure an outcome of that fateful day.

As you will soon come to know, it is not a frugal budget, but it is a thrifty one.

It is not an elaborate budget, but it is a decisive one.

Thrifty, because the times demand it. Decisive, because times also demand it.

And there is no question where we need to begin. We begin where we must – at 8:48 on the morning of September 11 – for in the unspeakable minutes that followed, everything changed – everything.

So let us take a moment and look back at a time none of us will ever forget, a time this budget was born.

(A video was presented.)

I came to Harrisburg with Tom Ridge in January of 1995, but this administration in many ways was reborn on October 5, and it will end on the third Tuesday of next January, a mere 11 months from now. Though it will be short in duration, with your help, this administration will be long on accomplishment.

And let me say something straight out.

In Pennsylvania, we all know we have got plenty of wildlife. We have got wood ducks and we have got mallard ducks. We have got all kinds of ducks, friends. What we do not have are lameducks.

A lameduck is an officeholder at the end of a term. Friends, I am just getting started.

Now, all of us have been challenged by 9/11, and all of us must make personal choices about how we will answer those challenges. And make no mistake, we will be remembered by those choices.

We have got a lot of work to do in the coming months, and I am going to need your support to do it. Together, we have already affirmed the magic of our Constitution in the seamless transition of power. Together, we have already provided solid and steady leadership in the months since 9/11.

And now, together, let us give Pennsylvania strong, decisive, and creative leadership over the next 11.

Let us contend with problems and issues, not with each other.

We must face the challenges and make the tough choices. We must govern and we must lead, and we must do it together.

You know, a long time ago when Americans were challenged to explore space, you will remember a very impressive and dynamic President Kennedy who showed us the way when he said, “We choose to go to the moon and do the other things, not because they are easy, but because they are hard.”

Well, we are here to make the choices and answer the challenges of the next 11 months, not because they are easy, but because they, too, are hard.

On September 10 this nation could not conceive of an enemy striking within its borders. It was beyond our imagination. Well, today it is lodged in our memory.

The sad truth is that on that awful day, many were taken by surprise. But I say with pride that Pennsylvania was poised and we were ready.

Within hours of the devastating World Trade Center collapse, Pennsylvania’s elite urban search and rescue team was the first at Ground Zero, doing the job we have helped train them to do since 1996.

You saw “Pennsylvania” written on their backs. All of America saw it. They saw Pennsylvania stepping up to help a neighbor in need.

And, my friends, we are honored to have with us today the leaders of our urban search and rescue team. How proud they made us. Gentlemen, would you please stand to be recognized. They are in the back of the chamber.

Richly deserved, and to you and all team members, and I know I speak for everyone assembled, thank you so much. Great job.

We honor you today, but we also honor thousands of other Pennsylvanians who offered their time, their money, and their blood to help your neighbors, our neighbors, in Somerset, New York, and Washington.

And they were certainly not alone, for in the weeks and months that followed, this great Assembly also stepped up to the challenge of protecting Pennsylvanians.

We have already made tough choices together, like adding 100 new State troopers in our communities and rapid response to worker retraining, particularly for those who lost their jobs as a result of 9/11.

On my inauguration day I stood on the steps of this grand building and said that my highest priority would be the safety and security of Pennsylvanians.

It must remain so.

Together we are meeting that challenge, and we will do more.

I convened the first-ever meeting of Pennsylvania's Security Council, and out of that I have determined that we need one person at the State level to coordinate and manage Pennsylvania's safety and security.

As we have seen with Governor Ridge, that job carries with it an awesome responsibility, and I have chosen someone who is well suited to shoulder the weight here in Pennsylvania.

Today, he is a terrorism task force leader with the Federal Bureau of Investigation in Pittsburgh. He is a 30-year G-man with experience and leadership in stopping terrorism and weapons of mass destruction.

His expertise makes him the best man for the job and the best man for Pennsylvania. So today I am proud to name Earl Freilino as Pennsylvania's new statewide Director of Homeland Security. Earl, would you stand.

The director will report directly to me, and he will administer the vital security measures we have already installed and those that I am about to propose.

First, let us equip and train a second urban search and rescue team strictly for use in Pennsylvania. It will guarantee we are ready to help ourselves as well as our neighbors.

We will set up a State Infrastructure Protection Center to quickly, to quickly respond to threats and attacks against our bridges, our powerplants, and our reservoirs, just to name a few.

And we will stand up, we will stand up to the threat of bioterrorism by developing our part of the National Electronic Disease Surveillance System.

We have already strengthened DEP's (Department of Environmental Protection's) environmental surveillance program.

And to complement our first responders, we are establishing Community Emergency Response Teams. You can count on them, and they will help local governments carry the burden of equipment costs and training.

And I might add that the President's new Freedom Corps will dovetail nicely with our emergency response teams.

And let me say this, and I want to emphasize this very strongly: I want to work closely with you, the members of the General Assembly, on what we all know or should know will be an extremely vital build-out.

Now, your work is already paying off; for example, in the discussion of SB 369. This bill would enhance our antiterrorism efforts by providing the best, most accurate record of police and suspect encounters. I support you, I support you in your efforts to make audio recording of police communications a top priority.

Now, providing for Pennsylvania's safety and security is a massive undertaking, and I have got to tell you, friends, straight up, it cannot be done cheaply. But we do not have a choice, so here is how we are going to do it. Today, I am announcing a new stimulus package to help us meet this expense.

Because of sound fiscal management over the past 7 years, the Pennsylvania Industrial Development Authority, or PIDA as you and I know it, has \$280 million in funding that we can tap without adversely affecting PIDA's ability to operate and to deliver. Now, I am asking our friends on the PIDA board to help us make this a reality.

Now, we will use nearly \$50 million of that to pay the bill for the increased cost of protecting Pennsylvanians, and combined with Federal resources we will commit more than \$200 million this year and next to Pennsylvania's security. It is a smart and necessary investment in our communities, our families, and our kids.

Now, we all shared the shock and grief of 9/11, and we all know that it had an impact on the national economy and certainly here at home.

But although it reduced our resources, it did not reduce our resourcefulness. It brought us new challenges, for sure; it also brings us new choices. I am ready to meet those challenges and make those choices, and I know this legislature is, too.

Certainly the national economy was at a crossroads before September 11, and without a doubt, the attacks took the economic outlook from bad to worse. No surprise, friends. It is official. We are in a recession.

But what a difference between the Pennsylvania of the last recession, 10 years ago, and Pennsylvania today. And I would like to tell you what I mean, because it did not happen by accident.

In 1985 the Rainy Day Fund was created. It then required that 10 percent of any ending surplus be deposited into a savings account.

When this administration came to town 10 years later, in 1995 – and I think you felt the same way – we felt it appropriate to raise the rate to 15 percent. In other words, we forced ourselves to save more. In fact, the record will show you we made substantial extra deposits – hundreds of millions of dollars more. Now, some of you may remember, we were criticized for it.

They wanted us to spend more and more. We decided to save more and more.

After all, the Rainy Day Fund was designed to protect Pennsylvanians from tax increases during a recession. So our decision to put away more money has grown the Rainy Day Fund to over \$1 billion.

Half of that amount was the direct result, half of that amount was the direct result of the extra savings steps, and that, my friends, is the amount we ought to use for this rainy day.

And I am not done.

It also means you can help me leave to my successor \$550 million for the next rainy day. If anybody is counting, and I am sure you are, that is about \$500 million more than what we found when we got here in 1995.

So what does that all mean for Pennsylvanians?

Unlike other States, we are in pretty good shape. That is what it means. Now, we have all experienced revenue shortfalls. That is no secret. But Pennsylvania has acted responsibly by calling a freeze on some of our spending.

And just like Pennsylvania families – the ones that you represent – that plan for the future, we made adjustments. We live within our means. We spend less, and we save for a rainy day.

Well, this budget does just that by reducing spending growth to only six-tenths of 1 percent.

Ten years ago Pennsylvania, the old Pennsylvania, enacted the largest tax increase in our State's history – \$3 billion. That is billion with a "b."

But over this last 7 years, with the help of those seated in this chamber today, we have generated \$19 billion in savings for our families and businesses through tax cuts and other progressive reforms.

Given today's economy, we could have chosen to raise taxes. Other States have done that. But here, we are building a winning economy, and tax increases do not help us. So my budget does not raise taxes.

I thought that would do it.

Just take a moment and think about that, and permit me some context.

We have had 10 recessions since 1945, and until now, Pennsylvania has raised taxes in every one of them.

The recession of '53: your neighbors get the sales tax. The recession of '69: our citizens face the income tax. Well, '91, I will not go into it.

Ladies and gentlemen, for the first time since World War II, Pennsylvania is not raising taxes during a recession.

More remarkable still, this budget not only does not raise taxes, it cuts taxes for the eighth straight year.

We could have kept the working family tax cut at current levels, but no amount of State spending can replace the power we give families when we help them spend their hard-earned dollars the way they want to, not the way government wants to.

Working families are often the hardest hit by recession, so this budget proposes that we continue to reduce the tax load on our families by expanding tax forgiveness. Under this plan, a Pennsylvania family of four earning up to \$31,000 will pay no State income tax, saving that family \$868. The expansion – and this says it all – the expansion will help 56,000 families.

Pennsylvania is already a national leader in tax forgiveness. Let us keep it that way.

Now, there has been a lot said about the capital stock and franchise tax. Two years ago we started a 9-year phaseout of this job crusher.

We could have chosen to temporarily suspend the phaseout in light of revenue shortfalls and the recession in which we find ourselves. But we all know that cutting taxes or should know that cutting taxes is our best job creator.

We all remember the days when Pennsylvania greeted new businesses at the border with flashing red lights and a tax form in the other hand. That was the wrong message then, and it is the wrong message now.

Getting rid of this tax is vital to Pennsylvania's future, and continuing its elimination, even in these tough times, tells the world that Pennsylvania is a player. We are here to compete, and we are here to win. This is the new Pennsylvania, and we are serious about building businesses, jobs, and paychecks.

So we will continue the phaseout of the capital stock and

franchise tax. We will pay for it with the PIDA stimulus plan I mentioned a moment ago, not the Rainy Day Fund. Now, the economic climate will force us to cut the rate of decline by half, taking us 10 years to see it vanish instead of the original 9. But we will keep it going, because it is what we do in the new Pennsylvania.

Now, let me say just one more thing while we are discussing taxes.

The time has come, the time has come to address Pennsylvania's often criticized property tax. For over 20 years I have said we ought to be looking at other options. I do not know if we will find a solution in the next 11 months, but let us agree to do the work necessary to move the process forward.

The choices we make as a result of September 11 are not just about protecting our borders.

Pennsylvanians must not only be safe from the fear of terrorism, they must be safe from the fear of losing their paychecks. So let us protect those paychecks by strengthening the training programs that prepare workers for the jobs of the future.

And I want to mention this. You have already helped me guarantee a rapid response to displaced workers through critical job training grants last December. Let us agree it is time to do more.

Let us reinvest those PIDA dollars to ready today's workforce for tomorrow's workplaces.

I propose that we use our stimulus package to endow workforce leadership grants. It will help our stakeholders build faster and more flexible training programs.

While we are at it, let us think big, too.

I invite you to put a bill on my desk by July 1 that fundamentally reforms once and for all our workforce development system here in Pennsylvania. It will sharpen our focus on helping displaced workers and meet the challenge of retraining for new careers.

September 11 challenged everyone. Some lost loved ones. Kelly Gurney lost her job.

She worked for US Airways in Pittsburgh. Fifteen days after the attacks, Kelly was out of work. Her comeback, her comeback is a lesson for all of us. So I am pleased that she could join us today from our Rapid Response Center in Allegheny County.

Kelly, thanks for being with us.

Ms. GURNEY. Thank you, sir.

The GOVERNOR. Kelly, did you think that September 11 would affect you so directly?

Ms. GURNEY. Oh, absolutely not. Incredibly enough, the events of September 11 changed my life dramatically. Finding myself unemployed and with no direction, I turned to the staff here at the Rapid Response Center. Here I found a group of people that were willing to take the time and help me get signed up for unemployment benefits. They guided me to a computer where I was able to do that.

Afterwards, they gave me information on CareerLink. So later on that evening when I was at home, I decided to check out the Web site on my home computer. There, I was able to get logged on and registered, and the next day I called CareerLink to find out more about the services they offered. I was set up with orientation, and after going through orientation, I was thoroughly amazed and impressed with all the services that were offered.

At the downtown office I participated in skill assessments as well as effective resume writing. After speaking with a counselor and going over my options, I decided going back to school for



some retraining was what I needed to do.

I decided to go to the International Academy of Design and Technology for e-commerce. Unfortunately, the school and the program were not on the approved list, but connecting the school with the workforce investment board, I was able to attend that school, because the program was then put on the list and it was approved. Going through the process, I dealt with nothing but professional, caring people willing to go above and beyond, that were truly genuinely concerned with this dislocated worker becoming a success.

So you see, sir, September 11 changed my life's path. January 28 I started school. That was a new beginning for me. So I would like to take this opportunity to say thank you to all those at CareerLink and the Rapid Response Center for making that possible.

The GOVERNOR. Thank you, Kelly.

Ms. GURNEY. You are welcome, sir.

The GOVERNOR. And you should be proud of the advocacy that you gave that approach.

You know, the terrorists who cost Kelly and other Pennsylvanians their jobs, ah, they badly misjudged our response.

We did not yield to terror; it only made us stronger. We did not throw in the towel; we used it to start cleaning up.

And people like Kelly Gurney met the challenges, made the choices, and carried on. Can we in State government do anything less?

We must make the tough choices that define real leadership, and we must help those who need it the most. And we must make Pennsylvania a place where tomorrow is better than yesterday. This budget does that.

One of our greatest resources is water. It is critical to our natural systems and critical to our economy, but we have taken it for granted way too long.

Our State water plan is now 25 years out of date.

So we are laying the groundwork for managing our water resources. We will adopt standards to protect our groundwater, and we will take a dependable water plan into the 21st century.

And since I am talking about the environment, let me provide some assurances. We will provide the \$650 million promised for Growing Greener programs. I have got to tell you, though, to meet today's fiscal realities, we will extend the Growing Greener program into a sixth year.

No administration since the days of Gifford Pinchot in the early part of the last century has done more to preserve and enhance our parks, forests, streams, and trails, and that will not change.

Today, we make another historic investment in technology.

Perhaps more than any other single factor, technology will keep Pennsylvania competitive well into the 21st century. Since 1995 we have invested hundreds of millions of dollars to put the tools of technology into the hands of Pennsylvania families, businesses, and service providers, and it is paying off big.

Consider this: 7 years ago, there were only 5,000 computers on the desks of State employees. Check now. Today, there are more than 50,000 powered up.

Ten years ago, Pennsylvania was still known for rivets and rust. Well, today we are a hotspot for technology, ranked in the top 10 for high-tech jobs.

This budget continues that investment with more than \$36.5 million in additional funding for Imagine PA and the

statewide Public Safety Radio Network.

Imagine PA will put all of us in State government on the same page, slashing red tape and seeing to it that customers are handled responsibly.

And our statewide radio network makes our emergency preparedness the best it can be. It instantly links State agencies like PEMA (Pennsylvania Emergency Management Agency) and the State Police with mobile response crews.

Technology represents a profound investment in Pennsylvania's future. Let us keep it going.

And let us keep going safely on our highways as well. We have got more miles of highway than all of New England and New York combined, and I do not like what I am seeing out there.

We have got to work to keep our highways safe – safe for drivers and passengers, and safe for the workers who help us make our highway system the most improved in the country.

Would it surprise you that more PENNDOT workers than State troopers were killed on our highways during our time in office? True, and I find it unacceptable. With your help, we will do better.

Pennsylvanians must have access to quality health care, no matter where they live or what their income. Our smaller cities and rural communities face special challenges to the viability of their own hospitals.

The time has come, the time has come to build locally-driven plans for the future role of each hospital in its community.

To this end, we will begin and hold a series of six regional health-care summits. By the end of June, we will know the problems facing our hospitals and make sure no community is left out when it comes to health care.

At the end of last year, I asked you to make medical malpractice reform your top priority. By now, we all know there is no quick fix.

We have to find meaningful, long-term solutions to the rising cost of malpractice insurance. And whether it involves medical issues or legal ones, the most important motive, the most important outlook, the most important thing is to make sure Pennsylvanians have access to good health care now and in the future.

I know you are working in that direction, and I thank you.

Really, there were no easy choices in preparing this budget, but we will not balance the budget on the backs of low-income Pennsylvanians who need basic health care. We will not cut benefits at a time when this vulnerable group can least afford it.

Now, I will acknowledge, we had to consider holding off on this vital coverage, but it is too important to wait. So we will begin adult basic coverage this summer instead of the spring, a short time after its original start date.

Now, that is the adults. Let us talk about our kids.

No time is more important in the development of children than the years before they ever set foot in a classroom in a school building. So I am pleased to announce an expanded commitment to school readiness with more than a \$23-million investment in children and child care.

Our new "Keystone Stars" initiative will spur professional development of child-care providers across the State.

And I feel strongly about this one.

And to see to it that our pre-K classrooms improve and shine, we will set in motion a special task force on early childhood learning. Their findings will help us ensure that Pennsylvania's preschool children are healthy, safe, and ready for their first day of school.

And I will proudly look to my successor to use their seminal

work and to complete this important job.

This budget invests \$9 billion in education. And that is \$2 billion more than Pennsylvania spent on education than when we came to town in 1995.

One of our most significant achievements is the Empowerment District. And here is how we can make it even better.

Empowerment Districts have helped Pennsylvania's struggling school districts meet the needs of their students by boosting resources and raising the bar on achievement. We have seen it work quickly. Not far from this Capitol, in the Steelton-Highspire schools, students, teachers, and parents have rallied to improve their schools.

But what happens to the kids who live in a high-rated district but attend a low-rated school? They are shut out; they are shut out from the empowerment concept.

So today I propose that we create "Empowerment Schools."

This investment provides assistance on a building-by-building basis. We will identify specific schools where half or more of the kids are failing reading and math. Then we will provide them with new tools and resources. There are nearly 50 such schools across the State, in cities like Pittsburgh, Reading, and Erie.

We will see to it that no child slips through the cracks. And it will bring Pennsylvania closer to our President's national goal of leaving no child behind.

Sadly, that has been the case much too often at Pennsylvania's largest public school system.

The Philadelphia School District has, to a great extent, struggled to provide a quality education to its 215,000 Pennsylvania students.

Too many children cannot read or write. Too many children never make it to graduation day. Too many futures lost.

With your help, that troubling trend is changing.

Just before the New Year, Mayor Street and I reached an agreement to launch the city and State on a new course – one that will reinvent the seventh largest school district in America. By far, it is the most ambitious reform ever undertaken in this country.

I have been asked, "Why now, Governor? You didn't create the problems in Philadelphia. Leave it for somebody else."

The answer is simple. I saw it in the faces of the children and the spirit of the teachers during a recent visit to one school, the Kearny Elementary School in the Northern Liberties neighborhood of Philadelphia.

I would like to take you there to meet Maggie Broderick and her second grade class. Mrs. Broderick, the floor is yours.

Mrs. BRODERICK. Hello, Governor Schweiker.

It is good to be talking with you again. Our kids are still talking about your visit last month, and we wanted to thank you for visiting every classroom and taking the time to listen to our kids read. When you were here, you were able to see the 100-book challenge program in action, so you got a glimpse of how

successful it can be. That is the program where kids learn to read by reading lots and lots of books.

Now, we do not want to give you the idea that the kids stop reading once they reach 100 books. We have a little boy here who is behind me, Daniel, who has read 624 books, and he is still reading.

I would like to introduce you now to four very special second graders. They are Sabrina, Quahmir, Brionna, and Liliana. They are going to read to you from a book called "So You Want to Be President."

Are you ready, Sabrina? Nice loud voice.

SABRINA SIMMONS. "There are good things about being President and there are bad things about being President. One of the good things is that the President lives in a big white house called the White House."

QUAHMIR MARTIN. "Another good thing about being President is that the President has a swimming pool, bowling alley, and movie theater.

"The President never has to take out the garbage.

"The President doesn't have to eat yucky vegetables. As a boy, George Bush had to eat broccoli. When George Bush grew up, he became President. That was the end of the broccoli!"

BRIONNA CALLOWAY. "One of the bad things about being President is that the President always has to be dressed up. William McKinley wore a frock coat, vest, pin-striped trousers, stiff white shirt, black satin tie, gloves, a top hat, and a red carnation in his buttonhole every day!

"The President has to be polite to everyone. The President can't go anywhere alone. The President has lots of homework."

LILIANA CONCEPCION. "Lots of people want to be President. If you want to be President, it might help if your name is James. Six Presidents were named James. (President Carter liked to be called Jimmy.) Four Johns, four Williams (President Clinton liked to be called Bill), two Georges, two Andrews, and two Franklins – all became President."

Mrs. BRODERICK. Are they not wonderful?

Children, you were really great. And you know, Governor, it would not surprise me at all if one of these children would become President themselves someday.

Thanks so much for visiting Kearny again. Back to Harrisburg.

The GOVERNOR. I know they mentioned broccoli. They may want to add pretzels to that list of the things that the Bush family does not eat.

They were wonderful.

Let me return to the question, "Why now?" The answer is, it must be now.

Because if we do not act now, history tells us that half of those precious second graders will not make it to their senior year. And history tells us that a majority of children who do remain will eventually fall behind and fail reading and math.

But you know, every one of those kids wants to succeed. We need them to succeed. We need to help them succeed. They are our kids.

Our new partnership with the city has seen already the creation of a local School Reform Commission. The five-member team is hard at work, moving quickly to prepare for September and the finest opening day that district will enjoy in a generation.

And so that we can deliver the kind of educational materials necessary to make that opening day a reality, I am asking this

thoughtful Assembly to approve \$75 million in additional support for the children of Philadelphia, Pennsylvania.

Combined with impressive, new dollars from the city and a commitment to real and sustained financial stability, we can make a big difference for thousands of Pennsylvania children.

Please see it as the right thing to do, and please see it as the right time to do it.

Not far from here, along the Susquehanna, stands a historic marker on the site of the old Harris Ferry. You may know it. I go by it every day.

Centuries ago, from that point, tens of thousands of Americans

crossed that great river, heading west. Some chose to settle in Pennsylvania, while others moved through the Ohio Valley to the frontier beyond.

On this 20-degree day today, just imagine for a moment what that took. Imagine how hard that journey must have been.

But on they went, because they were courageous. They were courageous people, and they were decisive people. They chose to meet the challenge of a vast, unexplored land. They chose a new path and followed it. And when they were through, they had created America.

They could have chosen to stay put, or they could have chosen the comfort of what they knew. But instead they chose to clear a path for those who would follow – not because it was easy; because it was hard.

We had hard choices to make in this budget. We could have chosen the quick fix at the expense of the long-term solution. We could have chosen the easy thing today and left the hard things for those who would follow tomorrow.

We chose not to. And I should tell you, it was the same for John Kennedy. You see, friends, there was more to President Kennedy's profound remarks than I earlier let on. Here is how he finished: "We choose to do the hard thing because that challenge is one that we are willing to accept...and one we are unwilling to postpone." He meant it then. I will look you right in the eye and say, I mean it now.

The terrorists may have altered the skyline of New York City, but they did not change the spiritual landscape of America or Pennsylvania. We remain strong in our purpose and united in our resolve. Oh, we accept the challenge, and we will not postpone it.

Together, over the next 11 months, we will make the choices we must, not because they are easy, but because they are hard.

Thank you. And God bless our Pennsylvania.

### JOINT SESSION ADJOURNED

The LIEUTENANT GOVERNOR. The Chair asks that the members of the House and visitors remain seated for just a moment while the members of the Senate leave the hall of the House.

The business for which the joint session has been assembled having been transacted, the session is now adjourned.

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

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

### MOTION TO PRINT PROCEEDINGS OF JOINT SESSION

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the proceedings of the joint session of the Senate and the House held this 5th day of February 2002 be printed in full in this day's Legislative Journal.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### STATEMENT BY MAJORITY LEADER

The SPEAKER. The Speaker recognizes the gentleman, Mr. Perzel, for the purpose of making remarks.

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

When I stood here a year ago, Tom Ridge was Governor; our budget had a sizable surplus; and I will admit it, I did not even know the name "Osama bin Laden" or how they could pronounce "Taliban." Mr. Speaker, "homeland security" was not even in our vocabulary back then. I stood here then and mentioned in passing that storm clouds were on Pennsylvania's economic horizon, and they are obviously here now, Mr. Speaker, and oh, how life has changed.

As Americans and Pennsylvanians, we face serious, new challenges. Our national and economic security are linked as never before. As we heard from Governor Schweiker, we heard him say, there is a lot of good news to be told about how Pennsylvania is responding to the challenges that it is meeting.

I feel good about our future because we have prepared to meet the challenges in the best possible way. We are well prepared because we have learned from our past.

I believe we are learning not to repeat the mistakes that we have made in our past, Mr. Speaker. The Governor mentioned that Pennsylvania, this is the 10th economic recession since 1945. In the nine previous recessions, Mr. Speaker, Pennsylvania's response was to raise taxes on workers, families, and businesses. We learned the hard way that raising taxes did not improve Pennsylvania's economy. Higher taxes did not create more jobs, and higher taxes did not keep our children here. We know that the opposite happened. Businesses left Pennsylvania in droves. Our children, without good jobs to stay here for, left Pennsylvania for more attractive places around the country. And now, 10 years later, we are still recovering from the debacle of 1991 and the \$3 billion in job-killing taxes.

That will not happen this year. We will control State government spending. We will not raise taxes to balance this year's State budget, Mr. Speaker. And let me say that again. We will control our spending, and we will not raise taxes.

We will use money from the Rainy Day Fund only as it was intended – to help Pennsylvania during a lean economic time. For years, some of our friends on the other side of the aisle have wanted to use that fund for a wide variety of purposes. They wanted to spend it several times over. I am so glad we showed the fiscal discipline to keep that fund as an umbrella for a truly rainy day. Unfortunately, we are probably going to have to use that umbrella to help balance this budget.

As the budget process unfolds, working with the Governor and the Senate, we will have some difficult decisions to make. There is only so much money to go around. This year, compared to 1991, we are working from a position of strength.

For the past 8 years, we have cut taxes and enacted policies designed to attract businesses here and to keep them here. We have eliminated State income taxes for low-income families here in Pennsylvania. We have significantly increased funding for educating Pennsylvania's children. You heard the Governor mention it, up \$2 billion. We have taken big steps to market Pennsylvania's largest industry, agriculture, around the globe.

Governor Schweiker is on track with his plan to link the economic and homeland security and provide new funding to create jobs and help our emergency response organizations.

Pennsylvania's police officers, firefighters, paramedics, and

other emergency workers are our first line of defense in our war against terrorism. These men and women are our heroes who keep us safe.

Focusing on making job training and job development programs work is a very important priority. We spend more than \$1 billion on job training. We need to get billions of dollars' worth of jobs out of that job training.

I want to finish my remarks, Mr. Speaker, by saying Pennsylvania is at a crossroads many of the members here have never had to face. This year will test our discipline and our dedication to meet the challenges that are before us.

I look forward, Mr. Speaker, to working with every member of this Assembly to meet those challenges, and thank you very much for your time, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. The Chair recognizes the minority leader, the gentleman, Mr. DeWeese.

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

The annual budget scrimmage is launched this morning, and we as Democrats in the loyal opposition cannot be phlegmatic and unquestioning. We cannot be acquiescent courtiers. We have to engage. We have to roll up our sleeves. We have to get involved in a vigorous debate – a vigorous debate because it is inherent in the assignments of this Assembly and even more so because of the imperatives of our national and State economy.

As I have said from this microphone, under different circumstances as we focused on different subjects, when Representative Veon and I received a call from our friend, the Honorable Governor Schweiker, just minutes after our former Governor Ridge was elevated to high national office, he asseverated that we are not Democrats or Republicans tonight, Bill; we are all Pennsylvanians. So I would politely throw down the gauntlet to our worthy Republican generalissimo and ask him to involve Chairman Evans and his committee at the highest level of deliberations and discussions, to make sure that our House leadership team, our committee chairmen, and our rank and file are up to their eyeballs in this budget dialogue, which commences today and which will unfold in the months ahead.

These are insalubrious times, and it will take many delicate maneuvers, and it can be done with more adroitness and prowess and success if the House of Representatives Democratic Caucus is involved; that we do not receive something with your Republican imprimatur upon it at the eleventh hour and fifty-ninth minute, as it makes its way, hurly-burly, back from the State Senate or some anonymous conference setting. We want to be involved, and we would like to make that clear. We want to work with Governor Schweiker. We want to make sure that Governor Schweiker's polite admonition of that night in October resonates today as we commence our budget deliberations.

Specifically, Mr. Speaker, on education – and I am going to talk about education; I am going to share a few observations about jobs; thirdly, I want to hone in for a couple of minutes on health care; then the environment; and finally, our revenue situation – once again this budget did not say anything about State involvement in Head Start. For 7 years the Ridge-Schweiker administration has neglected to put State dollars in Head Start. He talks about yet one more study, about early childhood development. He should reach out and grab the empirical data

collected nationally and involved in so many States and find out that we do not need yet another study, which my Grand Old Party colleagues seem to rely on like a crutch again and again in subject after subject. We should focus this budget on some Head Start money.

Another view on education is— And my voting record for the city of Philadelphia parallels Mr. Fumo, Mr. Evans, and most everyone that I have served with for 2 1/2 decades in this room, but if we are going to announce a \$75-million program for Philadelphia in additional revenues for their schools, which is probably needed, we are not going to be able to do that without looking at Union County and Pike County and Beaver County and Snyder County and Greene County and Fayette County and Washington County and Allegheny County. We are going to have to make it a broad-based effort. Philadelphia schools are in need, but so are the other schools in this State. The modest, across-the-board increase would allow for \$75 million plus an additional \$6 million for a total of \$81 million for Philadelphia – and this should resonate very clearly amongst us today – and only \$31 million for the rest of the State combined in new education dollars. That is \$33 million. That needs to be reconstructed. That needs to be rethought.

In higher education, our nonpreferred institutions are going to receive a 5-percent cut, and the backbone of our State educational system – the Shippensburgs, the Californias, the Millersvilles, the Mansfield States – these schools are going to receive a 3-percent cut in their revenues, resulting in an 8- to 10-percent increase in higher education tuition across the Commonwealth. The anguish amongst our student body populations will be acute, and we must do something about that. We are already paying the second highest college tuition in the United States, and Mr. Schweiker's budget does nothing to address that. A 2-percent increase in PHEAA (Pennsylvania Higher Education Assistance Agency) will be relatively inconsequential in the whole span of higher education spending.

Point number two: economic development. The Governor had indicated that workforce development and job training will be a paramount factor in these budget deliberations, and I am happy to hear that. Democrats who have worked with our friends in the business community, the Pennsylvania Business Roundtable, the chamber of commerce, and others, have concluded, irrevocably concluded, that workforce development should be the preeminent factor in our job-creation ethos in this State. We need to put focus on grade school and high school and vo-technical education opportunities as well as our community colleges. There are many, many studies that would aver that continual business tax reductions alone, without a focus on basic education, vo-technical education, community college education, will not work. We are the 47th in new job creation among the 50 States. Our corporate taxes have gone down, down, down, down. Our property taxes have gone up, up, up, up. And we are not spending enough money on community colleges and vo-tech schools in our State, and we want to work with Governor Schweiker to make sure we direct our enthusiasms toward vo-tech and community colleges. We think we will be spending smarter, and we think that will be a job creator inherently.

Point three: health care. The tobacco money for insuring our uninsured working adults has been on the line for about a year and a half. The Governor has indicated it will be forthcoming in the summer. We would like to proffer the question, why take so long? We have, as the lady so poignantly manifest, a lot of men and

women in our Commonwealth who have impaired life circumstances because of the tragedies in September and the ensuing economic dislocations that have resulted. Now, not the summertime, now is the time to focus on health care for our uninsured. We should not be delaying any further.

And one more word on health care, Mr. Speaker. I heard Governor Schweiker say not one word about the escalating costs of drugs and pharmaceuticals in our State. Why no talk in this budget about bulk purchasing? Why no talk about what Mr. Eachus and Mr. Walko have been working on about best-price practices and discounts from manufacturers? We are willing to aid in these dialogues that will be forthcoming in February and May and June and July. Well, hopefully not July. But we want to be involved, and we have men and women on our side of the aisle who have developed bodies of expertise on these subjects, and we feel that we can work with the majority leader, the majority Appropriations chairman, your rank and file, and be heavily involved in these debates.

Growing Greener. I think it was Representative Argall and some of our own colleagues on this side of the aisle in 1998 who beseeched Governor Ridge to have a dedicated source of funding, a bond issue, for Growing Greener. He averred in his press release and in his public comments that that would not be necessary, that money would be there for Growing Greener. Governor Schweiker's pronouncements are tenuous. We do not know that they are going to be there at the same level, at the same rate, that we had been promised. That is a paramount factor – clean water, clean air – in this State. We worked together with the administration. We laud the administration on Growing Greener, and we want to make sure that the microscope is upon DEP (Department of Environmental Protection) and the Ridge-Schweiker administration, the Schweiker administration, so that Growing Greener money will be forthcoming.

A couple final observations, Mr. Speaker, on today's budget pronouncements from His Excellency, Governor Schweiker.

The Republicans like to gasconade about not raising taxes. Well, again, I fall back upon those familiar refrains of my good friend in the Poconos and my good friend up in Williamsport. Our property taxes have escalated through the ceiling, \$1.7 billion across Pennsylvania. The Ridge-Schweiker administration have been the maestros during this unhappy song for the last 7 years, so do not tell us, do not tell us that taxes have not been raised in this State. You have raised them \$1.7 billion, year in, year out, school district in, school district out. You are being disingenuous in the extreme to proclaim that you have not raised taxes. They are going through the roof in Pennsylvania.

I did not hear Governor Schweiker – my friend, good guy – I did not hear Governor Schweiker say anything about the inequity in our funding of basic education. The schools up in Mike Veon's district as opposed to schools in Radnor or in Montgomery County are being helped in so incommensurately different manners that some kids get 7,000 bucks spent on them and some kids get 13,000 bucks spent on them. He talked about frontiersmen and being bold and reaching out and going forward, and he has had a lot of time as an apprentice, so he does not come to this job naive and callow. He is not a political ingenué. But he has not said anything about equity in education in this budget.

He did not say anything – and, Mr. Speaker, with all due respect, you buffeted and pummeled us year in and year out – he did not say anything – Mr. Perzel, to his credit, did – the Governor did not say one monosyllable about agriculture, one of the most

robust industries in the State. I believe next to tourism, it is the second most viable economic engine in our Commonwealth. Not one word was sent out to the State about agriculture. Democrats are going to focus on agriculture and agricultural issues during these budget debates, and we would like our Republican colleagues to join us in that regard.

Not one word was said about the depredations and decrepitude of out-of-State waste and out-of-State waste-hauling vehicles. Not one word was said.

So we are here as the loyal opposition to point out the lacuna – Liberty University word – the lacuna in the speech.

My honorable colleague from Philadelphia, whom I have been privileged to debate in the last week or so, has hammered on about something that happened a decade ago. And I do not like to look back; I like to look forward, and I think it is helpful for all of us to look forward. But the minutes of this debate are already peppered with his melancholia and his nostalgia, and it should be remembered that only one man running for Governor in this State voted for that tax increase with me. Michael Fisher, the Republican candidate, voted for that tax increase in 1991. So did the Speaker. So did Mr. Micozzie, et cetera, et cetera, et cetera. We all participated because 47 States of the 50 had to generate additional revenues in 1991. It is not fair for those amongst our population who may be ahistorical or beset with historical amnesia to think that we were the only one of the 50 States that had this rough-and-tumble budget setting in 1991.

And amidst the self-congratulatory braggadocio of part of the Governor's speech when he talked about the cascades of cash currently repositied in the Rainy Day Fund, he forgot to tell you that when Bob Casey, Sr., left office, he left a \$300-million surplus and he also had structured the eminent decline of the raises that we had made in the business taxes of our State. Those were conveniently left out.

Where did these Niagaras of surplus come from in '94 and '95 and '96 and '97 and '98 and '99? They came from the intrepidity of those dauntless lawyers on the political battlefields of 1991. There was no choice in the matter. The dexterity of the able minority leader at the time who now wields the gavel in this august, secular tabernacle of government, he brought the deal about with us. Our culpability is shared, but what the heck. We got three-, four-, five-, six-, seven-, eight-, nine-hundred-million-dollar surpluses in the 1990s because we were audacious and responsible in 1991.

We look forward to being responsible and working with a very good man. Mark Schweiker has impeccable personal and political rectitude. He is a good pal of all of us on our side of the aisle. The recrudescence of fraternity that Mr. Perzel and I enjoy should augur well. I look forward to working with the Grand Old Party as we work on this very tremulous budget document.

Thank you very much, Speaker Ryan.

#### STATEMENT BY MR. BARLEY

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

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

America is in a new era and a new challenge, and there will be some painful adjustments. Fortunately, Pennsylvania government is ready for that challenge.

During the past few years, many State governments overcommitted. Presently 38 States face daunting deficits, some reaching in excess of \$10 billion. Because of 8 straight years of thrifty, prudent, and responsible management, Pennsylvania is much better prepared than most to overcome the challenges. We in Pennsylvania can lead the nation into economic recovery.

At the peak of the boom, there were those who suggested Pennsylvania should forget the Rainy Day Fund. Why do we need to have so much money put away, they said. What could possibly happen? Few predicted the recession, and none foresaw September 11. But our ability to respond is so much better because we have put the money away. Things are better here than in our neighboring States, because we, all of us, have been financially responsible. We are ready to meet the challenge.

For the past several years, we have been able to say the Pennsylvania House of Representatives finished work on the budget in record time. This year we face a longer process, with some tougher choices and some more difficult decisions, but I have no doubt of our ability to make them.

Public safety takes about 12 percent of our State budget, and we have been forcefully reminded that public safety is the number one job of government. We know that our fire and rescue teams need to prepare for manmade disasters that are beyond anything nature has ever thrown at us. They are our heroes. They have and they always will have our support.

At the same time we are making some additional investments in public safety, we are also facing some urgent human needs. Nothing is more devastating to hardworking people than to be out of a job. And although there is cautious optimism that the recession may have bottomed out, unemployment may continue to rise. Cushioning job loss with a safety net is among the most important and one of the most expensive things that State government must do.

Other important needs are workforce preparation and alternative education. They have been a longtime concern of mine. We need alternatives for young people who are not college bound, but we need to know that they got a high school education. We must insist that our children who have received a high school diploma have actually gotten that high school education.

We will continue to lead the nation with cutting-edge reforms to improve our schools and empower our Pennsylvania families. Finally, we will continue to make job creation and economic growth the focus of our tax and fiscal policy.

I have been a voice for fiscal caution for 7 years. I have asked the House to plan, as any business must, for the good years and the bad years. Others have shared my commitment, and they have shared that viewpoint, and it has prevailed. Each of you is part of the reason Pennsylvania is ready for this year's challenge.

In times of national difficulty, Americans have looked to Pennsylvania. This time as they do they will see what America wants to see: people and government working together, facing challenges, reaching our goals, and yes, making America an even better place to live.

I look forward to the challenge, and I look forward to working with all of you, on both sides of the aisle, as we meet the needs that are so critical to the 12 million Pennsylvanians of today. Thank you.

The SPEAKER. The Chair thanks the gentleman.

## STATEMENT BY MR. EVANS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Evans, the Democratic chairman of the Appropriations Committee. Mr. Evans.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, the Governor is correct when he says these are tough times, and the Governor has made tough choices. I do not agree with all of them, but I do agree, it is going to take the effort of many to get through this budget.

A budget is a question of priorities. We need to work together to make certain that we meet the needs of the hardworking families of Pennsylvania in tough times. However, Mr. Speaker, if we are to start down this path of a newfound cooperation in working together in a substantive way, we should try to make some sort of corrections in information.

From the Governor's speech, he says, "We have had 10 recessions since 1945. And until now, Pennsylvania has raised taxes in every one of them." He quotes, "The recession of '53 – we get the sales tax. The recession of '69 – we get the income tax." And then in 1991, we know what happened. However, he skipped over 1983, because during 1983 it also was a recession. If we are going to start working together in a substantive way, we first must be honest and we first must be clear, because also in '83 we raised taxes.

Number two, in 1991, when we raised taxes, we collectively attempted to address the issue of education equity. We tried to find a way to get rural legislators on both sides of the aisle to form a coalition. There was a gentleman here, who is no longer here, who was from Allegheny County, and we tried and we established in 1991 a \$25-million set-aside for education equity to address the issue of the poor versus the rich school districts. However, we failed in that effort. We did not really address that effort in 1991. But it is interesting, Mr. Speaker, we now are back facing an issue we could have addressed back in '91.

Mr. Speaker, I applaud Representative Nick Micozzie and his committee for attempting to do what they are doing today. However, Mr. Speaker, as a colleague who is sitting next to me, we have had enough discussions; we now need to take action.

And there is another issue, Mr. Speaker, that the Governor speaks about; he speaks about Philadelphia. And yes, Mr. Speaker, I am from Philadelphia, and we should speak out in the day of light on that issue. Yes, Mr. Speaker, Philadelphia school needs more money, but I have always said, Mr. Speaker, it needs more money with the ability to also change the system, that money by itself will not just address the problem. And I have stood here with my colleague from Philadelphia, and I have taken tough votes on Act 46, the Empowerment Act, the charter schools, and I do not apologize about that, Mr. Speaker. However, not just Philadelphia, all these other school districts need to be addressed also. It cannot be a system where you only talk about 1 school district out of 501 school districts. There is no way, Mr. Speaker, that this is going to pass this House or this Senate, to get people's signature on that document, without the cooperation of these 500 other school districts. The Governor knows it. The majority leader knows it. The majority chair of Appropriations knows it. So we know that this is only the beginning of the process.

So my advice is, although the Governor has made that recommendation, I am saying to both sides of the aisle, let us not try to get too excited about what has been proposed, because it is a starting point. We all know full well that we have to address the

other 500 school districts, and that is said, and that is said by a Philadelphian.

So I am saying to you that we got some unique opportunities here; we have some unique opportunities if we are prepared not to conduct business as we have conducted it in the past but that we work together. That is not to say we are all going to agree, because there are a few items that I would like to just throw out for some real debate in this process.

One of the things that the Governor talks about, when he talked about the use of that money from the PIDA fund and he talked about \$50 million directed towards homeland security, no one would disagree with that. We all recognize that we cannot talk about educational investment if people are not safe, so I do not think anybody would disagree with that.

There may be some debate, Mr. Speaker, about the issue of using PIDA for the basis of connecting it to a tax cut. Now, in my experience, Mr. Speaker, if you talk about finances and the chairman of the committee talked about fiscal prudence, there is some serious policy debate about using bond proceeds for the purpose of a tax cut. There are some serious questions about that from a strategy standpoint. And I am not saying yes or no to it; I am not saying yes or no, but I am saying, you have got some serious debate when you start talking about using bond proceeds for the purpose of a tax cut. I understand the concept. The concept is, you want to have kind of a trickle-up theory, figuring that if you have expansion of the economy, that basically you will get the revenue back. Well, I am no expert on it, but you have got to have a little debate to see if that is something logical we should be doing.

Secondly, in a recession, I raise some serious questions about should you retreat from the question of higher ed in a recession; should you retreat from the question of higher ed in a recession? I raise some other serious questions in terms of the issue around special education, because we as the Commonwealth of Pennsylvania and the Federal government have some real obligation to special education and what has occurred in the Commonwealth of Pennsylvania.

And I raise some other questions, Mr. Speaker, when we begin to look at the question, as my Democratic leader raised the question, about health care, when we are looking like magically doing some strange things with tobacco fund money, regarding looking at operating budgets. Again, I am not saying no, Mr. Speaker; I want to be clear. I have learned long enough in 22 years up here, I am not saying no. I am just saying, let me see the details; let me understand the logic; let me understand where you are coming from; let me hear the Governor's people make their case. I am not saying no.

So let me be clear to you. I stand here, although it is \$75 million to the city of Philadelphia in schools, I stand here still an uncommitted person, hoping to be committed. I have got to see the details. That is all I am asking my members to do, too; let us see the details. Do not run out here and have press conferences, and do not run out here and say, no way. Keep your options flexible. That is what I would say to you, and I would say the same thing on that side of the aisle, keep your options flexible. Do not run out here and make yourself locked, because you know, we are Pennsylvanians. We are from different counties; we have different school districts. But we are Pennsylvanians. We will have a little fruitful debate, and I think that is healthy.

But do not, whatever advice I give you, do yourself a favor, because the Speaker, whom I have watched and admired for many,

many years, has an awful lot of experience. You know, in 1991, if it was not because of the Speaker and his effort and the 11 or 12 people on that particular side, we may still be debating 1991. Just think about that. Ten years later we could still be debating 1991 if the Speaker did not help us out. But the Speaker did not just help us; the Speaker helped the people of Pennsylvania. He did not just help us; he did not help the Democratic Party; he helped the people, because if he was helping the Democratic Party, if anything, he would probably do it like that reapportionment plan they passed on the congressional side, trying to shrink us right on out of here and say, you know, why do we have to deal with you people?

But the fact is that we do have two parties and we are here; we are here, and we are here – okay? – and we want to participate, and we intend to participate in a constructive, meaningful way. We are going to debate you. We are going to debate every single issue, every single point, and we are going to make our point.

And I am asking my members that we can agree to disagree, but we are not going to be destructive, because at the end of the day, I do believe in budgets passing on time. You know that. The Speaker can tell you, in 1992 the Senate sent us a budget and the budget was like, they cut this budget to such a number, they did not even believe we would pass this budget. We passed the budget in 1992 on time, because in the time that I was chairman, I learned my lesson; I learned my lesson after '91, and in the 4 years that I was chairman, we passed the budget every single time after 1991. 1991 was one of those unfortunate years, but we learned our lesson and we passed the budget on time. I understand it is important to pass the budget on time. This side, we will be committed to passing a budget on time, but however, we will debate you on these issues. Those items that I have mentioned to you, those are just some of the items that we are going to be prepared to debate you.

But we want to send a message, and we want to send a message to this side and we want to send a message to the Governor that we stand here ready to participate, to cooperate, to challenge, to push, to shove, but at the end of the day, this is about people; it is not about politics. That is what we are here for. We are about people. It is about children. It is about moving this State forward.

We want this to be a competitive State. We want this to be a great State. We want to do something about the brain drain. We want people to stay in this State. We want you to understand that there is no such thing as only Republicans care about what takes place in Pennsylvania. We, too, care.

So the Democratic leader and myself put out the olive branch to you, and we are saying to you today, we are ready to work with you. If you want to start tonight, if you want to start tomorrow, we are ready to work with you. We will be wherever you want to be. We will go wherever you want to go. We will go in any county, any neighborhood, any community. We are ready to work with you.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

#### STATEMENT BY MAJORITY LEADER

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Yes, Mr. Speaker.

Mr. Speaker, had you listened to us in 1991, we still would be doing the budget of 1991. We had asked you to vote "no," but for some reason, we were helping the other members of the other side.

I wanted to bring up a couple things. Since there has been an olive branch extended here from the other side of the aisle, Mr. Speaker, I did want to remind them that Growing Greener and the open-space initiatives that we passed in this General Assembly were initiatives from our side of the aisle.

I wanted to mention the fact that on education, Mr. Speaker, as the Governor mentioned, we spent an additional \$2 billion since 1995, when we were put in charge here, Mr. Speaker. We have passed alternative schools. We passed the empowerment schools for children in school districts that fail year after year after year. We did charter schools, which made more children have an opportunity to be able to get ahead. And I did want to remind the minority leader that he was “no” on each one of those initiatives, Mr. Speaker.

He brought up Radnor. I mean, it is nice to bring up Radnor and it is nice to talk about what Radnor spends per pupil in their school districts – and I will use the Speaker’s own school district in Media – but those school districts from the Commonwealth of Pennsylvania get roughly \$400 per pupil per year, and the poorer school districts – I will use my own as an example, Philadelphia – get somewhere right around \$4,000 per pupil per year. So we do take into account at the rate of about 10 to 1 for the fact that you are in a poverty area, for the fact that the kids have a tougher time learning. So we do look at that, Mr. Speaker. And Radnor and Media and those other school districts choose to tax their residents to a point to where they can come up with additional money. It is not a decision made here by the General Assembly. So, Mr. Speaker, it is true that maybe they spend more, but it is not what we as a Commonwealth give back to those individual school districts from the Commonwealth of Pennsylvania.

Tying the vo-techs and the community colleges and job training together, Mr. DeWeese must have been listening to us the last 7 years while we have been talking about that. We know that it is an important program. We know that the job training dollars are wasted. As a matter of fact, there was a full-page ad in the Inquirer when we did welfare reform, and it is one of the candidates running for Governor from Philadelphia – I will not mention his name – and he said in that full-page ad – not to mention people would be dying in the streets if we passed welfare reform, which they are not – he said in there, we are getting hundreds of millions of dollars in job training and we now have to look at it and see how we are spending it. That is what he said, Mr. Speaker. That is what a gubernatorial candidate said in the newspaper. We have been saying the last couple years, how can we change this so that it works? How can it be better? We have been looking at the Metropolitan Career Center, the Bidwells, the Neuva Esperanzas, and saying, let us put more money into these programs, because we have hundreds of programs that cannot show you any success. But we have had a lot of trouble with members of both sides of the aisle and the Governor in order to be able to straighten it out, but we are going to be looking at it this year to make sure we get it straightened out, Mr. Speaker.

Property taxes. I do not need to mention that in 1989 – but I am going to – that in 1989 my colleagues on the other side of the aisle put an initiative on the ballot that went down by a million votes. Their idea to change property taxes in Pennsylvania was defeated by a million votes. Our side of the aisle put an initiative on the ballot called the homestead exemption, which passed, Mr. Speaker, and we passed Act 50. Now, what do the locals not like about Act 50? They do not like a back-end referendum; they do not like

their own citizens saying, oh, if you have to raise taxes again, I should have a right to have a vote on it. Now, I have met with my freshman class and I have met with a lot of my other members, and we are going to be really seriously taking a look at maybe some changes that we can make to Act 50. But I do not see anything wrong with allowing the local property tax owners to have a vote on whether or not you are going to raise their taxes back after you go to a 1.5-percent personal earned income tax. I do not see anything wrong with that, Mr. Speaker.

So we have done a lot of good collectively; not just the Republicans in here, Democrats and Republicans. I do not think one initiative has ever come out of this General Assembly on a party-line vote since I got here. Almost all of them have been with at least 40 Democrats, sometimes 60. Sometimes I have lost 40 of my own and got 60 over there.

But, Mr. Speaker, I will say that we are extending an olive branch, too. The new Governor has a very difficult time ahead of him. This budget is very, I guess austere is a good word to use for it, and we will collectively need to come together in order to be able to get this budget passed. We are going to need members of the other side of the aisle, as we have on every other major initiative, and I am saying right now that we will work collectively, both sides of the aisle, to try to get this done and get it done in a timely fashion, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### REPUBLICAN CAUCUS

The SPEAKER. The gentleman, Mr. Argall.  
Mr. ARGALL. Thank you, Mr. Speaker.

At the announcement of the recess, we are in need of approximately a 15-minute caucus downstairs.

### DEMOCRATIC CAUCUS

The SPEAKER. Mr. Coy.

Mr. COY. Mr. Speaker, the Democrats will meet in the caucus room at the conclusion of session and return to the floor when the Chair designates us to return.

The SPEAKER. The Speaker considers 2:30 to be an appropriate time. Anyone have any objection or would like something different?

### RECESS

The SPEAKER. Majority leader or minority leader, any further business?

Hearing none, this House will stand in recess until 2:30 p.m., unless called back sooner by the Chair or extended by the Chair.

### RECESS EXTENDED

The time of recess was extended until 3 p.m.

### AFTER RECESS

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



### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 416** By Representatives SEMMEL, LUCYK, PIPPY, MARSICO, ARMSTRONG, M. BAKER, BEBKO-JONES, BISHOP, CAPPELLI, CLARK, L. I. COHEN, COY, CREIGHTON, DAILEY, DALLY, DiGIROLAMO, J. EVANS, FAIRCHILD, FICHTER, GABIG, GEORGE, GORDNER, GRUCELA, HARHART, HARPER, HESS, HUTCHINSON, KAISER, KENNEY, LAUGHLIN, LEDERER, LEH, MANN, McILHATTAN, McNAUGHTON, MELIO, R. MILLER, S. MILLER, NAILOR, PICKETT, READSHAW, ROSS, RUBLEY, SANTONI, SCHRODER, SHANER, B. SMITH, S. H. SMITH, R. STEVENSON, E. Z. TAYLOR, TULLI, TURZAI, WALKO, WATSON, WILT, G. WRIGHT, ZUG, BOYES, COSTA, DALEY, BASTIAN, WOJNAROSKI, SATHER, FEESE, EGOLF, ALLEN, CALTAGIRONE, ADOLPH and YOUNGBLOOD

A Concurrent Resolution honoring the United States Military Academy on its 200th anniversary.

Referred to Committee on RULES, February 5, 2002.

### RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee.

### RESOLUTION REPORTED FROM COMMITTEE

**HR 416, PN 3238**

By Rep. PERZEL

A Concurrent Resolution honoring the United States Military Academy on its 200th anniversary.

RULES.

### BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

**HB 1333, PN 3184**

By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring Internet service providers to remove or disable access to child pornography sites on the Internet.

RULES.

**HB 1758, PN 3240 (Amended)**

By Rep. PERZEL

An Act designating a bridge on SR 1038, over the Allegheny River in Armstrong County, as the Kittanning Citizens' Bridge; designating a bridge on SR 1017, over the north branch of Tunkhannock Creek in Wyoming County, as the Nicholson Veterans Memorial Bridge; redesignating the Apollo Bridge carrying SR 66 between Oklahoma Borough, Westmoreland County, and Apollo Borough, Armstrong County, as the Leonard C. Miller Bridge; and making a repeal.

RULES.

### GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Hershey, Maj. Wendell May; his son, Benjamin May; Phillip High; and Gordon Hatter. Major May is a Scout leader and the three boys with him are Eagle Scouts. Would the guests please rise. They are seated to the left of the Speaker.

### CALENDAR CONTINUED

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2213, PN 3039**, entitled:

An Act establishing the Pennsylvania Long-term Care Council and providing for its powers and duties; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

**Mr. PALLONE** offered the following amendment No. **A0357**:

Amend Title, page 1, line 1, by striking out "Intragovernmental Council on Long-term Care" and inserting

Pennsylvania Long-term Care Council

Amend Sec. 1, page 1, line 7, by striking out "Intragovernmental Council on Long-term Care" and inserting

Pennsylvania Long-term Care Council

Amend Sec. 2, page 1, line 12, by striking out "Intragovernmental Council on Long-term Care" and inserting

Pennsylvania Long-term Care Council

Amend Sec. 3, page 2, line 1, by striking out "Intragovernmental Council on Long-term Care" and inserting

Pennsylvania Long-term Care Council

Amend Sec. 3, page 2, line 12, by striking out "Long-term" and inserting

Long Term

Amend Sec. 3, page 2, line 13, by striking out "Chairman" and inserting

Executive Director

Amend Sec. 3, page 2, by inserting between lines 29 and 30 (c) Designee.—With the exception of the chairperson, governmental members may appoint a designee to attend and vote at meetings of the council. Each governmental member who appoints a designee shall do so by sending a letter to the chairperson stating the name of that designee.

Amend Sec. 3, page 2, line 30, by striking out "(c)" and inserting (d)

Amend Sec. 3, page 3, lines 1 and 2, by striking out ", after consultation with the governmental members on the council,"

Amend Sec. 3, page 3, line 5, by striking out "(d)" and inserting (e)

Amend Sec. 3, page 3, by inserting between lines 6 and 7

(f) Executive director.—The Secretary of Aging shall appoint an executive director of the council.

Amend Sec. 3, page 3, line 7, by striking out "(e)" and inserting (g)

Amend Sec. 3, page 3, line 12, by striking out "Long-term" and inserting

Long Term

Amend Sec. 4, page 3, line 23, by striking out "Intragovernmental Council on Long-term Care" and inserting

council

Amend Bill, page 3, line 30; page 4, lines 1 through 30; page 5, lines 1 and 2, by striking out all of said lines on said pages and inserting assign relating to long-term care.

(3) To approve reports produced by each committee before release to the public or the General Assembly.

(4) To develop and adopt rules for conducting council meetings, including, but not limited to, the procedure for formally adopting the approval of committee reports before release to the public.

(5) To develop and adopt rules for conducting committee meetings. This includes, but is not limited to, determining the scope of responsibilities for each committee, the number of members for each committee and the procedure for formally adopting the approval of committee reports before release to the council.

(6) To assign topics for research and study to each committee. This does not prevent a committee from proposing topics for consideration to the council.

(7) All of the powers and duties set forth in this section shall be carried out in a manner that addresses all areas of long-term care including institutional care and home and community-based services.

(8) Employ, with such funds as may be annually appropriated by the General Assembly, sufficient staff and services to carry out the operations of the council.

Section 5. Council committees.

(a) Establishment.—The council shall establish the following four standing committees:

- (1) Regulatory Review and Access to Care.
- (2) Community Access and Public Education.
- (3) Long-term Care Service Models and Delivery.
- (4) Workforce.

(b) Composition.—The council chairperson with concurrence by the council shall appoint committee members to serve in the same manner as section 3(g). The members shall represent:

- (1) advocate groups;
- (2) consumers;
- (3) long-term care providers;
- (4) direct caregivers; and
- (5) the general public; and
- (6) governmental entities.

(c) Nongovernmental appointees.—Individuals who are currently serving on the council may not be appointed to a committee.

(d) Chairpersons and vice-chairpersons.—The chairperson of the council shall appoint a chairperson and vice-chairperson for each committee.

Amend Sec. 5, page 5, lines 10 and 11, by striking out “, by a majority vote of the members of the subcommittee,”

Amend Sec. 5, page 5, line 12, by inserting after “council.”

Only members appointed to the committee may participate in approving reports and recommendations.

Amend Sec. 5, page 5, line 13, by inserting after “the” chairperson, with concurrence by the

Amend Sec. 5, page 5, line 14, by inserting a comma after “council”

Amend Sec. 5, page 5, line 15, by striking out “subcommittees with research” and inserting

council or committees

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rublely	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGrolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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?

(The bill analysis was read.)

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—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsley	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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 670, PN 743**, entitled:

An Act providing for technical assistance for employer-sponsored child day-care programs.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

(The bill analysis was read.)

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—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsley	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington

Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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 2126, PN 3019**, entitled:

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further providing for the definitions of “governing body” and “political subdivision,” for earned income tax limits and for certain prohibition of occupation tax; and making an editorial correction.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Benninghoff, who has a series of three amendments to offer. Is that correct, Mr. Benninghoff?

Mr. BENNINGHOFF. Yes, Mr. Speaker. We have withdrawn the last one.

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

Mr. **BENNINGHOFF** offered the following amendment No. **A0312**:

Amend Sec. 3 (Sec. 4), page 2, line 27, by inserting after “the”  
municipality or

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

The SPEAKER. Mr. Vitali, do you desire recognition on the amendment?

Mr. VITALI. Yes, Mr. Speaker.

Just a quick explanation. I am trying to figure out what it does. The SPEAKER. Mr. Benninghoff. Mr. BENNINGHOFF. This just clarifies that it will include municipalities as well as school districts.

Mr. VITALI. I am sorry. I am a little disoriented. The SPEAKER. Will the gentleman yield.

That is an interesting confession.

Members, please come to order. Conversations on the floor of the House, please.

I am afraid to say it.

Mr. VITALI. I have to be honest, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. If you could just put that in the context of the bill.

Mr. BENNINGHOFF. It is just a technical amendment. We wanted the word “municipality” to be included in the original part of the bill, and it was not. I have asked that that be inserted under this amendment.

Mr. VITALI. Would I be out of order to ask what the bill does so I know the effect of the amendment on the bill?

Mr. BENNINGHOFF. As you know, last fall we allowed school districts to eliminate the occupational assessment tax, at which time we sent it over to the Senate to also include the municipalities. It was amended out in the Senate. This bill is to address that. In the language that we drafted to do this, I deleted the word “municipality.” I just want to include it. Thank you.

Mr. VITALI. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O’Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko

Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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. **BENNINGHOFF** offered the following amendment No. **A0023**:

Amend Sec. 4, page 3, line 14, by striking out all of said line and inserting

that levied an occupation tax on January 1, 2002.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.

Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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?

Mr. **BENNINGHOFF** offered the following amendment No. **A0313**:

Amend Sec. 3, page 2, line 18, by striking out "4(C)" and inserting  
4

Amend Sec. 3 (Sec. 4), page 2, line 21, by striking out all of said line and inserting

(a) Earned income tax rate limits.—For the first fiscal year beginning after approval of the referendum under section 7 and each fiscal year thereafter, the governing body of a political subdivision using the procedures authorized by this act shall be authorized to impose the earned income tax at a rate not exceeding the maximum earned income tax rate as calculated under subsection (b).

(b) Calculation of maximum earned income tax rate.—The maximum earned income tax rate shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the earned income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. This calculation shall be made using actual revenue collections for the fiscal year ending [immediately prior to the date of the referendum under section 7] in 2001.

(2) The rate at which the earned income tax was collected by the political subdivision for the fiscal year ending [immediately prior to the date of the referendum under section 7] in 2001.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of five hundredths of one percent.

The maximum rate of the earned income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified in section 8(3) of The Local Tax Enabling Act.

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGiolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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?

(The bill analysis was read.)

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—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.

Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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 1259, PN 3040**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to child victims and witnesses; and updating a policy declaration.

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

Mr. **HANNA** offered the following amendment No. **A0061**:

Amend Title, page 1, line 2, by inserting after “Statutes,” providing for disposition of fines to colleges and universities;

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. Section 3573 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read: § 3573. Municipal corporation portion of fines, etc.

\* \* \*

(e) Colleges and universities.—All fines, forfeited recognizances and other forfeitures imposed for offenses occurring on the grounds and buildings of colleges and universities and which are the result of action taken by enforcement officers employed by the college or university shall be paid to the college or university.

Section 2. The heading of Subchapter D of Chapter 59 of Title 42 is reenacted to read:

Amend Sec. 2, page 1, line 12, by striking out “2” and inserting 3

Amend Sec. 3, page 2, line 9, by striking out “3” and inserting 4

Amend Sec. 4, page 11, line 29, by striking out “4” and inserting 5

Amend Sec. 5, page 12, line 7, by striking out “5” and inserting 6

Amend Sec. 5, page 12, line 9, by striking out “4” and inserting 5

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

AMENDMENT WITHDRAWN

The SPEAKER. On the question of the adoption of the Hanna amendment, Mr. Hanna.

Mr. HANNA. That amendment is withdrawn.

The SPEAKER. Will the gentleman yield.

I understand the clerk read the wrong amendment.

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

Mr. **HANNA** offered the following amendment No. **A0067**:

Amend Sec. 2 (Sec. 5981), page 2, line 7, by inserting after “use” significant

Amend Sec. 2 (Sec. 5981), page 2, line 7, by inserting after “restraint”

and caution

Amend Sec. 2 (Sec. 5981), page 2, line 8, by inserting after “crimes”

or other information that would reveal the name or address of the child victim or witness

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

The SPEAKER. Is that the right one, Mr. Hanna?  
Do you desire recognition on the amendment?

Mr. HANNA. No, Mr. Speaker.

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O’Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello

Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-0

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. **PERZEL** offered the following amendment No. **A4892**:

Amend Sec. 4, page 11, line 30, by striking out "XI" and inserting  
V

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

The following roll call was recorded:

YEAS-201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler

Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-0

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?

(The bill analysis was read.)

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-201



Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Turzai
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, G.
Daley	Lawless	Rohrer	Wright, M.
Dally	Lederer	Rooney	Yewcic
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Lvdansky	Ruffing	Zimmerman
DiGirolamo	Lewis	Sainato	Zug
Diven	Lucyk	Samuelson	
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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 1434**, **PN 3041**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the verification of identity in summary offense cases.

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

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. On the question of final passage, the Chair recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

With the maker's permission, I would like to interrogate the prime sponsor of this bill.

The SPEAKER. The gentleman from Philadelphia County, Mr. Butkovitz, indicates he will stand for your interrogation. You may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I want to pose two hypotheticals to you, and I wish you to tell me what would happen to the subjects in these hypotheticals should your bill become law.

The SPEAKER. Will the lady yield for a moment.

Please. Conferences in the rear of the hall of the House, please break up. Conferences in the aisles, please break up. Members, please take your seats.

Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, let us imagine that there is a labor dispute anywhere in the State here. People are demonstrating around the worksite — a hospital, a construction area, wherever labor demonstrations, strike demonstrations would take place — and for some reason, justified or not, a number or all of these demonstrators are detained by the police, stopped, arrested by the police of that municipality, and none of them have any identification on them because they are American citizens and they are not required to carry identification. What can the police do to these people? Can they be arrested under your bill?

Mr. BUTKOVITZ. Mr. Speaker, the answer to that is no. In fact, this bill has stricken references to arrest and replaced it with detention. I would say in the first instance, the hypothetical posed by the interrogator is very unlikely because in a situation of that sort, there are a number of people who would be able to provide the police right on the site with the identification of those—

The SPEAKER. Mr. Butkovitz, please yield for a moment.

There are conferences in the vicinity of the lady, Ms. Josephs, that I would like to see break up. Members will take their seats or confer outside of the vicinity of the people who are engaged in debate. Sergeants at Arms, keep the area cleared back towards the rear of the House.

Mr. BUTKOVITZ. What the legislation—

The SPEAKER. Mr. Butkovitz.

Mr. BUTKOVITZ. —is intended to address is the type of

situation that occurred on South Street last year where—

Ms. JOSEPHS. Mr. Speaker, I am only asking to have my question answered.

Mr. BUTKOVITZ. I am trying to clarify for illustrative purposes.

In the situation where a riot erupted and there was a destruction of property and there was an attempt to identify people and issue citations, a lot of phony names were given, and in fact, people who were nowhere near the site received citations. So in response to the lady's question, what would happen in such a situation where an individual did not provide his identification is that they could be taken to the police station, fingerprinted and photographed, and then released.

Ms. JOSEPHS. So in other words, if you are— Let me clarify this. Your bill is far reaching enough that, although it is intended to do something about people who riot, folks who are involved in a legitimate labor dispute could end up being taken to the police station, fingerprinted, photographed, and that would be left on their record presumably who knows how long, but they could be fingerprinted and photographed. Is that correct?

Mr. BUTKOVITZ. Mr. Speaker, I do not accept the lady's proposition at all. She has raised a red herring with this question of labor disputes. She chooses to ignore the context—

Ms. JOSEPHS. Mr. Speaker, I have another question.

The SPEAKER. Ms. Josephs, please do not interrupt.

Ms. JOSEPHS. He is not answering.

Mr. BUTKOVITZ. —for which this was actually designed in the hopes that she can shroud herself in a more popular cause, and it is just not what this bill is addressed to.

Ms. JOSEPHS. My second hypothetical, Mr. Speaker – and I will reserve my remarks on the bill for the end of the interrogation, which I believe is the correct way to conduct the interrogation.

My second hypothetical—

The SPEAKER. Ms. Josephs, in fact it is not.

Ms. JOSEPHS. Oh. Well, then I will not reserve my remarks.

The SPEAKER. Your remarks are appropriate after you have concluded your interrogation on the question of final passage or the adoption of the amendment, as the case may be.

Ms. JOSEPHS. That is what I meant to say.

The SPEAKER. The lady may continue.

Ms. JOSEPHS. I stand corrected.

My second hypothetical, Mr. Speaker, is, here we have a group of people who self-style themselves pro-life, who are indeed anti-abortion, who are ringing a women's health facility. The police in that municipality, location, city, come out and they arrest a number of people. They ask for identification. These people are American citizens. They do not have to carry identification with them; they do not have identification. Under your bill, may these First-Amendment protesters be fingerprinted and photographed by the police?

Mr. BUTKOVITZ. Mr. Speaker, once again, this legislation has nothing to do with the idea of arrest. It simply applies to detentions of people who commit summary offenses, people who commit public drunkenness, disorderly conduct, urinate on people's property. If you commit, we have decided, in our infinite wisdom, that these are illegal acts. We should do one of two things: either repeal those laws so that they are not illegal acts or give the police the ability to identify who committed them so that the appropriate people could be cited and punished.

In any event, if they can provide some reasonable identification, either by having the type of photo ID on their person, by having somebody else who can identify them to the police, they have the ability to walk away right there with a citation just as in current circumstances. In cases where they cannot, the police have the ability just to take them to the station in order to do what they have to to identify them, which is to run their fingerprints, take their photographs, and then they immediately release them. They do not hold them for arraignment; they do not hold them for a judge. This is a really brief procedure, and it is what is necessary to avoid making a mockery of the current summary process.

Ms. JOSEPHS. Mr. Speaker, do you know – I know it is not in your bill – do you know how long records of fingerprinting and photographs are kept among the numerous police districts across the State and to whom these records might be accessible in later days, months, weeks, years?

Mr. BUTKOVITZ. Mr. Speaker, they are kept as long as State law requires, but in my own experience as a lawyer, I would say that the summary offenses would be expungeable.

Ms. JOSEPHS. Thank you, Mr. Speaker.

If I may make a few comments, since the interrogation is now concluded and we are on final passage?

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

As my hypotheticals have brought out, this is a bill which is, although aimed at something which is a problem in my own hometown – that is to say, people committing mischief who have no identification and the police have no way of deciding, figuring out who they are – this bill is way overbroad, way overbroad.

People who are involved in legitimate labor disputes, who are exercising their First-Amendment capabilities, either because they are against something like abortion or they are for people being able to have any kind of gun they want, these people who may not have the time, who have jobs, who are responsible, who have families, who do not want to be taken down to the police station, easy for us to say that is not an inconvenience. I do not think any of us would think it was great fun to be fingerprinted, to have their photograph taken, to have these identifications left on the record in some municipal police department or State Police department for who knows how long. We could be talking about homeless people whose summary offense is to be loitering in the street. We could be talking about a teacher who was in a labor dispute who needs to get back to the classroom. We could be talking about a parent who must get home.

American citizens do not have to carry identification. It is one of the great things. When you go abroad to almost any other country, you see all their citizens running around with papers. We are Americans. We do not have to carry papers. If we want a government that will make us carry papers, I can suggest several places that all of us can go.

I suggest those of us who care about freedom of expression and freedom, period, vote “no” on final passage of HB 1434. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Butkovitz.

Mr. BUTKOVITZ. Mr. Speaker, a lot of attention has been addressed in Philadelphia in the last few years to an improvement in attention to public safety since we brought in the New York style of police administration and specifically Commissioner Timoney's leadership. This is not something that just came out of the sky. The New York City police manual provides for virtually

identical procedures in order to identify and detain people held for summary offenses. The concept is that if you are going to allow people to go urinate on private property, destroy private property, commit quality-of-life crimes and they can walk away without facing any penalty, that begins to provide an encroachment for crime, degradation of the neighborhood, and you have got to stop this at the outset and maintain the integrity of the neighborhoods.

We have 63,000 open warrants in Philadelphia, Mr. Speaker, for people who have been arrested for summary offenses. There are not 63,000 summary offenders in Philadelphia. There are people who commit the same kind of offense over and over again, laugh at the system.

In the South Street incident last year, people made a practice of not bringing identification. They gave names of people who had nothing to do with the offense. Innocent people got citations and had warrants issued against them and faced the possibility of arrest for doing nothing other than having their name cited. Where is the concern for these innocent people? Where is the concern for people in neighborhoods who are trying to go about their business and not have their properties trashed?

This is an eminently reasonable bill. In this post-September 11 era, you cannot even get in an airplane without having the kind of identification provided for in this bill. This is a red herring by people who do not believe that you should ever be able to enforce the law against anyone for anything.

I call for a “yes” vote on this bill, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, it was not that long ago I was in the city of Philadelphia for the Republican Convention, and the police did a marvelous job in keeping hundreds, perhaps thousands of outsiders and some Pennsylvanians who were there for one purpose: to disrupt the legitimate policies of the Republican Party to elect as its standard bearer its President and Vice President.

Mr. Speaker, you talk about people coming in and trying to disrupt democracy. These people were there for that sole purpose, and they were Americans, but they sure had a different objective. Their agenda was much different than the people who were there in a very civilized, responsible way, delegates of the Republican Party who were spending their money, their time in the city of Philadelphia and giving the city great accolades, and yet you had this other element that was there for one reason: to disrupt so that we could not go about our legitimate business in a democracy without disruption to elect our President and our Vice President who would run in November.

So I think this bill will really give the police an important tool to disdain those disrupters, those people who have a different agenda, whether they be at a Republican Convention or a Democrat Convention. I think this is a wonderful tool, and I commend the prime sponsor on sponsoring the bill, and I certainly would ask my colleagues to vote in the affirmative. Thank you.

The SPEAKER. The gentleman, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you.

Would the prime sponsor stand for a brief interrogation?

The SPEAKER. Will the gentleman yield for a moment.

#### LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman,

Mr. Veon, who requests that the gentleman, Mr. CURRY, be placed on leave for the balance of today’s session. Without objection, the leave will be granted.

#### CONSIDERATION OF HB 1434 CONTINUED

The SPEAKER. The gentleman may continue.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

I am just looking at the legislation, and I notice that it was amended earlier and “arrest or detain” was taken out. I am just wondering, what is the difference under Title 42 between arrest and detained and taken into custody? Is there a difference, and where would that be in Title 42?

Mr. BUTKOVITZ. I do not know whether it is in Title 42, but arrest would imply that you would be held until you are released on bail or arraigned. Detention makes it clear that it is a very brief procedure, simply the time necessary to complete the identification procedure as set forth in the bill; that is, to accomplish fingerprinting and photographing.

Mr. LESCOVITZ. So if you are detained and never— If you were detained under this act and did not produce an identity to the police department – if you are a juvenile, 10 years old, you do not have any driver’s license; you do not have any school ID – how long can you be detained if you do not have the ability to produce some type of formal identity information to the police, and how is that different from being arrested and put into custody?

Mr. BUTKOVITZ. Right now if you are arrested in Philadelphia, you could expect to spend about 24 hours in a prison cell. Under this procedure, Mr. Speaker, I think they would take you to the police station and accomplish what had to be done, I would guess, in less than a half hour.

The SPEAKER. Mr. Lescovitz—

Mr. LESCOVITZ. Mr. Speaker—

Mr. BUTKOVITZ. There is technology, Mr. Speaker—

The SPEAKER. Will the gentleman yield.

Mr. Lescovitz, did you have another question?

Mr. BUTKOVITZ. I have a further answer to it.

Mr. LESCOVITZ. I think he was clarifying it further.

Mr. BUTKOVITZ. Mr. Speaker, the police department testified at hearings on this in City Hall in Philadelphia that they have technology they can put on the street where you can stick your thumb in the meter and get an identification right on site. It would not even take a half hour.

Mr. LESCOVITZ. Mr. Speaker, it is my understanding you had mentioned something about a minimum of 24 hours or a maximum of 24 hours they are going to be able to hold you, and I remember a situation during the Republican National Convention, they were holding people for as long as 4 or 5 days. So maybe I did not hear that correctly. You are saying the maximum they are allowed to hold you is 24 hours?

Mr. BUTKOVITZ. Those were misdemeanor offenses in which the people refused to provide any identification and therefore could not be brought before a judge for bail purposes. The purpose of this legislation is completely different. This has nothing to do with arraignment, bail hearings, judicial proceedings. All this is is to provide police with some information to allow them to identify the person they have issued a citation to. So once they have the fingerprints and the photograph, there is no further purpose in detaining that person. They can now run whatever research or whatever checks they have to, and if they get another identification, they can issue a citation to the right person. The

speaker is confusing two completely different procedures.

Mr. LESCOVITZ. Mr. Speaker, my first initial question was – I am still not sure it was answered – the difference between detaining someone and taking into custody and an arrest, and I am still not sure if you have clarified that or not. It seems if you take somebody into custody, detain them for 3 or 4 days, I do not see what the difference is between that and an arrest, and maybe you can clarify that.

Mr. BUTKOVITZ. Mr. Speaker, the answer that I provided before is the same that I will provide now. A detention is only for the brief period of time necessary to accomplish the photographing and fingerprinting. There is no instance in which a court could conceivably agree to a 24-hour detention as being appropriate under this bill.

In cases where people are arrested for misdemeanors and are held with their fingerprints compared against national records to see if they are wanted in other States and taken before a judge for purposes of bail, right now in Philadelphia that procedure runs as long as 24 hours. During the Republican Convention where some of the demonstrators were determined to make a political statement and would not give their names, it went on for several days. It is impossible for that kind of situation to occur under this legislation. It simply gives the police the power to take somebody to where they have the technology to provide this identification, and that can only be someone who commits a summary offense in the presence of the police officer. Mr. Speaker, I think that is preferable to having a citation issued to somebody who was actually at home in New Jersey, as was documented in the Philadelphia Daily News, and having a citation issued to them and an arrest warrant issued to them for doing nothing but sitting at home watching television. Mr. Speaker, where is your sympathy for those people?

Mr. LESCOVITZ. Mr. Speaker, I am just trying to look through the legislation again, and in the legislation it states that they shall be detained until confirmation of an offender's identity is known. If you cannot find the individual's identity, you fingerprint them and photo ID them. I am still not sure how that gives you the proper identification of that individual if there are no records. If it is a juvenile, for example, there are not going to be any fingerprints on file. If it is someone that has not been in the military or arrested, you would not have any fingerprints on file. So I am trying to find out in the legislation how that actually verifies someone's identity.

Mr. BUTKOVITZ. Mr. Speaker, I think that once you had the photograph and the fingerprints, you would have enough to constitute an identification. The police would at least have a picture to go seek this person if they did not show up for court. The police regard that as adequate identification in a number of offenses.

Mr. LESCOVITZ. One other question, Mr. Speaker.

How does the Juvenile Act under Pennsylvania— Are juveniles going to be permitted to be detained now, fingerprinted, photographed, because most young people that I know do not carry identification with them unless they are 16 years of age or older. So how does this affect juveniles in the Commonwealth of Pennsylvania?

Mr. BUTKOVITZ. Mr. Speaker, the majority of summary offenses involving juveniles simply involve police contact with the juvenile's parents. I mean, those are the facts of the situation – curfew violations, underage drinking – and the Juvenile Act does not apply to summary offenses.

Mr. LESCOVITZ. Mr. Speaker, I just want to clarify. So if you are a juvenile who commits some type of act that would, if you were an adult, be considered a summary offense, you would not be held underneath this act. Is that what you are saying?

Mr. BUTKOVITZ. Mr. Speaker, I would say that you have the order of it backwards. If you were a juvenile, I would much rather be cited for the summary offense than be brought under the jurisdiction of the Juvenile Act. The Juvenile Act gives the court absolute power to put you in a home, to put you under probation. A summary offense is usually a fine and you are done with it. If you have the misfortune of having a child brought in for underage drinking, almost everybody I know would much rather have them treated as a summary offense than as a first contact with juvenile court.

Mr. LESCOVITZ. Mr. Speaker, again, a juvenile that is out after curfew, is that considered an offense underneath this act?

Mr. BUTKOVITZ. Yes. A curfew violation is a summary offense, but the police response will generally be to take that child home or contact the child's parents.

Mr. LESCOVITZ. I understand what the police's response may be, but I just want to make sure. If a juvenile is found in a community throughout the Commonwealth in violation of a curfew, if they do not give the police officer their information, they could be detained until they are fingerprinted and photographed at the local police department. They would be included in this act even though they are a juvenile.

Mr. BUTKOVITZ. Mr. Speaker, if the juvenile and his friends want to persist in saying, look, I am not going to tell you who I am, then the police will hold them for the very brief period necessary to identify them and then contact their parents, and as a parent, I would appreciate that.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

The SPEAKER. You have concluded? Mr. Lescovitz, you have concluded?

Mr. Roebuck, on the question.

Mr. ROEBUCK. Thank you, Mr. Speaker.

There is perhaps within this legislation the kernel of a good idea, but unfortunately, I think that kernel has been lost in the legislation itself.

I certainly understand the gentleman's concern about a backlog of legal proceedings in a particular jurisdiction. I do not think, however, that that should lead us to enact legislation that seems very clearly to threaten one of the very basic concepts upon which the government that we are a part of stands. I do not think that we ought to be in the process of establishing a system of national identification as this seems to suggest.

One of the previous speakers noted the problems around the Republican Convention and the various activities of demonstrators during that convention, and the police were able to control those activities, and they did it without this kind of legislation. So it would seem to me, even using that example, to bring into question why we need to do this.

As a member of a particularly vulnerable population within this society, I have very real concerns about the potential that this lends to supporting efforts towards profiling individuals. I think it is a very real danger in this proposal. Does this mean, Mr. Speaker, that if I go out jogging, I have to make sure I have my ID with me or I might get myself arrested because I do not have identification? Does it mean that? Does it mean that I must always consciously

carry with me some form of ID wherever I go on the possibility that for some reason I might be stopped and asked for identification and subject to the consequences of this legislation?

The idea perhaps is good, Mr. Speaker, but the idea leads us down, I think, a very dangerous road. It is a road that we ought to look at very carefully before we intend to proceed down it. Perhaps the author of the legislation is comfortable with the concept of walking around with identification at all times and all places. I am not. I certainly do not think my basic freedom ought to be eroded in this manner, nor do I think, if we think about it as a legislative body, that many of us would be comfortable with that prospect.

I would urge us to reject this legislation, and if we want to do what the gentleman suggests, find a better way to do it that does not undercut the basic democracy which we all appreciate, that we all enjoy, and that is so very vital to this world.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 1434.

Many medium-sized cities, such as the city of Allentown, over the past 10 to 15 years have been experiencing an increased amount of what I would call transient crime because of the better access to highways and mass transit, individuals coming from other communities into the city of Allentown committing quality-of-life crimes, drug-related crimes.

One of the challenges our police department has in terms of control of this criminal element and identifying the problems is the fact the individuals a lot of times do not have identification on them, and since they are not able to hold them or detain them in order to ascertain their identity, they are back on the same method of transportation out of the city with the ability to come back in the city in the future and commit the same types of crime.

I believe that this bill is a strong way in order to better control, better manage the criminal element in a city such as Allentown, and for that reason the city council of the city of Allentown had signed a resolution endorsing this measure.

For these reasons I ask for an affirmative vote.

The SPEAKER. For the second time, Ms. Josephs.

Ms. JOSEPHS. Thank you.

I had to get up because of the talk about the Republican Convention, which did not actually happen in my district but almost all the activities did, and some characterization of the people who protested as those people who are antidemocracy are out there. I protested. I protested as a member of the loyal opposition. I said the same things when I protested on the street in Philadelphia as I say on the floor here. I suppose I might have been guilty of a summary offense, thrown a piece of paper on the ground.

It is interesting what the other speaker, the gentleman from Bucks, said about the convention. We did not have any major disorders; he is right, and we did it without this bill. We do not need it.

Nobody has satisfied me that there is any time limit on detention; nobody has satisfied me that there is any time limit on retaining these pieces of identification – fingerprinting and photographs. I understand we have a problem with summary offenses. There are ways to deal with it without endangering the freedom that we all have.

As I said before, if you want to go find a government that

makes you carry identification all the time, I can tell you what countries to go to.

Thank you, Mr. Speaker.

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—165

Adolph	Donatucci	Mann	Schuler
Allen	Eachus	Markosek	Scrimenti
Argall	Egolf	Marsico	Semmel
Armstrong	Evans, D.	Mayernik	Shaner
Baker, J.	Evans, J.	McCall	Smith, B.
Baker, M.	Fairchild	McGeehan	Smith, S. H.
Bard	Feese	McIlhattan	Solobay
Barley	Fichter	McIlhinney	Staback
Barrar	Fleagle	McNaughton	Stairs
Bastian	Flick	Melio	Steil
Bebko-Jones	Gabig	Michlovic	Stern
Belardi	Gannon	Micozzie	Stetler
Belfanti	Geist	Miller, R.	Stevenson, R.
Benninghoff	George	Miller, S.	Stevenson, T.
Birmelin	Godshall	Mundy	Strittmatter
Bishop	Gordner	Nailor	Surra
Blaum	Grucela	Nickol	Tangretti
Boyes	Gruitza	O'Brien	Taylor, E. Z.
Browne	Haluska	Oliver	Taylor, J.
Bunt	Hanna	Perzel	Tigue
Butkovitz	Harhai	Petrarca	Travaglio
Buxton	Harhart	Petrone	Trello
Caltagirone	Harper	Phillips	Trich
Cappelli	Hasay	Pickett	Tulli
Casorio	Hennessey	Pistella	Turzai
Cawley	Herman	Raymond	Vance
Civera	Hershey	Readshaw	Veon
Clark	Hess	Reinard	Vitali
Clymer	Kaiser	Rieger	Walko
Cohen, L. I.	Keller	Roberts	Wansacz
Colafella	Kenney	Robinson	Watson
Cornell	Krebs	Rohrer	Wilt
Corrigan	LaGrotta	Rooney	Wojnarowski
Costa	Laughlin	Ross	Wright, G.
Coy	Lederer	Rublely	Wright, M.
Creighton	Leh	Ruffing	Yudichak
Dailey	Levdansky	Sainato	Zimmerman
Daley	Lucyk	Samuelson	Zug
Dally	Lynch	Santoni	
DeLuca	Mackereth	Sather	
DiGirolamo	Maitland	Saylor	Ryan,
Diven	Major	Schroder	Speaker

#### NAYS—35

Cohen, M.	Horse	Maher	Steelman
Coleman	Hutchinson	Manderino	Sturla
Cruz	Jadlowiec	McGill	Thomas
Dermody	James	Metcalfe	Washington
DeWeese	Josephs	Myers	Waters
Forcier	Kirkland	Pallone	Williams, J.
Frankel	Lawless	Pippy	Yewcic
Freeman	Lescovitz	Preston	Youngblood
Habay	Lewis	Roebuck	

#### NOT VOTING—0

EXCUSED-1

Curry

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.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. May I have your attention for a moment.

Today is a very special day for the man who wears the red carnation day after day. It is the 60th birthday of our good friend, Bill Robinson.

If anything is predictable in this world, it is what is going to be in the lapel of the gentleman, Mr. Robinson. Every day, for the benefit of those who do not know what we are talking about, this man arrives in Harrisburg, attends session religiously, and has a fresh carnation in the lapel of his jacket. A special guy, a special day. Happy birthday.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1459, PN 1741**, entitled:

An Act prohibiting a political subdivision or its authority or agency from requiring a proportion of workers on a construction project to be residents of a particular municipality.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

(The bill analysis was read.)

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—

Mr. Cohen.

Mr. COHEN. Mr. Speaker, I would like to yield to Mr. Michlovic.

The SPEAKER. Mr. Cohen, would you repeat that?

Mr. COHEN. I would like to yield to Mr. Michlovic.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 1459.

This legislation came after a series of incidents with Pittsburgh, the baseball stadiums in Allegheny County and the construction of the stadiums, the convention center in western Pennsylvania, and the legislation would simply prohibit a municipality in a contract

on a stadium or an arrangement with the parties in a stadium deal or any construction project from requiring a portion of the residents of that city or municipality being employed in the building of the project. I do not think that we as a legislative body ought to be dictating the terms of such an arrangement throughout the Commonwealth. We ought to let those municipalities make their determinations themselves.

In many cases it has been my view, perspective, that it is the minority population, Afro-Americans, who are trying to get into unions and labor situations, trying to get certain jobs, certain proportions of jobs, and they are shut out, and if the decision is made to shut them out, it ought to be a political decision made by the mayor or council of that district. It ought not be this body that says, you may not make such arrangements; you may not make such requirements on a jobsite. It ought to be the municipality; it ought to be the public officials locally elected that make the decision, and they then can be vulnerable to that minority population or any population of workers trying to get in in the next election. We are not going to be susceptible to that kind of pressure on a local project. So for that reason I think that, however laudable the intent is of the legislation, I think that we ought not be involved in that situation. Let the local municipality, let the local mayor, make that decision, as tough as it might be.

So for that reason, Mr. Speaker, I am going to oppose HB 1459. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of HB 1459 for a number of reasons.

In 1977 a decision by the United States Court of Appeals for the Third Circuit ruled in the case of A. L. Blades and Son, Inc. v. Yerusalem that the Pennsylvania law requiring contractors on State-funded projects employ only Pennsylvania laborers and mechanics was unconstitutional. A local residency ordinance certainly cannot be more legal than a State residency ordinance. For that reason I recommend support of the prohibition against local municipal residency requirements.

I would also like to alert members of this General Assembly that many of the local matching funds for capital budget redevelopment assistance funds now come from taxes on hotel rooms. They are in the city or a municipality, but those funds rarely come from residents of that municipality. They are transients who are moving through an urban area, staying overnight or for two nights for a convention or conference, and then moving on.

Mr. Speaker, the union and nonunion contractors of the Commonwealth believe that to allow for municipal ordinances for major building projects completely hamstring them and will cause a loss of their ability to bid on these projects. The affiliated building contractors and the AFL-CIO signed contractors are in favor of HB 1459 without amendment. The construction workers, both union and nonunion, are in favor of HB 1459 in its present form.

So therefore, Mr. Speaker, I am asking my colleagues from both sides of the aisle for a "yes" vote on this bill.

**PARLIAMENTARY INQUIRY**

The SPEAKER. Mr. Robinson, do you wish to be recognized?

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, a parliamentary inquiry, please.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON. Mr. Speaker, I have two amendments that were filed to this bill, and I certainly recognize that those amendments were not filed in a timely fashion. I will not go into all the details of why that occurred, but I would like to know if it is appropriate at this time for me to request a suspension of the rules so that those two amendments might be considered.

The SPEAKER. It would be necessary, Mr. Robinson, for me to reverse my decision that the bill had been considered for the third time, which I am willing to do, and at that time, if you have amendments, it would be appropriate for you to move for the suspension of the rules so that your amendments might be considered.

If you desire me to backtrack if you have amendments, I will do that.

Mr. ROBINSON. Yes, Mr. Speaker. I would appreciate that.

**DECISION OF CHAIR RESCINDED**

The SPEAKER. Without objection, the Chair reverses its decision that this bill has been agreed to on third consideration.

On the question recurring,

Will the House agree to the bill on third consideration?

**MOTION TO SUSPEND RULES**

The SPEAKER. The Chair recognizes the gentleman, Mr. Robinson, for the purpose of suspension of the rules.

Mr. ROBINSON. Mr. Speaker, I would like to make a motion to suspend the rules so that two amendments that I have filed can be considered.

The SPEAKER. Mr. Robinson, would you give us the numbers of your amendments, please. We have not seen them. As far as I know, they have not been turned in anywhere.

Mr. ROBINSON. Mr. Speaker, the first amendment is amendment 0369 and the second amendment is 0370.

The SPEAKER. The gentleman, Mr. Robinson, has moved that the rules of the House be suspended to permit him to offer amendments 0369 and 0370.

Mr. ROBINSON. Yes, sir.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I reluctantly must rise to oppose the gentleman's motion to suspend for the purposes of offering these amendments in combination. I certainly reluctantly do it on the gentleman's birthday.

We have debated the gentleman's issues before on the floor of the House. Certainly one amendment would essentially undo the content of the gentleman, Mr. Habay's bill and really make null and void everything that the gentleman, Mr. Habay, is attempting

to do in this bill, and for that reason I would reluctantly oppose the motion to suspend at this time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Ordinarily, only the floor leaders are permitted to debate the question of suspension. Most people, however, give a short description of their amendments before they move to suspend the rules. I am retroactively going to grant that privilege to you, Mr. Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker.

A point of clarification for Mr. Veon. These amendments are not in combination. These are two separate amendments. And, Mr. Speaker, if it is appropriate, I would like to take them separately so that there is not any confusion about the amendments.

The SPEAKER. The gentleman, Mr. Robinson, right now we are on suspension of the rules. Are you suggesting, Mr. Robinson, that the motion to suspend the rules apply only to amendment 369 at this time?

Mr. ROBINSON. Yes, sir.

The SPEAKER. All right.

On the question of suspension of the rules to permit the gentleman, Mr. Robinson, to offer amendment 369, Mr. Robinson.

Mr. ROBINSON. Mr. Speaker, I have not had an opportunity to briefly explain what 0369 is, and I will be very brief.

Mr. Speaker, amendment 0369 simply indicates that nonunion contractors and nonunion workers will be allowed to participate on projects identified in HB 1459.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—78**

Bebko-Jones	Harper	Mundy	Strittmatter
Birmelin	Hennessey	Myers	Sturla
Bishop	Horsey	Nailor	Surra
Blaum	James	Nickol	Thomas
Butkovitz	Josephs	Oliver	Tigue
Cohen, M.	Keller	Pallone	Trello
Corrigan	Kirkland	Petrone	Trich
Coy	LaGrotta	Pistella	Vance
Creighton	Lawless	Preston	Vitali
Daley	Lederer	Rieger	Walko
Dermody	Leh	Roberts	Washington
Diven	Lescovitz	Robinson	Waters
Donatucci	Lynch	Roebuck	Watson
Evans, D.	Manderino	Rooney	Williams, J.
Fairchild	Markosek	Saylor	Wilt
Flick	Marsico	Schroder	Wright, G.
Gabig	McCall	Schuler	Youngblood
George	McGeehan	Staback	Yudichak
Haluska	Michlovic	Steelman	Zimmerman
Hanna	Miller, R.		

**NAYS—122**

Adolph	Dally	Laughlin	Sainato
Allen	DeLuca	Levdansky	Samuelson
Argall	DeWeese	Lewis	Santoni
Armstrong	DiGirolamo	Lucyk	Sather
Baker, J.	Eachus	Mackereth	Scrimenti
Baker, M.	Egolf	Maher	Semmel
Bard	Evans, J.	Maitland	Shaner
Barley	Feese	Major	Smith, B.

Barrar	Fichter	Mann	Smith, S. H.
Bastian	Fleagle	Mayernik	Solobay
Belardi	Forcier	McGill	Stairs
Belfanti	Frankel	McIlhattan	Steil
Benninghoff	Freeman	McIlhinney	Stern
Boyes	Gannon	McNaughton	Stetler
Browne	Geist	Melio	Stevenson, R.
Bunt	Godshall	Metcalfe	Stevenson, T.
Buxton	Gordner	Micozzie	Tangretti
Caltagirone	Grucela	Miller, S.	Taylor, E. Z.
Cappelli	Gruitza	O'Brien	Taylor, J.
Casorio	Habay	Perzel	Travaglio
Cawley	Harhai	Petrarca	Tulli
Civera	Harhart	Phillips	Turzai
Clark	Hasay	Pickett	Veon
Clymer	Herman	Pippy	Wansacz
Cohen, L. I.	Hershey	Raymond	Wojnaroski
Colafella	Hess	Readshaw	Wright, M.
Coleman	Hutchinson	Reinard	Yewcic
Cornell	Jadlowiec	Rohrer	Zug
Costa	Kaiser	Ross	
Cruz	Kenney	Rubley	Ryan,
Dailey	Krebs	Ruffing	Speaker

NOT VOTING—0

EXCUSED—1

Curry

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 agree to the bill on third consideration?

**MOTION TO SUSPEND RULES**

The SPEAKER. Mr. Robinson.

Mr. ROBINSON. Mr. Speaker, amendment 03—

The SPEAKER. The gentleman will yield a moment.

Please. It is difficult to hear the gentleman, Mr. Robinson, with all of the conversations on the floor. Please hold the conversations to the necessary minimum.

Mr. Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker, and I appreciate your courtesy as I attempt to make clarification.

A0370 very simply would require those contractors who were successful in the bidding process and during the bidding process to submit to the local governmental institution offering this contractual opportunity, they have to submit a report. It is a report we require of other contractors to identify what is being done to make sure that women and minorities are included, how that process will be evaluated, and finally turning in a report to that local municipality.

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

The SPEAKER. On the question of suspension of the rules, either leader?

Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

For the same reasons that I articulated on the first motion, I again would reluctantly but necessarily oppose the motion to suspend the rules.

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

The following roll call was recorded:

YEAS—59

Bebko-Jones	Donatucci	Michlovic	Stetler
Birmelin	Evans, D.	Mundy	Sturla
Bishop	Frankel	Myers	Surra
Blaum	Freeman	Oliver	Thomas
Butkovitz	George	Pallone	Tigue
Cawley	Haluska	Petrone	Trello
Cohen, M.	Hanna	Pistella	Trich
Cornell	Horsey	Preston	Vitali
Corrigan	James	Rieger	Walko
Costa	Kirkland	Roberts	Washington
Coy	Lawless	Robinson	Waters
Cruz	Lescovitz	Roebuck	Williams, J.
Daley	Manderino	Rooney	Youngblood
Dermody	McCall	Staback	Yudichak
Diven	McGeehan	Steelman	

NAYS—140

Adolph	Fichter	Maher	Saylor
Allen	Fleagle	Maitland	Schroder
Argall	Flick	Major	Schuler
Armstrong	Forcier	Mann	Scrimenti
Baker, J.	Gabig	Markosek	Semmel
Baker, M.	Gannon	Marsico	Shaner
Bard	Geist	Mayernik	Smith, B.
Barley	Godshall	McGill	Smith, S. H.
Barrar	Gordner	McIlhattan	Solobay
Bastian	Grucela	McIlhinney	Stairs
Belardi	Gruitza	McNaughton	Steil
Belfanti	Habay	Melio	Stern
Benninghoff	Harhai	Metcalfe	Stevenson, R.
Boyes	Harhart	Micozzie	Stevenson, T.
Browne	Harper	Miller, R.	Strittmatter
Bunt	Hasay	Miller, S.	Tangretti
Buxton	Hennessey	Nailor	Taylor, E. Z.
Caltagirone	Herman	Nickol	Taylor, J.
Cappelli	Hershey	O'Brien	Travaglio
Casorio	Hess	Perzel	Tulli
Civera	Hutchinson	Petrarca	Turzai
Clark	Jadlowiec	Phillips	Vance
Clymer	Josephs	Pickett	Veon
Cohen, L. I.	Kaiser	Pippy	Wansacz
Colafella	Keller	Raymond	Watson
Coleman	Kenney	Readshaw	Wilt
Creighton	Krebs	Reinard	Wojnaroski
Dailey	LaGrotta	Rohrer	Wright, G.
Dally	Laughlin	Ross	Wright, M.
DeLuca	Lederer	Rubley	Yewcic
DiGirolamo	Leh	Ruffing	Zimmerman
Eachus	Levdansky	Sainato	Zug
Egolf	Lewis	Samuelson	
Evans, J.	Lucyk	Santoni	
Fairchild	Lynch	Sather	Ryan,
Feese	Mackereth		Speaker

NOT VOTING—1

DeWeese

EXCUSED—1



Curry

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 agree to the bill on third consideration?  
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Dauphin County, Mr.— Pardon me. The gentleman, Mr. Robinson, on final passage?

The gentleman, Mr. Buxton of Dauphin County, is recognized at this time.

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, I have one brief question I would like to ask the prime sponsor of the bill, if I may have the opportunity to interrogate him, please.

The SPEAKER. The gentleman, Mr. Habay, agrees to stand for interrogation. You may proceed.

Mr. BUXTON. Mr. Speaker, is there any language or intent in this bill that would disallow any local government from setting aside a certain portion of a contract for minority contractors?

Mr. HABAY. I do not believe that there is, sir.

Mr. BUXTON. So this bill would not prohibit an authority or a local government if they decided or if they chose to set a certain percentage of a contract aside for minority participation.

Mr. HABAY. From my understanding, that is correct.

Mr. BUXTON. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Veon. This is on final passage, Mr. Veon.

Mr. VEON. Yes, Mr. Speaker. Thank you, Mr. Speaker.

And I appreciate the interrogation by the gentleman from Harrisburg to the gentleman from Allegheny. I think that was an important clarification that we needed on the floor of the House here today.

I also want to say that I think the gentleman, Mr. Robinson, has been doing a tremendous job in trying to raise a very important issue that needs to be dealt with by this chamber, and I certainly again reluctantly opposed his motion to suspend the rules on this bill, Mr. Speaker. I do not think that his point can or should be made in this bill that is in front of us here today, but I think that we ought to all pledge to the gentleman, Mr. Robinson, to make sure that his issue, an important issue, is raised at the right time in the right context, not on HB 1459 but in this chamber, and I would really like to work with the gentleman, the Republican member from Allegheny County who is the maker of this bill, to see if we cannot help the gentleman from Allegheny County accomplish a very important goal, and, Mr. Speaker, I would ask for an affirmative vote on final passage at the same time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County,

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Habay, will stand for interrogation. You may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I am trying to get at the intent of the bill. I can understand perhaps why one might oppose it, because I can envision perhaps a distressed municipality putting out a contract, being paid for with tax dollars, wanting to give employment to residents of that municipality, but I am trying to get at what bad thing you are trying to protect against. Is there a specific incident you can point to or a specific situation which has come up in the past or expect to come up in the future? What need is your bill trying to address?

Mr. HABAY. Mr. Speaker, that is a very valid point. In Allegheny County a few years ago, we had something that was passed called Pittsburgh Works legislation that city council had put up to the voters of the city of Pittsburgh. The problem is, on the State projects that we had in the city of Pittsburgh from 3 years ago, 35 percent of the people that worked on those projects had to be from the city of Pittsburgh.

Now, in Allegheny County I represent a suburban area right over the river from the city of Pittsburgh which has 60,000 people, as all of your districts, and only 65 percent of the people surrounding that area could work there, yet the taxpayers that live in my district in Shaler and Fox Chapel and Hampton who would go and work on those projects, there would be an artificial limitation that was set up. The people that live in my district pay the State and Federal funds that we all voted for here to build those projects, and they should have an equal right to participate in the construction of those projects.

So that is basically where I was coming from with this legislation, and we wanted to try to stop artificial limits like that placed by municipalities, because we might have municipalities doing this all across the State.

Mr. VITALI. Okay. Now, I can certainly see the argument when you are dealing with municipal contracts that involve State and Federal dollars, but does it deal with the situation of municipal contracts only with municipal dollars?

Mr. HABAY. Well, with State, not with municipal. It deals only with State and Federal dollars.

Mr. VITALI. Oh, this contract does. I mean, this bill does, rather.

Mr. HABAY. That is correct.

Mr. VITALI. Okay. Thank you.

Mr. HABAY. You are very welcome.

The SPEAKER. The gentleman, Mr. Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker, and again, I do appreciate the courtesy that you extended to me.

I think Mr. Veon is correct that this is a very important issue that I am raising that the House needs to address. I think it is rather obvious we will not be able to resolve this today, and I am not sure it is in our best interests to try to resolve it today. Certainly the hour is growing late. I do think it would be very helpful if the leaders on both sides of the aisle, both Republicans and Democrats, could work along with myself and Representative Habay to try to find some way to address this issue of making sure that all Pennsylvanians have a fair and equal opportunity to participate in the growth of our State, particularly where major construction projects are concerned, and that also we can get and our local units of government can get proper documentation as to

what is being done to make sure that minorities and women are accommodated. There is plenty of evidence, plenty of reports, that minorities and women in this Commonwealth do not have as much opportunity as others to participate in major projects. It seems to me as a matter of public policy that that should be an important issue, and I think one way to get at that is to get some reports from those whom we are doing business with that address that concern so we might evaluate their efforts.

So I reluctantly am going to vote against 1459. I hate to do that, because my good friend, Jeff Habay, I know he has worked hard on this, but I would encourage the leaders on both sides of the aisle to more seriously address this. I will be more than happy to work with them, but I am going to be voting “no” on 1459.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, my father was a construction worker for 55 years in Union 57, and in my neighborhood, Mr. Speaker, this type of legislation is a problem. It is a problem because we are getting ready to spend between about \$20 billion in construction work in the city of Philadelphia, and people in my neighborhood are sick of looking at construction sites and seeing license plates from New York, New Jersey, and Delaware and they are standing on the corner unemployed – at any single construction site.

Point in fact: We allocated close to a billion dollars, a quarter of a billion dollars, to a new stadium in Philadelphia, and about 2 percent of the construction workers are minorities and/or women – and/or women. But most of those license plates come from Delaware, Jersey, and New York, and we are spending Pennsylvania dollars on this construction site, and people in the

city of Philadelphia, which is between 45 and 55 percent of the population of Philadelphia, are unemployed.

Now, at some point in time, if we can let this go past us today, this issue is going to come up constantly, because it is a problem in my community. I say kudos to Representative Robinson for doing or trying to do a good job, and I am not antiunion, but I am antiracism. I am antiracism, and at some point in time they have got to address the issue. They have got to put minorities in unions and they have got to put them to work, and they have got to stop shucking and jiving, and people like folks in this chamber have got to stop fronting for those same people who are not practicing good economics but are practicing racism.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Allegheny consent to interrogation again?

The SPEAKER. You may proceed, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, you discussed in response to Mr. Vitali’s question the case about 3 years ago in Allegheny County. Is that the only case of which you are aware, or are there other cases?

Mr. HABAY. Yes, Mr. Speaker, that is the only case that I am aware of within the Commonwealth.

Mr. COHEN. Thank you, Mr. Speaker.

I have no further questions. I would like to speak—

The SPEAKER. The gentleman is recognized.

Mr. COHEN. —on the subject.

Mr. Speaker, for one case of which the gentleman is aware, this

is an awfully sweeping piece of legislation which affects not only Allegheny County but all the counties of the Commonwealth. You have heard some forceful remarks, you have heard some angry remarks, from people who have spoken on this issue. There obviously are different interests. There are interests of suburban workers; there are interests of minority workers.

A problem I have with this piece of legislation is we specifically take in HB 1459 a racially neutral method of dealing with the historical difficulty of minorities getting jobs in the construction trades and say that this racially neutral method of dealing with it is illegal, and you specifically say – Mr. Habay answered in response to earlier interrogation – that the racially conscious way of dealing with it, allowing minority set-asides, that is okay under this bill. So what we are doing in the House of Representatives today is we are saying that if you want to deal with the historical underrepresentation of minorities in the building trades, you have to use racially conscious methods, and the racially conscious methods, as we all know, are somewhat divisive and somewhat painful. I believe racially neutral methods are preferable to racially conscious methods, and we are here today leaving people no choice but to seek racially conscious methods of dealing with the historical underrepresentation of minorities in the building trades.

I therefore urge a “no” vote on this bill.

The SPEAKER. The lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

May I interrogate the maker of the bill, please?

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

Ms. MUNDY. Mr. Speaker, I understand that there are certain housing and urban development grant funds available to municipalities that have requirements in them in regard to neighborhood participation in those projects, and my question is, are you suggesting through this bill that those HUD (Department of Housing and Urban Development) grants would no longer be available to municipalities in Pennsylvania?

Mr. HABAY. That would not be my intention.

Ms. MUNDY. But does not your bill preclude Pittsburgh, Philadelphia, Kingston, Wilkes-Barre, from participating in those Federal grants because of those requirements?

Mr. HABAY. I am not aware that that is the case.

Ms. MUNDY. Your bill says that you cannot require the participation of only residents of the municipality. Is that correct?

Mr. HABAY. That is correct.

Ms. MUNDY. Well, then how does that not keep municipalities from participating in those grants?

Mr. HABAY. From my understanding, they can still receive the money. All we are saying is that workers from the region should have the right to work on the project. If people from that region give the State and Federal tax dollars that are taken out of their paycheck, they should have the right to work on that project.

Ms. MUNDY. But the grant specifically requires that people from the neighborhood that that project is being built in work on the project. You are saying that that cannot be a requirement that the municipalities participate in, and I just want to be very clear that municipalities will still be able to participate in those HUD grants and loans.

Mr. HABAY. Yes; I would see no reason that they would not be allowed to.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. HABAY. Thank you.

The SPEAKER. The gentleman, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, the maker of the bill, stand for interrogation?

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

Mr. PRESTON. Thank you.

Mr. Speaker, you stated that the only example that you were aware of in the Commonwealth of Pennsylvania dealt with the stadiums. Am I correct in saying that? The stadium and the convention center.

Mr. HABAY. That is correct, with the Pittsburgh Works legislation that was passed in the city of Pittsburgh a few years back.

Mr. PRESTON. Okay. My understanding from the Pittsburgh Works legislation dealt that the city of Pittsburgh, which is the Second Class County Code, was trying to pass this legislation if and when it had committed funds, if it committed funds to a city project. Can you tell me if any city funds were involved in the convention center or the stadium?

Mr. HABAY. The question was, are there any city funds involved?

Mr. PRESTON. Right. Were there any city funds involved?

Mr. HABAY. I am not aware if there is or not. I know certainly State funding is involved and Federal funding. City funding, I am not sure of.

Mr. PRESTON. I want to get clarification on this issue, because a lot of residents in Allegheny County and the city of Pittsburgh still feel that the city could have spent money elsewhere than on the stadiums.

Now, the Pittsburgh Works, again, the Pittsburgh Works legislation that was offered by then councilman Sala Udin—

Mr. HABAY. Correct.

Mr. PRESTON. —only dealt with projects whereby municipal funds from that municipality, the city of Pittsburgh, were involved. Now, if no city funds were involved, how can the reason for your legislation have to do with the only example that you used, to your knowledge, in the Commonwealth of Pennsylvania?

Mr. HABAY. The point of this legislation, Mr. Speaker: if there are State or Federal funds involved, and that is why we took this through the Urban Affairs Committee; that is why we have worked this statewide. Instead of being a regional approach, we wanted to have a statewide approach for each and every municipality across the Commonwealth. With the city funds per se, my legislation does not specifically address that. It addresses the State. I understand the point you are trying to make, and I am sympathetic to that point, but what it comes down to is that this involves State and Federal funds only.

Mr. PRESTON. I agree, but what I want to be very emphatic about, the only information that you offered to our legislative body was you were doing this because of legislation that was attempted in the city of Pittsburgh by councilman Sala Udin that dealt with Pittsburgh Works. That legislation, which I am very aware of, dealt with if the city had funds involved, and to the best of my knowledge, if that legislation had passed, it would not have affected the convention center, it would not have affected either one of the stadiums, and it still would not have involved, unless there are city funds involved, even with trying to do the place for the Penguins. So if the only reason that you are offering this legislation to prohibit is moot, how can we continue to offer this

legislation?

Mr. HABAY. What it comes down to, I looked at the fundamental unfairness, and I was backed up by the Pittsburgh Post-Gazette in their editorial statements at that time about it, by the Pittsburgh Building Trades, by several members of the business community in Pittsburgh. How fair is it that we have 130 municipalities in Allegheny County, how fair is it that only 1 municipality can decide, gee, we are getting Federal and State funds in this project, but we are going to artificially limit the amount of people that work on it. That means that steamfitters who live in Shaler Township, there is a limit that is placed on the amount of people. They pay State and Federal taxes. Should they not be allowed — if I may turn the interrogation back to you — should they not be allowed to go ahead and have a say and a right to work on that project as well?

Mr. PRESTON. Mr. Speaker, my question dealt with your point of reference for the reason why you were offering 1459—

Mr. HABAY. That was why.

Mr. PRESTON. —and the reason why that you gave was because Pittsburgh Works, if it had passed, would have prohibited or limited your ability to be able to have people from outside the city of Pittsburgh be able to work on the stadiums and the convention center. And the information, and I am willing to show my written documentation—

Mr. HABAY. Okay.

Mr. PRESTON. —and I would ask you that you just introduce this legislation for future reference and not try to use the Pittsburgh Works as a reason, because that point is moot, it is inaccurate, and it is factually not true.

Mr. HABAY. Okay. I understand your point of view. From my point of reference, that was the case. But what I am trying to do is to limit future cases of this happening throughout the Commonwealth. I think it is going to be very destructive to regions around our State, whether they be in Allentown or Erie or Philadelphia, that we have these battles back and forth.

Now, I am very sympathetic and I have voted for several of the provisions that Representative Robinson brought up 3 years ago when we voted on this funding for Pittsburgh and Philadelphia, and if you look at that record and check it, I was almost with Representative Preston each and every one of those times. So as somebody that has voted for this, for these types of provisions that Representative Robinson has suggested, I am trying to do this for the future, not really looking back at the past.

The SPEAKER. The gentlemen will yield.

Please. There are entirely too many conferences on the floor.

Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

May I address the bill, 1459, please?

The SPEAKER. The gentleman is in order.

Mr. PRESTON. Mr. Speaker, I guess I have been in this business for 20 years. It is not a game; it is a business of dealing with politics and making policy in government. And in all honesty, in this society there are an awful lot of assumptions that are made, and a lot of union people will assume, because I am a Democrat and because I am a person of color, and in this case African American, that I am going to be voting a particular way. Let me send a clear message to my members and my good friends who are a very long, supportive mode of the union members, do not count on this much longer. People are about to reach a point where we cannot take it for granted.

I personally remember walking out of here when I supported, which was not a favorite situation or a stand, in dealing with workers' compensation, for an example, and dealing with the union, and I walked out there and someone from the union literally grabbed me by the arm and asked me what I was doing. I said, "What are you talking about?" He said, "How can you vote that way?" Well, I voted for the people in my legislative district. Well, he tells me, quote, unquote, which I will never forget, "We are black, and you're a Democrat." I am trying to tell you gentlemen something. The time is going to come, when you want to try to play whatever it is, do not sit down and think that those people who are with you always are going to be with you much longer. It is hard enough that to become a union worker, before you even apply for a job, you have to show a driver's license and you also have to show a mode of transportation. Time is about to change. It is hard enough that you have to drive 30 miles out just to get the application, which is intentionally done. These forms of subtleties on people of color are going to have to stop. Whether it is in Erie, whether it is dealing with Oreos or with the Hispanics, I am telling you, the time is going to come. Do not take the vote for granted much more longer.

I am going to vote against 1459. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, a lot of people in the past 20 minutes or so have spent a lot of time talking about what is not in this legislation, and I very much admire the work that Representative Robinson has put into his amendments. I do not believe that his amendments belong in this particular bill. This bill is not about race; this bill is about geography.

Mr. Speaker, I live in a district that is rural, rural Pennsylvania, as I will bet 80 percent of the members of this House do. We do not get \$15-, \$20-, \$30-, \$50-million projects in our districts. My construction workers are used to jumping in the car at 4 o'clock in the morning and driving 3 hours to work or living away from home all week and coming in on Friday evening, like my father did my entire childhood. That is what this bill is about. And in response to some very good questions by Representative Mundy, I would like to point out some very specific examples, unlike the Allegheny County example that we have heard, why this bill is necessary.

If a political subdivision like Derry Township in Dauphin County passed an ordinance that required a 35- or 40-percent percentage of the workforce under a construction contract be performed by individuals that are residents of only that municipality, Derry Township, the project which we will call the Giant Arena, which is funded in part by Commonwealth of Pennsylvania and capital budget redevelopment assistance funds, that might seem like a good deal for some of the residents of Derry Township, but is not the rest of Dauphin County, are not those construction workers, are not those contractors from the rest of Dauphin County, Cumberland County, Perry County, Juniata County, Montgomery County, or Northumberland County entitled to try and get a job at that worksite?

Conversely, the National Civil War Museum was constructed in the city of Harrisburg with Federal and Commonwealth funds. Should the residents of Harrisburg have the ability to put an artificial hiring floor or ceiling on that project and require that only the residents of the city of Harrisburg and not those from

Derry Township be permitted to work on the construction of the Civil War Museum?

We are now looking at a \$5-million Commonwealth project coming up that Governor Schweiker just announced to Target, what would build a 1.6-million-square-foot distribution center. That is the Target Corporation. If the municipality of Chambersburg adopts an ordinance that 40 percent of the construction workers who build that 1.6-million-square-foot, \$5-million Pennsylvania-taxpayer-funded building must be from Chambersburg, that is pretty unfair to those of us in the outlying counties who would like to have a shot at either bidding on that job or working on that job.

Mr. Speaker, to turn this issue into one of minority majority is unfair. I stand here with a record, I believe, second to none in my votes in favor of minorities and affirmative-action issues over 22 years. Let us not talk about what is not in this bill or what did not get in this bill because the Robinson amendments were not filed timely. Let us talk about what is in this bill, and what is in this bill is fairness for all Pennsylvanians. Whether they are union or nonunion workers, whether they are union or nonunion contractors, they should be entitled to get jobs that are paid with Pennsylvania taxpayer dollars.

Thank you, and I support this bill.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of 1459?

The SPEAKER. The interrogation is in order. The gentleman consents. You may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, are you aware of Title VI to the 1964 Civil Rights Act?

Mr. HABAY. I have read the Civil Rights Act. I am not familiar with that exact provision.

Mr. THOMAS. Are you aware of the community development block grant act?

Mr. HABAY. Yes, that I am familiar with. I worked for the U.S. Congress for 3 1/2 years, and I am familiar with that.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, then you are aware that all of these Federal statutes have a residency participation requirement in the expenditure of Federal dollars under those statutes. Is that correct?

Mr. HABAY. I am aware that there is a provision in there for such a thing.

Mr. THOMAS. Then, Mr. Speaker, why would you introduce a bill that would fundamentally erode a fundamental intent of a Federal statute, because you have to agree that if your bill becomes law, then the community development block grant act in your county and in every other county would be seriously eroded, because if it requires resident participation and your bill restricts resident participation, is there not a conflict?

Mr. HABAY. I would perhaps answer that best by quoting the Pittsburgh Post-Gazette editorial of May 27, 1999, which I think addresses your point, and I quote from the Pittsburgh Post-Gazette editorial board: Underemployed people from the other parts of Allegheny County and neighboring counties have just as strong and moral claim to stadium and convention center construction jobs, or are the economic opportunities for young African Americans better in Braddock, Aliquippa, or Monessen? These conditions cannot be overcome by a quick fix of the city

council. A successful initiative will have several components: greater access by blacks to the trade unions, improved educational programs, and a recognition that the regional projects must spread job opportunities around the region.

I appreciate the point that you are making, that Representative Robinson is making, that Representative Horsey is making, and I will pledge to Representative Robinson and to you that I will work to do everything that I can when this bill moves to the Senate to help this situation. I know, for example, with PNC Park, all of us are familiar with the situation that was handled there. There are many significant points that are being brought up here that I would like to try to address, and I will do that. You have my pledge and word that I will do that.

Mr. THOMAS. Well, Mr. Speaker—

Mr. HABAY. I am sympathetic to many of these motions, and I have voted for them in the past and have a history of them.

Mr. THOMAS. Mr. Speaker, your comments and others' comments are praiseworthy, but they are unacceptable.

Mr. Speaker, man must be measured by his deeds, not his mouth, and we have been going through this dialogue for too long now. We go through it with redistricting; we go through it with reapportionment; we go through it with stadiums; we go through it, with just staffing we go through it. Man must be measured by his deeds, not his mouth.

My point is this: If you are aware of the community development block grant act, if you are aware of Hope VI funding, if you are aware of the Neighborhood Revitalization Act, the Federal act, then, Mr. Speaker, my question is, does not your bill fly in the face of specific statutory requirements under those Federal statutes?

Mr. HABAY. We have looked at this bill exhaustively and found that that is not the case. They are indeed apples and oranges. When you were talking about, and I understand what you are talking about and I understand the unfairness—

Mr. THOMAS. But, Mr. Speaker, let me ask you this question.

Mr. HABAY. Okay.

Mr. THOMAS. Is your bill specifically limited to public works contracts that involve only city and State funding?

Mr. HABAY. No, not city funding; State and Federal funding.

Mr. THOMAS. Okay, Mr. Speaker. The mere fact that you put Federal dollars in your bill and the fact that your bill is restricting a municipality from engaging in the expenditure of those Federal dollars in a way that is contrary to many Federal statutes—

The SPEAKER. Mr. Thomas—

Mr. THOMAS. —it represents a conflict.

The SPEAKER. Mr. Thomas, I have been listening, and I think at this point you are arguing the merits as opposed to interrogating the gentleman. The interrogation should be to ask questions, not to debate and debate the bill.

Mr. THOMAS. Well, Mr. Speaker, I am ending the interrogation. I would like to speak on the bill.

The SPEAKER. The gentleman is in order to do that.

Mr. THOMAS. Mr. Speaker, HB 1459 is in direct contravention of established Federal law. It is in direct contravention of established Federal law simply because the bill provides that a municipality shall be restricted from creating opportunities that are residential based or limiting opportunities to the residents of a particular county when most Federal dollars require resident participation in the expenditure of those Federal dollars, and I cited only a couple Federal statutes — the community development block grant fund, which has aided many

municipalities and counties in curbside improvements, housing development, new-business development, infrastructure improvements. Community development block grant dollars have turned some of our communities around because of its far-reaching application. But throughout the Federal community development block grant act, there is a fundamental requirement of resident participation in not only the expenditure but the application of that act.

Under Hope VI, Hope VI is a Federal statute which has poured millions of dollars into our communities to get rid of dilapidated public housing developments and to create new housing opportunities for residents. There is a specific section of the Hope VI law which requires resident participation in all aspects of the expenditure of dollars under the Hope VI law.

Mr. Speaker, Title VI, Title VI of the 1964 Civil Rights Act, which has been labeled by chief justices as the most profound provision of all the '64 civil rights acts, Title VI specifically restricts State governments, local municipalities, townships, counties, from spending Federal dollars in a way that discriminates or isolates one group of people from another. Title VI is so prolific that the Federal government is able to cut off, cut off the use of Federal dollars where municipalities, boroughs, townships, and even States violate its fundamental intent, and I raise that, Mr. Speaker, because several people have said to Mr. Robinson, be okay, Mr. Robinson; I am going to help you.

Today the Governor unleashed his budget which calls for an expenditure of \$14.7 billion in Pennsylvania's budget for the next fiscal year. So if we really care about what Mr. Robinson is saying, what Mr. Horsey is saying, and what I am saying, what I am saying is, the day, the day for putting people against one another, excluding people based on color, gender, race, that day is over — that day is over — and, Mr. Speaker, I urge each and every member of this legislature — white, black, yellow, brown, green, Republicans, Democrats, Independents, or what have you — to put up a "yes" vote for 1459 will in effect be saying yes to the restriction of the use of Federal dollars by your county, because the Federal statutes are clear. There is no confusion about the application, and a "yes" vote will be saying no to a Federal statute that provides a specific mandate.

In not one of the statutes did I mention, Allegheny County has had a field day with community development block grant funds, has had a field day with Hope VI housing dollars, has had a field day with neighborhood revitalization dollars, has had a field day with community development child-care block grant dollars. You have had a field day with the number of dollars that have gone into Allegheny County, and I challenge each and every one of you, especially the members of Allegheny County, to look at those statutes and you will see that those statutes specifically require resident participation. And while I have a lot of respect for Representative Habay, Mr. Speaker, this bill is a disgrace. This bill is tantamount to saying to the Federal government that we do not care anything about what you have directed us to do, that we are going to do it our own way.

Mr. Speaker, we can ill afford to participate in a legislative proscription which ties the hands of a municipality to do what is fundamentally right and to do what is necessary when faced with certain circumstances.

Vote "no" on HB 1459.

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

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Madam Speaker.

I would like to interrogate the maker of the bill briefly.

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

Ms. MANDERINO. Thank you, Madam Speaker.

Madam Speaker, Representative Thomas, the prior speaker, raised some questions that I would like to be very concrete about, because I can think of an instance that I am very familiar with, and I want to know how it applies here.

I have currently going on in my legislative district a Hope VI Federal HUD housing project that is revitalizing and making over a public housing development. As I read your bill, since public housing authorities in the Commonwealth of Pennsylvania are created by Commonwealth, by State statute, the Philadelphia Housing Authority would be an entity subject to this bill. So that is my first assumption.

My second assumption, based on the language in your bill, is that a project that has Federal and/or State dollars in it would be subject to this bill should it become law. In the project in my district, not only do we have HUD Hope VI dollars but we have PHFA, Pennsylvania Housing Finance Association, dollars in the forms of tax credits and other housing unit dollars that have come into that project. If this bill were law today, how would the Philadelphia Housing Authority have to act with regard to the HUD Hope VI requirement of a percentage of the people living in public housing getting jobs within this project and this State law saying that you cannot require that? Would we have to pick and choose between having Hope VI dollars but not PHFA dollars, or would we have to reject the whole Hope VI project because we cannot have those participation rates of public housing residents which live in the city of Philadelphia in any State or federally funded project, or would we end up in court deciding whether the Federal law or the State law has precedence? Can you just give me, in that very concrete example of something that I know is going on in my community, how, if HB 1459 was law, that would impact that construction project?

Mr. HABAY. It should not affect Hope VI funding, and also with the PHFA, it should not affect that funding as well. From my understanding of how I read it, in fact this concern has never been raised before today.

Ms. MANDERINO. Could you just be a little bit more specific about why Hope VI funding or why PHFA funding would not be affected by this, because again, as the bill is written, any authority created by the Commonwealth which is PHA (Public Housing Administration), who is a grant recipient of both of those funds, comes under this bill, and the Hope VI requirements have those residency participation requirements at the same time that your bill is saying you cannot have those residency requirements. So I am not really trying to be argumentative; I am trying to understand where either my conclusion is wrong or your conclusion is wrong that this would not apply to Hope VI dollars.

Mr. HABAY. In this case, I would have to believe that the Federal legislation is superior to this, and it should not affect it whatsoever.

Ms. MANDERINO. Thank you, Madam Speaker.

One followup: If that is the case, then why are we trying to

restrict through legislation both State and federally funded construction projects and not just ones that State dollars are going into? It seems to me that if we have concluded that if Federal dollars are going into it and Federal dollars can have those kinds of participation requirements attached to it under certain circumstances, are you suggesting that only if it does not then this would apply?

Mr. HABAY. What I am suggesting, Madam Speaker, in this case is that everybody has a fair right to participate in these projects. If you live in the Commonwealth of Pennsylvania and pay taxes, you should have a right to participate. That is all that we are saying. We are not trying to exclude anyone from these projects; we are just saying level the playing field across the 3,000-some-odd municipalities of Pennsylvania and allow everybody, no matter if you are from a rural area, a suburban area that I represent, or an urban area, to participate in these projects, and I know of no case in which the Federal laws that apply to this and the State laws that are very specific would really be changed in this. I do not see that in the legislation. We have looked over this exhaustively, looked over the legal side of this. They did not find any of this.

Ms. MANDERINO. Thank you, Madam Speaker.

I was having a little bit of difficulty hearing the answer, but I think I did. Let me get back to the specific, because I think I can understand this better in the specific.

In the Hope VI project in my legislative district, 600-plus families who lived on that site had to be moved off the site and relocated other places for the purpose of redeveloping that site. Part of the requirement and the recognition under the Hope VI grant that we were displacing thousands of people and hundreds of families from where they lived in order to redo this construction for the benefit of those citizens and those public housing tenants was that they would share in some of the benefit of the construction that was displacing them and their families so that their families would be able to have jobs on that construction site that was disrupting their life. Now, HB 1459, if that were law, what would happen to that requirement?

Mr. HABAY. If the program has requirements, you would have to go with those requirements, in my view, and this should not affect it in any way, shape, or form. If those requirements are already set, it would not go in and take those requirements out if they were already existing. So it really should not have an effect on it.

Ms. MANDERINO. Thank you, Madam Speaker. I have finished my interrogation. Just briefly on the bill.

I understand— I do not understand, actually, the answers that I was given. I believe that they were given in good faith, but actually, I also believe that they have to be being given with lack of full information, because something just does not make sense to say that this law would not affect that, in which case, I guess, the question arises that an earlier speaker asked, then why pass this law, and if this law would affect that, then I think we have a real problem with very major public work dollars, much of which comes to us, even though there may be State and local match, much of which comes to us from the Federal government for many of these community improvement and community revitalization projects that Representative Thomas spoke about, and I really do think we are on dangerous ground here and are going beyond either what we expected to or having impact beyond what we were hoping to solve, and I think that is a real caution that needs to be looked at in the Senate if this bill should pass today.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Allegheny County, Mr. Michlovic, for the second time.

Mr. MICHLOVIC. Thank you, Madam Speaker.

Madam Speaker, one of the prior speakers said, this is not about race; it is about geography. Well, in a lot of parts of Pennsylvania, they are pretty much one and the same thing. We know which communities the minorities live in, and they often comprise an entire district, an entire census tract, oftentimes an entire community, and people, minorities, tend to locate that way. The Afro-American population, the Hispanic population, tend to locate in the urban areas, the poorer population in urban areas, and many of those people in those minority groups are, again, the low-income people in urban areas. And so by saying that it is about geography, we are really in a way saying it is about race, too. And it is no accident that a number of the members that got up and spoke most vociferously about the issue are minority members of this august body, and I think they are feeling a bit threatened, and I am, too, for my constituents, many of whom are minority members.

I think my problem with the bill is that it is a legislative overkill. The gentleman indicated that the reason he introduced the bill in the first place was because he felt that his constituents were restricted from certain projects if those restrictions on construction sites in western Pennsylvania were put into place—his constituents would not be able to apply for the job. But in drafting the legislation he indicated that any use of Federal funds—and the basis for that unfairness, he felt, and rightfully so, was that his constituents are paying State and Federal taxes—but in drafting the legislation what he has done is said that any use of Federal or State dollars in a project is basis enough for restricting the municipality from making the decision about a residency requirement.

What if the municipality is putting in 50 percent of the dollars or 75 percent of the dollars and only a small portion is coming from the State or Federal government? Should not that municipality have the right to say, well, we will restrict the residency requirement just to the proportion of city dollars involved from the redevelopment authority or the city budget itself or the city capital budget? That is the way, if you really think about the fairness of it, that is what we ought to be doing here. That way the residents outside of the city or the municipality conducting the project who put State and Federal dollars in can at least have a shot at that proportion of dollars that the State or Federal government puts in. But under this legislation, it restricts all residency requirements, so even if the city puts in half the money,

three-quarters of the money, they cannot say, we are going to favor our residents in this project. And in many cases, again, this is a minority issue; this is a workforce issue, people having access to the good-paying jobs and to the dollars spent here. And they ought to have access to their own tax dollars that are being spent on the project, and if their own tax dollars are a high percentage or proportion of the dollars, that proportion is what ought to be restricted here and not the whole project, and for that reason I am going to oppose 1459, and I hope that a later version of this legislation can deal with this issue proportionately.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Horsey, for the second time.

Mr. HORSEY. Thank you, Madam Speaker.

Madam Speaker, may I interrogate the initiator of the bill?

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

Mr. HORSEY. Madam Speaker, I only have two brief questions.

First, Madam Speaker, under your bill, is it possible, is it possible, is it possible that we allocate millions of dollars in Pennsylvania for a particular project and no one has that skill set except for people in West Virginia? Is that possible?

Mr. HABAY. Could you repeat that question? I heard part of it about people coming from—

Mr. HORSEY. Would it be possible, Madam Speaker, that the legislature allocates hundreds of millions of dollars for a particular project—and just for the record, we have done this—hundreds of millions of dollars for a particular project and we have no one in Pennsylvania with the skill set, but people in West Virginia would. Is that possible?

Mr. HABAY. Yes, that is correct. That would be possible.

Mr. HORSEY. So, Madam Speaker, this bill would make it possible, because it gets rid of residence, for us in Pennsylvania to be paying for a project in Allegheny County and employing people from West Virginia or Ohio or New York. Is that possible?

Mr. HABAY. Yes, that is possible.

Mr. HORSEY. Thank you.

### PARLIAMENTARY INQUIRY

Mr. HORSEY. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. HORSEY. Madam Speaker, is it possible for me to interrogate—just two brief questions—the majority leader or the Appropriations chair?

The SPEAKER pro tempore. If they choose to stand for interrogation.

Mr. HORSEY. Madam Speaker, might I interrogate the majority leader on this particular bill?

The SPEAKER pro tempore. Does either the majority leader or the Appropriations chair wish to stand for interrogation?

Mr. HORSEY. Or the Appropriations chair.

The SPEAKER pro tempore. The majority leader agrees. You may proceed.

Mr. HORSEY. Madam Speaker, just briefly, do you remember the year that we allocated funds for Kvaerner?

Mr. PERZEL. I think it was 1996, Madam Speaker.

Mr. HORSEY. Madam Speaker, do you remember the amount of money that was allocated? Off the top of your head; it does not have to be exact. Just \$200 million? \$300 million?

Mr. PERZEL. The Appropriations chairman said it was a whole lot of money, Madam Speaker.

Mr. HORSEY. Well, \$200, \$300 million.

Madam Speaker, do you know today as you stand there the number of minorities that are working for Kvaerner in that we allocated Pennsylvania State dollars for that project? Do you know how many Pennsylvanians—Two questions: Do you know how many minorities are on that particular site, which is in Philadelphia, and do you know if there are Pennsylvanians and how many Pennsylvanians are working on that project?

Mr. PERZEL. The answer to both questions, Madam Speaker,

is no.

Mr. HORSEY. Thank you, Madam Speaker.

Madam Speaker, might I comment on the bill?

The SPEAKER pro tempore. You may proceed.

Mr. HORSEY. Thank you. Thank you, Madam Speaker.

The danger is, Madam Speaker, we may be giving away Pennsylvania dollars. Kvaerner is a perfect example of allocating \$200, \$300 million, and there are a significant number of people from Jersey and Delaware and New York working on that project, and we are spending Pennsylvania dollars for it. Now, if we have those kinds of dollars to throw away, then I say vote for the bill, but if we do not, if we want to have some control over Pennsylvania taxpayers' dollars, then we do not need to vote for this bill. We need to allow local municipalities, which is what some people in this chamber are supposed to stand for – local control – we need to allow people in local municipalities to make the decision on how their dollars are going to be spent in their particular communities, Madam Speaker.

Point in fact: Again, we are about to allocate \$200 or \$300 million for the Pennsylvania Convention Center, and I am standing here telling you that clearly, a large number of those construction workers will not be coming from Pennsylvania; they will be coming from New York, Delaware, and Jersey. Now, we can dispense with the residency requirement, and those people can go up to New York and spend Pennsylvania dollars in their New York communities, in their Jersey communities – and that is dollars that we can never recover from; those are lost dollars – or we can strike this bill and say that we believe in local control, that Pennsylvania dollars should stay locally and people in local municipalities should have some control or throw them away.

Thank you, Madam Speaker. I ask for a “no” vote on this particular bill.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Beaver County, the Democrat whip, Mr. VEON, for the second time.

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, there have been some important issues raised by a number of members here today and certainly some important questions, and I would like to address a couple of those questions very quickly.

Madam Speaker, on the issue of Federal funds, because a number of speakers have raised that point here today, I am very confident, very confident, that the Federal law will supersede any requirement that is in this State law. If that was not the case, that would be the first time the Federal government has not superseded any State law that we have passed on any subject matter. Clearly, there is a Federal supremacy law that would be applicable here, and if there are Federal requirements attached to housing, if there are Federal requirements attached to CDBG (community development block grant) money, if there are Federal requirements attached to any Federal funding, those Federal requirements would clearly supersede anything that we may do in this bill here today.

And I appreciate the points that the gentleman from Allegheny made about should not that municipality have the right, if they put X percent of the money in, to determine what percent of the workers come from that municipality, and there certainly is some logic to that. But, Madam Speaker, I make the case that it is our job to pass State law and that what we are trying to get to here is, in fact, the gentleman is correct; a municipality could put in 10 percent today, under existing law, and require that 100 percent

of the workers come from their municipality. There is no State law that would require otherwise. They could put in 1 percent of the money. In fact, under today's law, they could put zero dollars into the project, completely funded by State and Federal dollars, and that local municipality, whether it be the city of Pittsburgh or any other municipality, could pass an ordinance saying all the workers have to come from this town. That is exactly what we are trying to prohibit today in this bill.

And, Madam Speaker, to the gentleman from Philadelphia who makes the point about whether the workers are in fact Pennsylvanians at all: I live 7 miles from the Ohio border. I have dozens, on any given day, on any given week, dozens of my residents who work on construction projects in the State of Ohio. I have dozens of people that live in my district that work at a powerplant in the State of West Virginia. And if we were to start to circle around the State and say only Pennsylvanians could work on Pennsylvania projects funded by Pennsylvania dollars, then certainly the State of New Jersey would do the same, and I have no doubt there are thousands of people who live in the city of Philadelphia that work on projects in the State of New Jersey. So the gentleman makes a good point, and I understand that parochial

point of view. I do not think it is warranted. I think that is what we are trying to pass here.

And finally, Madam Speaker, I say to the issue of race, which has been raised on a number of points as we have debated this, and there is no doubt in my mind that there are some people in the building trades movement, leaders, who are not adequately racially sensitive enough to the points that are raised by members on the floor of this House, but I also know building trades leaders, presidents, international officers personally who have taken the issue of racial inclusiveness into their unions very, very seriously, and I think some of them have in fact made progress. On this bill here today, we are not legislating racial diversity in the building trades unions in the State of Pennsylvania, and I think that the members on this side of the aisle, the Democratic members from Philadelphia and Pittsburgh, have an excellent case and that there does need to be greater inclusiveness in the building trades in the State of Pennsylvania, and if they do not do something better and more, that in fact maybe it shall be this State legislature that needs to address that issue.

But, Madam Speaker, that is not in front of us here today. We have an opportunity to make State law to not allow municipalities – very simply, very straightforward – they would not be able to pass a local ordinance that would in some way, shape, or form set a quota of how many residents from their municipality had to be, by ordinance, would have to be included in the project. We would prohibit any municipality from doing that if we were to pass HB 1459.

I think it is a good bill, I think it would make good law, and I would encourage an affirmative vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Franklin County, Mr. FLEAGLE.

Mr. FLEAGLE. Thank you, Madam Speaker.

I have been sitting here very patiently listening to this debate, and for once I agree with the minority whip; I think this is a good bill.

Many of us here live in areas and districts that are contiguous with other States, and almost my entire district is contiguous with Maryland. We get along with Maryland. We do a lot of economic



development projects with Maryland, and fully 20 to 30 percent of my constituents work in Maryland. Now, if you vote against this bill, you are voting against those constituents, because what goes around comes around, and I know those contiguous States are going to take the same attitude that we do not want Pennsylvanians working in our State.

I have seen the effect, the very provincial effect, of licenses that do not allow our workers to go across and vice versa in our State, and it is a nightmare. So I am saying that we should cooperate more with regional areas, even though it goes outside our State, because many of my constituents and your constituents work outside. Think about their jobs, too.

I ask for a positive vote on this bill.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Thomas, for the second time.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, just one point for the record.

If we are going to be consistent, then let us be consistent. You tell us that you cannot run for office unless you live within certain boundaries and that you cannot have people vote for you outside of those boundaries. You tell us that we have House rules, and past practices more often than not will govern what we do in the future.

Madam Speaker, it is fundamentally unfair for us to say to a municipality or a county that they cannot be concerned about the people who live in that county. That is fundamentally wrong, especially when you have counties where unemployment is higher in the county than it is outside of the county; especially when you have the situation, you have counties and places in Pennsylvania where people have been legally and constructively locked out of participating in certain opportunities.

Madam Speaker, we have rules. We hold to those rules. We hold one another in compliance with those rules, and, Madam Speaker, we do not want a municipality telling us how we should apply State law. Likewise, we should not say to a municipality that you cannot do something that is not only in the best interests of the people who sent you here but also that is not violative of Federal law.

Now, there has been an acknowledgment that there are many Federal statutes that require resident participation. Now, why should we come along or what public policy are we attempting to achieve by saying to a local municipality that you have to include residents in your housing development, you have to include residents in your economic development projects, you have to include residents in the distribution of your health dollars, you have to include residents in a whole host of activities driven by the Federal government? Why do we want to now come up and say that that is a violation of State law and we want you to stop that?

Madam Speaker, vote "no" on HB 1459. It is bad public policy. It is too far reaching. And, Madam Speaker, let us not forget that all politics is local; all politics is local. Residents of Ohio cannot vote for you in Pennsylvania.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Habay.

Mr. HABAY. Thank you, Madam Speaker.

What we are talking about here, Madam Speaker, all of this is about a very simple, three-page bill; a three-page bill. What we have to look at here is the fundamental fairness for people that live in your district, people that live in your area. Is it fair that a

municipality can restrict them from working in an area if they are paying out of their taxpayer dollars Federal and State funds? That is what we are talking about here. There has been an attempt to cloud this issue today, to bring up other issues that I understand and agree with, but it should not cloud your judgment on this bill, because this is something that protects workers; this is something that will help us economically in Pennsylvania.

I come from southwestern Pennsylvania, right outside of Pittsburgh. I am only 35 miles from the West Virginia line, 40 miles from the Ohio line. We have a lot of people that come and work in my district from West Virginia, from Ohio, and vice versa. Many of our people travel to Weirton, to Steubenville, to Morgantown. These sorts of issues, I do not really understand why they are being discussed. Let us go to the heart of what the legislation does.

I understand the points that Representative Robinson has brought up. I have voted for those points, especially when we had construction projects come to the city of Pittsburgh 3 years ago. I have heard things in here that amount to talk the talk and not walk the walk. Well, I did walk the walk, making those votes, and many of the House members here did by making those votes that needed to be made, for doing and protecting minority contracting in the city of Pittsburgh and in Philadelphia as well.

Let us not cloud the issue. Vote "yes" on this bill. It is something that quite frankly has been supported by the business community across Pennsylvania, by the trade unions across Pennsylvania. I come from a blue-collar, trade-union family, and I could tell you standing on this side of the aisle that there are a lot of people in your districts that want to see this legislation passed. Vote "yes." Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—180

Adolph	Evans, D.	Maher	Schroder
Allen	Evans, J.	Maitland	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Blaum	Gordner	Micozzie	Stevenson, T.
Boyes	Grucela	Miller, R.	Strittmatter
Browne	Gruitza	Miller, S.	Sturla
Bunt	Habay	Mundy	Surra
Butkovitz	Haluska	Nailor	Tangretti
Caltagirone	Hanna	Nickol	Taylor, E. Z.
Cappelli	Harhai	O'Brien	Taylor, J.
Casorio	Harhart	Pallone	Tigue
Cawley	Harper	Perzel	Travaglio
Civera	Hasay	Petrarca	Trello
Clark	Hennessey	Petrone	Trich

Clymer	Herman	Phillips	Tulli
Cohen, L. I.	Hershey	Pickett	Turzai
Colafella	Hess	Pippy	Vance
Coleman	Hutchinson	Pistella	Veon
Cornell	Jadlowiec	Raymond	Vitali
Corrigan	Kaiser	Readshaw	Walko
Costa	Keller	Reinard	Wansacz
Coy	Kenney	Rieger	Watson
Creighton	Krebs	Roberts	Wilt
Dailey	LaGrotta	Rohrer	Wojnaroski
Daley	Laughlin	Rooney	Wright, G.
Dally	Lawless	Ross	Wright, M.
DeLuca	Lederer	Rubley	Yewcic
Dermody	Leh	Ruffing	Yudichak
DeWeese	Lescovitz	Sainato	Zimmerman
DiGirolamo	Levdansky	Samuelson	Zug
Diven	Lewis	Santoni	
Donatucci	Lucyk	Sather	
Eachus	Lynch	Saylor	Ryan,
Egolf	Mackereth		Speaker

NAYS-20

Bishop	James	Myers	Thomas
Buxton	Josephs	Oliver	Washington
Cohen, M.	Kirkland	Preston	Waters
Cruz	Manderino	Robinson	Williams, J.
Horsley	Michlovic	Roebuck	Youngblood

NOT VOTING-0

EXCUSED-1

Curry

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

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

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

**SUPPLEMENTAL CALENDAR A**

**RULES SUSPENDED**

The SPEAKER. The Chair turns to House calendar supplemental A, HR 416, and recognizes the gentleman, Mr. Semmel.

Mr. SEMMEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of this concurrent resolution.

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

The following roll call was recorded:

YEAS-200

Adolph	Evans, J.	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Feese	Mann	Scrimenti
Armstrong	Fichter	Markosek	Semmel
Baker, J.	Fleagle	Marsico	Shaner
Baker, M.	Flick	Mayernik	Smith, B.
Bard	Forcier	McCall	Smith, S. H.
Barley	Frankel	McGeehan	Solobay
Barrar	Freeman	McGill	Staback
Bastian	Gabig	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsley	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	
Egolf	Maher	Saylor	Ryan,
Evans, D.	Maitland		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Curry

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**

Mr. SEMMEL called up **HR 416, PN 3238**, entitled:

A Concurrent Resolution honoring the United States Military Academy on its 200th anniversary.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese, on the resolution honoring the United States Military Academy.

Mr. DeWEESE. Mr. Speaker, I would like to defer to the gentleman, Mr. Lucyk. Mr. Lucyk often refers to his Spartan mother on the Hudson. He still walks with that tall, peculiar, linear manner of a man accustomed to the drill. He chose a life of action under rough canvas; he joined the infantry, and it is the birthday of his alma mater.

Mr. Lucyk.

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

Mr. LUCYK. Thank you, Mr. DeWeese, and thank you, Mr. Speaker, for this honor.

I urge us all to vote for this great resolution – 200 years of history, 200 years of leadership, given by the graduates of the United States Military Academy to our country.

Our graduates are often referred to as the Long Gray Line. The Long Gray Line is a term that is used meaning that leadership in perpetuity by the graduates of the United States Military Academy from 1802 to the present. We cannot really think of the Military Academy without thinking of great leaders such as MacArthur, Eisenhower, Meade, Reynolds from Pennsylvania in the Civil War, Lucyk, Pippy.

Thank you again, Mr. Speaker and Mr. Minority Leader, for this great opportunity to address this House.

I urge concurrence in this resolution. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Republicans demand equal time with their graduate of the United States Military Academy, from the new breed, Mr. Pippy.

Mr. PIPPY. Thank you, Mr. Speaker.

It is truly an honor and privilege to be able to speak on behalf of the Academy. One of the interesting things about the Academy is that it really does not matter what political party you are in; the testimony, the belief in “Duty, Honor, Country,” always and will forever be with anyone who has been involved in that process.

And Mr. Lucyk, I did not realize he was the class of '64. I am amazed at the great work he has been doing.

But I would also like to mention, Pennsylvania should be very proud of not only anyone from the Military Academy but also the Naval Academy, the Air Force Academy. It is all a brotherhood of individuals who truly care about our country, our Commonwealth, and our nation, especially in times like this.

We also have one other member who is a Senator. So Senator Robbins, I would like to mention him as well. He is a colonel, infantry, Vietnam veteran. It is a long lineage and one that we are very proud of.

And in the true essence of the United States Military Academy, go Army; beat Navy.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Feese	Mann	Scrimenti
Armstrong	Fichter	Markosek	Semmel
Baker, J.	Fleagle	Marsico	Shaner
Baker, M.	Flick	Mayernik	Smith, B.
Bard	Forcier	McCall	Smith, S. H.
Barley	Frankel	McGeehan	Solobay
Barrar	Freeman	McGill	Staback
Bastian	Gabig	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Kaiser	Preston	Walko
Cornell	Keller	Raymond	Wansacz
Corrigan	Kenney	Readshaw	Washington
Costa	Kirkland	Reinard	Waters
Coy	Krebs	Rieger	Watson
Creighton	LaGrotta	Roberts	Williams, J.
Cruz	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wojnaroski
Daley	Lederer	Rohrer	Wright, G.
Dally	Leh	Rooney	Wright, M.
DeLuca	Lescovitz	Ross	Yewcic
Dermody	Levdansky	Rublely	Youngblood
DeWeese	Lewis	Ruffing	Yudichak
DiGirolamo	Lucyk	Sainato	Zimmerman
Diven	Lynch	Samuelson	Zug
Donatucci	Mackereth	Santoni	
Eachus	Maher	Sather	Ryan,
Egolf	Maitland	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—1

Josephs

EXCUSED—1

Curry

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

## SUPPLEMENTAL CALENDAR B

## RESOLUTION PURSUANT TO RULE 35

The SPEAKER. May I have your attention, please. Members, please take your seats.

We are about to take up a resolution on the death of a police officer. It is not a privileged resolution such as we would ordinarily have for a member, but it is a very special resolution.

The Chair at this time recognizes the gentleman from Delaware County, Mr. Civera, who sponsored this resolution and who is the Representative of the district that this officer lived in. Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, tonight I would like to introduce a resolution that even shakes me up as I go through this procedure.

Last Wednesday evening, on January 30, 2002, a police officer by the name of Dennis McNamara, who lived in Upper Darby Township, was stricken by a felon who killed him in the line of duty. Upper Darby Township has a population of 84,000 people, and it is in the southeastern part of Pennsylvania. For 100 years the Upper Darby Police Department never had this incident occur or had this type of a situation.

This gentleman, officer, was on duty in the Cardington section of Upper Darby, which borders the city of Philadelphia. He noticed that a vehicle that came over the radio, a description of a vehicle, was on the side of a highway in the Cardington section where the fire department was. This section is not crime related whatsoever. Most of the people that live in this section of Upper Darby work for the township or the county. He got out of his police vehicle, took the license number, and as they called back and told him that that was the vehicle that they were looking for, this felon came out of a house, shot the police officer in the head. He fell to the streets of Upper Darby Township. A lady was walking by that has multiple sclerosis – her name is Mary Ryan – picked the officer up, held him, and said, “I’m going to see you through this.” Unfortunately, he did not make it. Two hours later he died at the University of Pennsylvania.

He leaves behind him two children, a wife – a very devoted family man not only to his children but to his wife. He was a decorated police officer in the township police department, for several times he saved people; went into burning homes, brought children out. And this last occasion a man was dying of a heart attack and he brought him back to live for a couple days after that.

Dennis will be missed by many of the people of his community. He was in the United States Air Force, then the Army Reserves. Tomorrow he will be laid to rest at Arlington Cemetery in Upper Darby Township.

This resolution – I would like to read it to you – says:

## House Resolution No. 418

## A RESOLUTION

Expressing condolences on the passing of Dennis McNamara.

WHEREAS, The House of Representatives mourns the loss of Dennis McNamara, an officer with the Upper Darby Police Department, who passed away on January 30, 2002, at the age of 43; and

WHEREAS, Officer McNamara grew up in Southwest Philadelphia and was a graduate of West Catholic High School for Boys; and

WHEREAS, Officer McNamara went on to serve our country in the United States Air Force and the Army Reserves; and

WHEREAS, An eight-year veteran of the Upper Darby Police Department, Officer McNamara was the first officer in its history to die in the line of duty; and

WHEREAS, An active member of the Delaware County Law Enforcement Memorial Foundation and the Upper Darby Honor Guard, where he served at four memorial services, Officer McNamara earned many awards, honors and public recognition during his tenure of service with the Upper Darby Police Department; and

WHEREAS, Officer McNamara generously contributed to the benefit of his fellow citizens; therefore be it

RESOLVED, That the House of Representatives note with great sadness the passing of Dennis McNamara and extend heartfelt condolences to his wife, Diane E. Tagmire McNamara, son, Dennis McNamara, Jr., and daughter, Melissa McNamara; and be it further

RESOLVED, That a copy of this resolution be transmitted to the family of Dennis McNamara.

He was a beloved family man, dedicated worker, and avowed community steward. Officer McNamara gave generously of his heart and time to make the community he served a better place in which to live.

I would hope that this resolution would be adopted unanimously. Thank you.

The SPEAKER. The Chair thanks the gentleman and asks the members to observe a moment of silence in memory of this fallen officer.

(A moment of silence was observed.)

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—200

Adolph	Evans, J.	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Feese	Mann	Scrimenti
Armstrong	Fichter	Markosek	Semmel
Baker, J.	Fleagle	Marsico	Shaner
Baker, M.	Flick	Mayernik	Smith, B.
Bard	Forcier	McCall	Smith, S. H.
Barley	Frankel	McGeehan	Solobay
Barrar	Freeman	McGill	Staback
Bastian	Gabig	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O’Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali

Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Dailey	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	
Egolf	Maher	Saylor	Ryan,
Evans, D.	Maitland		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Curry

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

The SPEAKER. Ladies and gentlemen of the House, next Wednesday was scheduled as a nonvoting session day. That has been changed, and there is a good chance that it will be a regular, voting session day, so make your plans accordingly.

Does the majority leader have any further business? Does the minority leader have any further business?

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Chairmen, you are reminded that there is a meeting in the majority leader's office on the declaration of adjournment.

#### STATEMENT BY MR. LAWLESS

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

Mr. LAWLESS. Unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman has unanimous consent to address the House.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I rise once again today concerning Erin's Law and the E. coli legislation that is hung up in the Senate as a result of me being the prime sponsor.

Mr. Speaker, as you know, Senator Jubelirer is the Lieutenant Governor. As you know—

The SPEAKER. Mr. Lawless, will the gentleman yield.

Members, please wait a moment.

The Chair is ruling the gentleman out of order if he is going to make remarks that are of a negative nature by name of any member of the legislature, Senate or House.

For the benefit of the members, I asked the gentleman, Mr. Lawless, to come to the desk earlier today. Together with the Parliamentarian, we reviewed the rules of the House, which, under our rules, we are not permitted, really, to make negative remarks about the Senate or the House, particularly by name. I add the "particularly by." I asked the gentleman if he is going to continue making remarks such as he has done over the past 3 or 4 session days, that he delete from his comments the names of the different people and take a page from the book of the minority leader, Mr. DeWeese, who would say, the gentleman from the 32d, 42d, 52d District, whatever the case might be, or even the description of, in Senator Jubelirer's case, the President pro tem or the Lieutenant Governor, as the case may be.

But our rules are very clear that we are – to me – that we are not permitted to do this, and I asked him not to do it, and apparently, he has not seen fit.

Now, this is by unanimous consent that the gentleman, Mr. Lawless, addresses the House. I am simply saying that it is out of order. I am going to recognize the gentleman, Mr. DeWeese, who, I suspect, is going to address this question of my ruling. Mr. DeWeese.

#### PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker, respectfully, just a point of parliamentary inquiry.

What would be the avenue that the gentleman would utilize if, not in a negative tone, he wanted to introduce people that might be referred to obliquely by a county or a numerical designation later in his speech? If he wanted to say, "Mr. or Senator Jubelirer is our President pro tem and Mark Schweiker is our Governor and I may be referring to them later in my remarks but I wanted to set the stage," would that be possible, especially if there were no pejorative references implied or stated?

The SPEAKER. Mr. DeWeese, technically I guess you can get away with that, but it is gamesmanship. It is not in the spirit of our rules. We go too far occasionally when we mention, "the member from the 168th District," without mentioning his name. We have customarily said, "the minority leader," "the majority leader." Today you were referring to the Speaker. You did not say, "Matt Ryan, the Speaker"; you said, "the Speaker." You did not say, "John Perzel"; you said, "the majority leader." That is something that we are used to. We have done it – you have done it time and time again; I have done it time and time again – and it is acceptable conduct.

Time and time again, every Speaker I have ever served with has ruled that you do not bring up the personalities of members of the House. The question of the Senate has really never been raised that I recall, but it has been raised with me at sidebar in questioning the withholding of consent. I do not want to see that practice begin, where giving a member unanimous consent is withheld, but if there is constant violation of our rules, I think I would encourage someone to withhold consent.

Now, I think I am being fair and I think I am being consistent.

Mr. DeWEESE. That satisfies my parliamentary inquiry. Thank you.

The SPEAKER. Mr. Lawless, would you kindly amend your comments to refer to the positions or the numbers of their districts and delete the names and not refer to proper names in a critical sense.

Mr. LAWLESS. Yes, Mr. Speaker.

The SPEAKER. Thank you.

Mr. Lawless, I appreciate that. Thank you.

Mr. LAWLESS. Mr. Speaker, I would like to take off on something you said about gamesmanship, though, in your response to the Democrat leader, and that is, this is nothing but gamesmanship being played by the gentleman who is Lieutenant Governor/President pro tem/Senator from the Johnstown area – Altoona area; I am sorry. It is also nothing but gamesmanship from the Republican Senator from York, who served in this House. That is what we call gamesmanship, because the gamesmanship that is being played here is with a 4-year-old girl who suffered extreme, extreme illness as a result of E. coli bacteria in this State, a State that is one of two States in the entire country who has not passed such legislation.

This legislation has passed this House unanimously. It is being held up in the Republican Senate for two reasons: One, I am the prime sponsor, which I have also indicated that I would be more than willing to take my name off of, but the good Senator/Lieutenant Governor/Senator pro tem, and whatever else he claims to be, says he does not care; he is not moving it because it was my thought. Well, it is not my thought; it is the thought about a 4-year-old girl who is sitting in intensive care, whose father called me today. And I am proud to say that he is out of the hospital. He will be here Monday for the members to see. He has a 10-inch scar where his kidney was removed on January 22 to give to his little girl. His little girl, a 4-year-old – and we all know how big 4-year-olds are – his little girl has a 9-inch incision across her belly and is sitting in duPont Hospital, and the Senate pro tem/Lieutenant Governor of this State will not move legislation to protect children of this Commonwealth because I am the prime sponsor.

This is exactly what President Bush calls compassionate Republican? Is that what I ask the people of Pennsylvania about the gentleman from Altoona? Is he a compassionate Republican? I do not think so. I do not think the man has decency, because decency would say, let us put our politics aside; let us let this family what is due to them; let Erin, little Erin, have little Erin's Law, that will from here on in Pennsylvania go on to be known as Erin's Law, so that the youth, the children of Pennsylvania, are protected against a deadly disease in this Commonwealth.

As I said earlier, you want to talk, Mr. Speaker, about gamesmanship? You and I have both been ill in our time. We have been blessed to become better to serve here. We both have experienced illnesses. Many others in this chamber have experienced illnesses. Little Erin will never be the woman that many of our children, my two girls at home included, will get a chance to be. It is doubtful that she will ever be able to bear children. It is doubtful that she is not going to need another kidney, because kidneys only last 30 years. She is 4. Her father gave her one. Her father cannot give her two.

But yet the gentleman from Altoona refuses to move this legislation. This is an embarrassment to this institution. It is an embarrassment to the General Assembly. And I am even more embarrassed to say that Republican members on that side of the aisle, who are very good people, will not stand up, send a letter and stand up at this podium or any other podium and begin to tell the gentleman from Altoona, as the good Speaker has said, to stop playing gamesmanship and give this little girl her bill.

You know, we pass other things in this House. Just this

week, HR 407, the good lady from Chester County, from the 157th District, Child Passenger Safety Week. Now, you know we all stood up, or if we were at our desk, or we all sat there, and when it came up on the board, we all pushed our buttons and it passes unanimously, and we go on and we do other things. We pass peanut butter resolution day, as we have in the past, and we cannot pass one simple bill to make E. coli a reportable disease in this Commonwealth because one Lieutenant Governor/Senator/Senator pro tem is upset with me.

I have offered the gentleman, as well as the gentleman from – and boy, am I using the word “gentleman” loosely here – the man from York, the Senator from York, who refuses to move such legislation— You know, very simply – and I will end with this, and I am going to do this every day, so get used to it, until one of you cut me off, and then I am going to do it again – this is abuse of power; this is abuse of power in this Commonwealth. You all know it, and you all know that you would not want one of your children, whether it is male, female, 4-year-old, 16-year-old, or even your wives out there, to be able to have to sit or stand in front of these microphones and say we passed a bill to try to help the youth of this Commonwealth and you got a person in that other – you got two people in that other chamber who are not man enough to face me on this issue. This is clearly an abuse of power.

Mr. Speaker, as a member of this chamber, I cannot think of anything that I would be more proud of you to do than to call over there in your capacity, when Rick Jacobs is sitting here on Monday with a scar 10 inches across his belly, and say, Mr. Jacobs, I am proud to be Speaker of this House, because do you know what? John Lawless cannot do it. John Lawless – and I am allowed to mention my own name on this floor – will take his name off that bill. You can put the Speaker from Delaware County's name, if he so chooses, as the prime sponsor and move the darn bill. Thank you.

The SPEAKER. Does the majority leader or minority leader have any further business?

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Trich.

Mr. TRICH. Thank you, Mr. Speaker.

Is it in order just to offer remarks for the record, sir?

The SPEAKER. Indeed, it is. Send your remarks to the desk.

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

Mr. Speaker, I want to take this opportunity to thank my colleagues and House staff members who expressed kind words of sympathy concerning the loss of my father, Leo Trich, Sr., on January 22. It seems that even in the worst of personal times, the death of a parent, there are still positives that can surface.

In my case, it is the knowledge that I have made outstanding friends during my time in Harrisburg. They are kind people who are there for you, when it is most needed. Therefore, I am profoundly appreciative of that kindness and hereby offer my sincere thanks, on behalf of my entire family.

Sincerely,  
Leo J. Trich, Jr.

The SPEAKER. The majority leader and minority leader have

no further business.

A question has come up as to whether or not tomorrow is a voting session day. It is.

### VOTE CORRECTION

The SPEAKER. Mr. Cawley.

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

Mr. Speaker, last week I was recorded on the final passage of HB 1802 as a “yes” vote. I would like to be recorded as a “no” vote on that bill, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### BILLS PASSED OVER

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

### ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Westmoreland County, Mr. Pallone.

Mr. PALLONE. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 6, 2002, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:50 p.m., e.s.t., the House adjourned.